

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 8



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Kevin Young and Bill Holmstrom, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 8 Item 12: RAC Meeting 7 Summary**
DATE: September 8, 2021

This memo includes a summary of the RAC 7 meeting on August 18, 2021. The memo includes an overview of the meeting and breakout sessions.

Attendees

RAC Members

Aimee Okotie-Oyekan; Al Johnson; Alex Georgevitch; Alex Phan; Ariel Nelson; Bill Graupp; Cassie Lacy; Emma Newman; Jacen Greene; Jairaj Singh; Jonathan Harker; Joshua Skov; Julie Warncke; Lee Helfend; LeeAnn O’Neill; Lisa Anderson-Ogilvie; Mallorie Roberts; Mari; Margi Bradway; Mary Kyle McCurdy; Michael Szporluk; Nancy Evenson; Oriana Magnera; Paige West; Patricia Selinger; Paul Bilotta; Rebecca Lewis; Rob Inerfeld; Ron Irish; Shane Witham; Will Miller

Land Conservation and Development Commission (LCDC)

Commissioner Nick Lelack and Commissioner Stuart Warren

Department of Land Conservation and Development (DLCD) Staff:

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

Oregon Department of Transportation (ODOT)

Amanda Pietz; Brian Hurley; Erik Havig

Kearns and West

Sylvia Ciborowski and Bianca Valdez

Agenda

Welcome, Opening Remarks, and Agenda Review

Sylvia Ciborowski, facilitator, opened the meeting.

LCDC Commissioner Nick Lelack provided opening remarks and welcomed participants to the meeting. He shared the focus of this meeting is a review of the actual draft rules, beginning with Climate Friendly Areas (CFAs) and parking/electric vehicle (EV) charging rules. Commissioner Lelack provided thanks to

DLCD and ODOT staff for preparing the rules and recognized the significant work that has occurred in a short timeframe. He shared excitement for the RAC's input on the draft rules going forward as the rules will help and require cities and counties to meaningfully reduce climate pollution.

Sylvia provided a deeper overview of the meeting agenda noting the key topics. The key topics included the review and discussion of draft rules for CFAs and parking and EV charging. She then offered participation and meeting logistic tips as well as committee discussion guidelines to ensure the RAC operates in a collaborative fashion.

Bill Holmstrom, DLCD, provided updates. These updates included the potential for an additional RAC meeting on October 15th from 9am- 12pm and an invitation to Dr. Lisa Bates Anti-Displacement Toolkit Webinar on September 9th from 10:30am-12pm.

CFEC Rulemaking Schedule and Draft Rules Overview

Bill, DLCD, provided a brief overview of the CFEC rulemaking schedule and reviewed the upcoming meeting dates and purposes. At the RAC #8 meeting, DLCD will have made revisions to the draft rules and will bring them back for discussion. DLCD is meeting with the LCDC Commission on September 23rd and 24th to provide a progress report. In October, DLCD is planning a series of community conversations regarding draft rules and potentially holding an additional RAC meeting. Shortly after in November, DLCD and the RAC will perform a final review of the draft rules and review impact statements and then provide the draft rules with the LCDC Commission to further the draft rules review. There will be a couple of public hearings in early 2022 and potential adoption of the rules in March 2022.

Bill then provided a brief draft rules review. He reminded the RAC that the scenario planning rules (Division 44) are still a key part of the process and were reviewed with the RAC earlier this year; DLCD expects to make a few revisions to the rules for consistency purposes. DLCD is introducing the housing rules (Division 8) and transportation planning rules (Division 12) to the RAC. There are not many changes that will be made to Division 8 rules, however, DLCD expects considerable changes to the Division 12 rules. Division 12 rules discuss how local governments coordinate land use and transportation planning. Bill provided a brief overview of the approach to amendments to the Transportation Planning Rules (TPR). TPR existing rules 0000-0070 apply statewide, however, there are specific sections of the rules that apply to certain jurisdictions of a certain size. DLCD is taking those existing rules and explaining what applies and to who the rules apply to. Existing TPR rules 0015-0055 applies to cities and counties outside of metropolitan areas and rules 0000-0010 and 0060-0070 apply everywhere across the state. The new rules that will apply statewide are 0011 and 0012. Rules 0100-0910 are completely new and will apply only inside metropolitan areas.

Questions and Comments:

- A member requested for RAC members to receive the meeting packet further in advance of the RAC meeting in November, noting that a week turnaround is ambitious, especially when considering a RAC member's consultation with other staff on the material within the packet.
- Another member requested for DLCD to develop a master timeline that explains what is in the rules, actions required by entity, and when the action is required.

Response: DLCD replied that they can develop a master timeline for Division 12.

Review and Discuss Draft Rules for Climate-Friendly Areas

Kevin Young, DLCD, reviewed the draft rule language for Climate-Friendly Areas (CFAs). The rules would apply only to the eight metropolitan regions in Oregon. A CFA is a mixed-use area that contains or is planned to contain a mix of high density housing, jobs, businesses, and services; served by or planned to be served by high-quality pedestrian, bicycle, and transit services; provided with shade, weather protection, and other amenities for residents, employees, and visitors; and is people-oriented, rather than auto-oriented.

The first section of rules, OAR 660-012-0310, covers the designation of climate-friendly areas. Local governments, including cities with populations over 2,500 and urbanized county areas, will designate the areas. These cities and counties will designate CFAs by the following dates: March 31, 2023, for cities and counties over 10,000 within an urban growth boundary, March 31, 2024, for cities and counties over 2,500 within an urban growth boundary, and March 31, 2023, for cities and counties within the Portland Metro area who have yet to adopt town and regional center boundaries. Kevin reviewed how designation requirements will work in the future. Cities and counties will need to maintain sufficient land area within a CFA to accommodate at least 30% of total housing needs as they grow over time. Small cities with urban growth boundaries that grow to exceed 2,500 must designate within two years of issuance of the population estimate. Cities with populations over 10,000 will address CFA housing needs and housing production as part of Housing Capacity Analysis and Housing Production Strategy Update requirements.

Kevin reviewed OAR 660-012-0320, which covers the designation process of CFAs. This process would require cities and counties to adopt a CFA as a Climate-Friendly element to their comprehensive plan; the Climate-Friendly element and supporting findings must include maps, calculations, applicable development codes, a narrative describing the public engagement process, and analysis of fair and equitable housing outcomes; lastly, cities over 10,000 will use this information as a baseline in Housing Production Strategy Reports.

The next section of rules, OAR 660-012-0325, covers land use requirements for CFAs. These rules attempt to balance the need for the type of development needed within CFAs without being overly regulatory. These requirements are the following:

- The land use requirement must allow mixed-use development, including residential, office, retail, services, and public uses.
- Development must be permitted through a non-discretionary review process.
- Require a minimum residential density of 15 unites/net acre or more.
- The allowed building height may not be less than 100 feet.
- There are no setbacks from property lines, except to meet life safety requirements.
- Use and standards must apply throughout a CFA.
- Cities and counties may not adopt development requirements that conflict with these required elements.
- A block length of 250 ft maximum is required for new development in order to enhance the pedestrian environment.
- Cities and counties must prioritize location of government offices and parks, open space, and similar amenities in CFAs.

- Special standards are required for auto and bike parking, pedestrian, bicycle, transit and street infrastructure in CFAs.

Kevin reviewed how the rules would apply for cities and counties within the Portland Metro region. The proposed rules require cities and counties who have yet to adopt town or regional center boundaries to do so by March 31, 2023; requires all town and regional centers, as identified in Metro’s Title 6, to be adopted as CFAs in local comprehensive plans; and requires cities and counties to demonstrate that development allowances within centers are equivalent to those in Rule 0325 or will achieve the same or better results in terms of climate and equity goals.

Kevin provided information on how the rules link to Division 8, the housing rule. Cities over 10,000 shall evaluate CFA land needs through Housing Capacity Analysis updates every 6 or 8 years. One key provision in the rules is cities may rely on development trend data for purposes of Housing Capacity Analyses prior to December 31, 2025; however, beginning January 1, 2026, cities must demonstrate at least 30% of needed housing is located within CFAs to justify UGB expansion. Additionally regular fair and equitable housing analysis will be required for CFA areas for cities over 10,000 as part of the Housing Production Strategy requirements on OAR 660-008-0050.

Sylvia asked for any clarifying questions or overall comments and reflections from RAC members.

Questions and Comments:

- A RAC member commented on the zero-setback requirement and noted from their experience working with developers trying to improve the frontage of their space, that a zero-setback prohibits their ability to accommodate features. The member suggested for DLCD to incorporate ways for development to not be right on the property line, especially if the goal is to enhance the area and user experience.

Response: DLCD explained there are some rules that have not been released yet but will address that issue at city-wide level and allowing for types of pedestrian use in there. The proposed setback rule is not a “build-to” line requirement, but is a limitation on setback requirements. DLCD may look at different types of sidewalks in CFAs and if they are truly pedestrian-oriented, they will likely need wider urban sidewalks.

- A member shared the language is unclear on building and setback requirements and it seems like there is hard maximum and minimum, which is not the case. Additionally, the member observed that local governments will have a year to adopt these requirements and questioned if this was a realistic goal. They added that the Oregon Statewide Trajectory Strategy (STS) was completed in 2013 but was not adopted until 2018.

Response: DLCD replied that they are receptive to alternative language that can better clarify the issue on building and setback requirements language.

- A member requested DLCD to change their terminology of “maintaining sufficient land” for CFAs to “capacity” which could be land and changes in zoning. That’s the terminology used in the housing rules just adopted in the Housing Capacity Analysis. Additionally, the member noted there’s a lot to do in a short amount of time and most, if not all cities in MPOS, will be undertaking an RTP update, scenario planning update, or housing planning update before the

June 2023 and 2024 dates in the rule. These major aspects of designated CFAs should be incorporated in whatever the first major plan update is and no later than those June dates; this also can help phase in some of the rule material.

- A member expressed appreciation for the attention on anti-displacement actions and for DLCD providing an explanation on how the needs of priority populations are incorporated in CFAs. The member suggested for priority populations to be explicitly stated within the definition of a CFA.
- Another member sought clarification if cities and counties have to show that their CFAs are likely to be able to accommodate the 30% requirement when they are designated as CFAs.

Breakout Rooms:

Sylvia then invited RAC members to go into breakout rooms to further discuss the draft rules for Climate-Friendly Areas. She shared the questions the RAC would be discussing in breakout groups, which included:

1. The proposed rules contain deadlines for local governments to designate Climate-Friendly Areas. Do these deadlines make sense? If not, how would you suggest amending the proposed rules?
2. A proposed rule outlines a process for local governments to designate Climate-Friendly Areas. 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. A proposed rule establishes land use requirements for Climate-Friendly Areas. Does the proposed rule provide clear enough direction while not being overly complex to impede desired development? If not, how would you suggest amending the rule?
4. A proposed amendment clarifies how local governments will plan for housing development within Climate-Friendly Areas. 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?

Report Out from Breakout Sessions

Following the breakout session, RAC volunteers from each group reported out brief highlights discussed in the breakout room to all attendees.

Room 1:

- Concern shared over the year-long deadline is not enough time for local governments to designate CFAs.
- Comments provided on the process for designating CFAs included how to ensure more of an equitable distribution of CFAs.
- General support of the land use requirements.
- Questions included how the rule will apply in the metro area, how the 30% rule is measured, and how CFAs are established.
- Concern shared of UGB expansion for growing cities.

Room 2:

- Shared agreement that the deadline seems unrealistic.
- Suggestion for the rules to take into consideration the timelines and interactions of other overlapping process (plan updates).

- Suggestion to embed priority populations in the definition of CFA areas.
- Discussion on the conflict between what market conditions will work in development compared to draft proposed rules and how to ensure a CFA is open to people with affordability barriers.
- Consider what tools a community can use for stability and to avoid displacement.
- Flexibility with public involvement.
- Desire to further clarify definitions and have more consistency on the housing item.

Room 3:

- Several comments on the calculation of capacity analysis and the assumptions.
- Discussion on setbacks and the conflict between setbacks and tree cover.
- Shared concern for potential loopholes in the rules and how to ensure cities and jurisdictions do the right thing.

Room 4:

- Regarding the inclusion of priority populations, discussion on looking at the intersectionality of those that are at risk or vulnerable, how to move forward, and how the core issues addressed.
- Concern shared on staff capacity and timing for the deadline.
- Discussion on the multiple jurisdictions and the perception on choice vs. nonchoice on the codes and rules.
- Suggestion to use a rural to urban transect approach with the CFA and look at low density at the edge of urban areas moving forward.
- Suggestions on how to engage the community on an ongoing basis, such as working with CBOs and look at sustainable engagement and involvement moving forward.
- Acknowledge the complexities of the proposed deadline and other planning update processes.

Room 5:

- Shared agreement that a master timeline will be useful once the requirements fall into place.
- Clarity needed regarding the definition on urbanized unincorporated areas.
- Discussion on having local governments go into deeper detail on the outcomes for different priority populations.
- Ensure the land use requirements rules are clear and workable.
- Ensure the reliance on past development trends does not perpetuate inequitable housing patterns into the future.

More detailed notes from each of the breakout rooms are included following this meeting summary.

Review and Discuss Draft Rules for Parking and Electric Vehicle Charging

Evan Mandel, DLCD, provided a review of the draft rule language and key considerations on parking and electric vehicle charging. The rules do not apply to mandated parking spaces for people with mobility-related disabilities and parking for car and vanpools. The rules are separated into three parts: Rule 0405 implements best practices for parking code details, Rule 0410 gives cities the choices to repeal mandates and ease mandate for types and places, and Rule 0415 states more populous cities need to do advanced parking management. Evan shared that Rules 0405 and 0410 would apply to all cities and unincorporated areas in the eight MPOs and Rule 0415 applies to more populous cities and

unincorporated areas. Evan shared several best practices that can be implemented for the parking rule and provided more details on the options cities and counties have for parking reform. These options include a simple option to repeal parking mandates and a complex option to reduce parking mandates for certain types of development and in key areas, then choose fair parking policies or further mandates reduction. Evan listed out the types of housing which require no mandates and then provided further details on the choices cities and counties have if they choose the complex option for parking reform.

Evan provided further details on Rule 0415 for more populous cities. For cities with a 50,000+ population or 25,000+ population within Metro, EV charging will be required for new buildings and on major retrofit and remodel of buildings. For cities that have over 100,000+ population or 25,000+ within Metro, they must adopt parking maximums in CFAs and along priority transit corridors. For cities with 150,000+ population the rule states the cities must adjust pricing for on-street parking at least every three years to ensure availability. Evan then provided resources and publications that the RAC and public can visit to better understand parking reform.

Questions and Comments:

- A member sought clarification over how ADA spaces are preserved.

Response: DLCD explained that in the parking code there is a percentage of parking spaces preserved for ADA and those percentages would be retained moving forward.

- Another RAC member sought clarification on EV charging requirements and if the legislation will require charging stations be provided? They added that it is important to call out that the rules are going beyond what the legislation would require and further questioned if DLCD has the authority to require the charging stations.

Response: DLCD explained the rules are designed for charging stations to be provided and the numbers run parallel to that in the legislation. Once the rules are finalized, DLCD's legal counsel will have more in-depth conversations with the building codes division and clarify where DLCD's authority ends and theirs begins.

- A RAC member pointed out there seemed to be more information in the presentation about requirements for bigger cities than what was in packet and requested for access to that information.
- A member sought clarification on Rule 0415, section 1 where it states, "charging stations to be installed upon major remodel or renovation" and if that is on a parking lot or building associated with a parking lot and where it states, "with an exemption if doing so proves too costly" as that seems to be very open ended.

Response: DLCD explained that the exemption can be granted if the cost is more than 30% of the cost of the proposed alterations and that it would apply to existing parking garages or commercial buildings and residential developments with five or more parking spaces. DLCD noted there may be some further language clarification needed in the section of the rule.

- Regarding Rule 0415, a RAC member suggested that it might be simpler to not have a separate rule from a legibility perspective.

- A member sought clarification around the role of governance and what should be set at the state level versus what is set at the local level. For example, in Rule 0405, Section 4, it states under the COVID context, communities discovered other uses for parking spaces. Are there issues statewide that need to be solved by state requirements or is that being addressed at the local level? Consider the different roles local communities and the state can play on certain issues.

Response: DLCD explained the overall goal of this rulemaking is to make more climate friendly and equitable communities and converting parking to other uses often furthers that goal. DLCD can relook at that section and decide the edges that some cities may have on certain issues.

- A member shared support on the objective of reducing parking spaces but noted the potential difficult discussions with different local governments, especially when applying the rules to the whole landscape as opposed to CFAs. The member noted that the word “mandate” tends to have negative context and suggested DLCD to reconsider the use of the term.

Response: DLCD responded that parking is a difficult conversation and in some ways are hoping that having it within the bigger context of the question of how to have more CFA areas helps the discussion; that’s the goal instead of what should be done with parking. DLCD is interested in meeting this goal and parking has been a hurdle getting there, but most rules do not limit parking rather make parking a choice.

- A RAC member shared concern for more on-street parking and the potential of safety issues.

Response: DLCD explained the concern often relates to the speed of traffic. On a higher speed road, on-street parking can be helpful in providing a barrier for people on a sidewalk. The issue requires balance and in the draft rule there is language on screening parking lots to make a more comfortable pedestrian environment.

- Regarding safety and on street parking, in Rule 0405, sections 1-D and 1-E, the rule relates to changing the use of on and off-street parking spaces. A member shared that Section D states a property owner is allowed to redevelop any portion of existing on or off-street parking areas for a number of uses and shared concerns that the language is unclear in that it seems to be giving private property owners the right to control public space when they do not have the safety expertise. The member proposed for the section to be reworked to emphasize safety and to make sure there is no conflict between what’s being proposed with on street parking counting for minimums and the planned STS projects that will provide the robust bike facilities.
- A RAC member sought clarification if there is paid on street parking in a CFA, if the city would have to make that a parking benefits district.

Response: DLCD explained that as it’s drafted it would have to, but would follow up with the RAC member on the issue.

- A RAC member requested for DLCD in allowing flexibility in the rules for cities and counties working on parking policies to explore other options such as timed parking. Additionally, the member sought the definition of “transit priority areas” and for DLCD to consider there are all kinds of transit. On EV charging, in the language it seems to be requiring level 2 or 3 chargers

however technology changes, so the member suggests DLCD caution against stating specific required levels of charging as technology advances.

Response: DLCD noted they intend to achieve a balance of flexibility versus reform and a definition for priority transit corridor is forthcoming.

- A RAC member encouraged DLCD to consider balancing needs of increased density and development with the need for green spaces.
- A couple of RAC members shared that the discussion on the parking draft rules could benefit from an additional meeting or the formation of a technical advisory committee to really dig into the considerations and questions remaining.
- A RAC member shared the desire to further understand the assumptions that went into the parking reform rules. The assumptions are guiding policy directions, and it was mentioned in the presentation that lower income people are more likely not to use parking and shouldn't be paying for it, but what about those that need to live further away from jobs to access affordable housing and do rely on cars.

Response: DLCD responded that they can share the demographic research and sources of who is using parking to the RAC member.

Next Steps and Wrap Up

Kevin provided next steps and asked RAC members to fill out the post-RAC7 survey, noting specific guidance is especially helpful to DLCD. The RAC will meet again on September 15th. Land Conservation and Development Commissioner Stuart Warren offered closing remarks and thanked the RAC members for their engagement.

Meeting adjourned approximately at 12:00 noon

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



MEETING 7 KEY QUESTIONS RESPONSES – AUGUST 27, 2021

TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: RAC Meeting 7 Key Questions Responses and Supplemental Survey Responses
DATE: August 27, 2021

Question 1

Climate Friendly Areas 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?

1. While we fully support the goals of the executive order and recognize the need to take bold quick action, the current rulemaking process has not given cities enough time to analyze the draft rules and fully understand DLCD's intent, let alone how local governments could or should implement them based on that intent. Due to the complexity and lack of understanding at this time, cities do not have the staff capacity, resources and time to meet the above proposed deadlines. Much more work, time and discussion is needed for cities to propose amendments and/or feel comfortable with these deadlines.
2. After more thought I feel like one year won't be enough time for large cities. If they run out of time and choose poorly, the unintended consequences will be long lasting. Also, given that CFAs would allow up to 100' height without restrictions, could also destroy surrounding areas. I don't know how we can require a certain tree canopy coverage area with buildings over this 100' height.
3. The deadlines need to be pushed back by 1 year. While we appreciate the urgency and needing to make changes quickly, a deadline that is less than a biennium long is not feasible due to budgeting and work planning along a biennial cycle. Providing an extra year would allow us to budget, plan for, and include scope in any consultant work needed. Even if we moved very quickly, it would not be possible to complete by March 31, 2023, given the sequence of events that needs to occur to update comprehensive plan, codes, etc.
4. OAR 660-012-0005. Climate-Friendly Area Definition. In thinking about what is a CFA and what is this rule really about I have heard two takeaways that I agree with: (1) make it at least as easy (if not easier) to do the right kind of development inside CFAs as it is to develop outside CFAs, and (2) measure whatever is proposed as to whether it reduces GHG/VMT and is equitable. I also agree with this comment that I heard: if DLCD is going to leave it up to cities to designate CFA's

themselves, they need to make sure they are providing funding, staff/consultants for code changes and public engagement, model code for CFAs, and maps for opportunity areas that can be made into CFAs. And I would say that this should be part of DLCD/LCDC's legislative agenda for the upcoming short session.

The book, *Drawdown* (edited by Paul Hawkin, Penguin Books, 2017), details (and ranks) 100 actions to take to reverse global warming. One action, walkable cities (ranked #54), equates (I believe) to climate-friendly areas. The book's description notes the connection of walkability to GHG reduction citing the Urban Land Institute's estimate that in compact walkable developments people drive 20 to 40% less. It notes that to walkability, walking trips need to be safe, convenient, and desirable. Also there needs to be destinations hence the need for mixed-use areas, residential, commercial, and institutional uses. It notes that walkability can easily be combined with biking and transit, with good connectivity between these different forms of mobility. It notes that walkability enhances the use, and thus cost-effectiveness, of public transit systems. It also notes that many pedestrian infrastructure improvements can be make a fraction of the cost of other transportation infrastructure. It also notes co-benefits such as physical activity which can address problems of obesity, heart disease and disabilities.

Title 6 of the Metro Urban Growth Management Functional Plan (for 2040 Growth Concept Map) identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. These areas, I believe, equate to climate-friendly areas (which I think was borne out in Metro's Climate Smart scenario planning work). [Note: Station Centers apply to light-rail stops. Centers vary in size from central city (Portland's downtown) to regional and town centers.] These Title 6 areas are intended to be mixed-use, pedestrian-friendly, and transit-supportive. Below are characterization of a town center, main street, regional center, and corridor as described on Metro's webpage.

Town centers provide services to tens of thousands within a two- to three-mile radius. One- to three-story buildings for employment and housing are characteristic. Town centers have a strong sense of community identity and are well served by transit. Town centers vary in size. Examples include Tualatin, Forest Grove, Hillsdale and St. Johns. Main streets are similar to town centers: a traditional commercial identity but on a smaller scale with a strong sense of the immediate neighborhood. They feature good access to transit and include Southeast Hawthorne Blvd. in Portland and Boones Ferry Rd. in Lake Grove. Regional centers are hubs of commerce and local government services serving hundreds of thousands of people. They are characterized by two- to four- story, compact employment and housing development served by high-quality transit. Examples include Gateway, serving central Multnomah County; downtown Hillsboro, serving western Washington County; Clackamas Town Center serving Clackamas County; and downtown Gresham, serving eastern Multnomah County. Corridors are streets that serve as major transportation routes for people and goods. Extensively served by transit, corridors include Tualatin Valley Highway and 185th Avenue in Washington County; Powell Boulevard in Portland and Gresham and McLoughlin Boulevard in Portland and Clackamas County. Title 6 also notes that Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. It recommends these average number of residents and workers per acre for regional and town centers, corridors and main streets: Central City - 250 persons; Regional Centers - 60 persons; Town Centers - 40 persons; Station Centers - 45 persons; Corridors - 45 persons; and Main Streets - 39 persons.

I would suggest the following edits to the proposed definition of climate-friendly areas:

Climate-Friendly Area – An urban area that is designed to result in reduction of light vehicle miles driven and emissions of GHGs by being mixed-use, pedestrian-and bike-friendly and transit-supportive. They are designed to have a mix of residential, commercial, and institutional

uses with the density of residents and workers needed to be successful. 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 designed to be served by, safe, convenient and accessible 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.

OAR 660-012-0310 A clarifying question. As I read through 0310 it seems the only aspect of 0325 that applies to these deadlines to designate Climate-Friendly areas is section (1) relating to a mix of uses. Is this correct? If so, what is the schedule for implementation of the other aspects of 0325? A clarifying question. Although I am able to determine which cities would meet the 10,000 or 2,500 population (using 2020 census data) threshold but I am unable to determine that for the Counties. Can DLCD staff provide that information? The deadline for those governments over 10,000 pop. seem reasonable if the task is designating the CFA's and having a zoning designation addressing mixed uses. I believe the cities (separated by MPO ';') involved would be Albany (56,472); Bend (99,178); Corvallis (59,922); Grants Pass (39,189); Ashland (21,360), Central Point (18,997), and Medford (85,824); and Keizer (39,376) and Salem (175,535).

The deadline for those governments over 2,500 up to 10,000 pop. seems reasonable if the task is designating the CFA's and having a zoning designation addressing mixed uses. I believe those cities would be Jefferson (3,327) and Millersburg (2,919); Philomath (5,350); and Eagle Point (9,686), Jacksonville (3,020), Phoenix (4,475) and Talent (6,282) The cities not impacted as those above include Tangent (1,231); Coburg (1,306), and Adair Village (994); and Gold Hill (1,335) and Rogue River (2,407) which also seems reasonable.

Regarding jurisdictions in a "metropolitan service district" e.g. the Portland Metro area the timeline seem reasonable but I do have questions and suggestions: The staff report (page 13 of 147) stated "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". I am surprised that there are any local governments that have not yet done so as Title 6 dates back to the 1990's and it required, in order to be eligible for regional dollars to invest in the area, adoption of boundaries, assessments and implementing action. Can DLCD staff please inform the RAC of which local government "have not yet done so".

When I read 0310(3) I don't see that it only applies to those local governments that have not adopted their 2040 Growth Concept regional or town center but rather that "a county with planning jurisdiction" or "a city shall adopt a regional center or town center as a Climate-Friendly Area consistent with the adopted urban growth management functional plan". The language as I read seems to be requiring all local governments that have a town or regional center to identify it as a climate-friendly area for the purposes of the rules. Please clarify.

I would suggest that the Title 6 main street, corridor, central city and a station center are also climate-friendly areas and as such should be included above. Other suggestions for 0310: 0310(1) In addition to downtowns and neighborhood centers I would add corridors and main streets as they are described in Title 6 of the Metro UGM Functional Plan. Title 6 describes what is being called Climate Friendly as "mixed-use, pedestrian-friendly and transit-supportive development". Corridors need "a mix and intensity of uses sufficient to support public transportation". So housing and commercial uses in transit corridors and main street that connect and/or are adjacent to centers are part of that coordinated transportation and land use planning that will support more transit, walking and biking instead of driving. 0310 (6).

Can staff please explain how long ago the 30% figure was arrived at? My concern is if it is high enough percentage given past lack of progress on the part of most of the metropolitan areas outside of Portland Metro and Eugene; and the time lag as the current rulemaking is the second attempt at updating the TPR for this purpose which may suggest that larger percentage of new households may need to be planned for future development as development under current rules is and has been on-going. If looked at that 70% of future housing may take place outside of climate-friendly areas that seems to skew too much towards leaving much of the population without the alternate modes of transportation that can be achieved in the climate-friendly areas.

5. It might be possible to evaluate potential CFA's and select final boundaries by 03/31/23, but not with a robust public input process. Development of code language to implement CFA's would take longer.
6. I have reached out to others at the city to help address some of these questions. You will find them included with the department listed. In general, I don't think the rule is striking a good balance. The climate side of the timeline is urgent, but the implementation seems to setup for failure. Planning: No, the proposed rule is unfairly burdensome to local jurisdictions, punitive in nature, and unachievable. Consider first that although the rule allows the designation of CFAs by April, 2023, according to 660-12-0012(7) comprehensive plan and local land use regulation amendments that would implement most of the parking-related provisions of the rule (which is most of what has been presented as of this survey) must be completed by December 31, 2022. This includes provisions that require the identification, at minimum of CFAs, and probably their adoption (see 660-12-410). From a functional standpoint, CFAs will need to be adopted by December 31, 2022, not March 31, 2023. Because final rules won't be adopted by the Commission until the end of 2021 or early 2022, jurisdictions will have less than a year to process comprehensive plan and implementing regulation amendments. DLC and the RAC need to understand that this work will probably be performed by planning department staff who are already working to address other state mandates—most notably HB2001. Many jurisdictions experienced staff reductions during COVID-19, and speaking at least for the City of Medford, staffing levels have not been restored despite additional demands on department resources. Short of guarantees by the state to quickly and efficiently support local jurisdiction resources through technical assistance, the current deadline to establish CFAs is unachievable.
7. Feedback from impacted counties indicates the timelines will be challenging and should be aligned with in progress and existing planning work.
8. They seem too aggressive given the existing deadlines from other mandated work and our lack of staff and funding. The work is important and there is a climate crisis but all these overlapping and conflicting deadlines are not realistic.
9. I don't really have a sense of how much effort it will be for local governments to designate CFAs, but think it makes sense to explicitly include any planning that may come before these deadlines. I assume that many of these cities/regions will have transportation and housing updates before these proposed deadlines, and at least CFA designation could certainly begin using existing mixed-use centers that cities already have designated. Perhaps the rules could be amended to include "at first available update opportunity (RTP, TSP, etc)". I also think the state needs to be clearer in how they will support this work, both the planning and the implementation, with technical assistance and funding. Specifically, ODOT should fund only those projects that reduce or at least do not increase GHG/VMT.
10. Generally, yes, this provides adequate time to designate areas for focusing efforts. However, the requirements are too prescriptive and should allow flexibility for designating areas that already come close to conforming with the quantitative benchmarks. For example, fifteen units per net acre: it might be better to allow cities who already have adopted high densities (12-15) to be

given allowances for compliance. This would make for a more streamlined process. In other words, DLCD should consider already vetted and adopted plans that come close to or exceed the requirements. In which case the timeline is met even faster.

11. The CFA definition as provided implies actual or planned components (e.g., mixed-use, high active transportation, shade and non-auto focus). This approach is likely to cause confusion for communities. How will these features / components be assessed and documented to determine CFA designation? By default, does the timeline reflect the date by which an area must have a PLAN for these CFA features? How does this relate to an implementation timeline (and one that is well coordinate with existing and future local comprehensive plans and planning processes)?
12. Given when rulemaking is scheduled to finish, these deadlines seem difficult for cities to meet. As I discuss below, I suggest a "model" or "default" approach for cities that do not have capacity to meet this deadline. I think that DLCD needs to be prepared to offer technical assistance for small cities. In other states with priority areas, it took nearly 5 years for cities to designate priority areas. Additionally, these priority areas were not well integrated into existing comprehensive plans. DLCD/local governments should designate CFAs and allocate employment and population to them at the first major planning activity of a metropolitan jurisdiction (RTP, TSP, HNA, etc..) or the dates in the staff proposed rule (June 2023/2024), whichever comes first. The CFA designation can readily be started using the existing mixed-use centers that cities already have designated. Many transportation and housing plan updates will be conducted before or at the DLCD proposed deadlines: Bend (2024) Corvallis (2022) Albany (2023) Grants Pass (2024) and Salem-Keizer (2023) will update Regional Transportation Plans; Eugene-Springfield (2023) and Salem Keizer (2024) will begin scenario planning; Albany (2022) Grants Pass (2022) and Medford/Ashland (2023) and will begin housing plan updates. The GHG reduction targets should be incorporated into these, since these plans will set development patterns for many years.
13. No, these deadlines are not soon enough, in particular for the local governments outside the Metro area, for the following reasons: 1. Whatever dates are established for compliance with the CF & EC rules, they should be incorporated where possible into the existing planning schedules of local governments. Do not add an additional process with its own dates – that is inefficient and nonsensical. It is critical that the GHG reduction targets and corresponding STS goals should be integrated into and adopted into local land use and transportation planning processes ASAP. 2. The proposed dates are not soon enough in most cases. Many metropolitan jurisdictions are already scheduled to undertake significant transportation and/or housing plan updates before or at the DLCD proposed deadlines, and those plans will set development patterns for many years. They should incorporate GHG targets. For example, the following planning efforts will be undertaken before or at the proposed dates: Bend (2024) Corvallis (2022) Albany (2023) Grants Pass (2024) and Salem-Keizer (2023) will update Regional Transportation Plans; Eugene- Springfield (2023) and Salem Keizer (2024) will begin scenario planning; Albany (2022) Grants Pass (2022) and Medford/Ashland (2023) and will begin housing plan updates. 3. Start with the key actions that we already know must take place before others and that should be taken ASAP. Worry about the detailed planning issues later. Solution: DLCD & local governments should designate CFAs and allocate employment and population to them at the first major planning activity of a metropolitan jurisdiction (RTP, TSP, HNA, etc..) or the dates in the staff proposed rule (June 2023/2024), whichever comes first. The CFA designation can be readily accomplished using the existing mixed-use centers that cities already have designated.
14. I think cities are going to need about 12 months to plan, go through approvals and deal with any appeals from the time when DLCD has issued all the informational materials and done whatever informational presentations it plans to do in order to explain processes and raise awareness. Also, is this a planning activity that DLCD would anticipate being a potential item for a technical

planning grant? If so, the deadline would need to be long enough to allow that to occur. Part of what will be important too is whether we are supposed to just drop these Climate Friendly Areas onto a map without any consideration to the impacts to sewer, water, and traffic or whether we are going to need to demonstrate that they can actually be accommodated by current or proposed infrastructure. Is this a land use action that can be appealed to LUBA and does exhaustion of all appeals have to fall into that timeline too? The short timeline is going to conflict with the concept of outreach to a broader population as that is often a labor intensive and time consuming process customized to different populations.

15. These deadlines are not realistic given time needed to draft amendments, coordinate with counties for any necessary co-adoption, conduct the full adoption process, etc. Public engagement adds additional time. We recommend that the deadlines be extended and changed to deadlines by which the public hearings process needs to be initiated to allow jurisdictions time to be responsive to public comments. There's already a lot of work required with the regional scenario planning. Layering this on at the same time and in front of the scenario planning process is not realistic or a logical sequence. There are overall staff capacity issues with the volume of work these proposed rules would require. As Rebecca Lewis shared, it took Maryland at least 3-4 years to draw priority funding areas. Jurisdictions have been hard hit by Covid, wildfires, and more. We won't be able to deliver on the proposed timeline.
16. Not enough time for local governments to do the work necessary. In the Metro area, the regional and town center boundaries already exist so this will not tick the needle.
17. I would be in favor of a draft required one year from the start date to ensure that the process is moving and appropriate.
18. In the meeting it seemed public officials saw these deadlines as fairly tight or unrealistic. I don't have the knowledge base to comment on that. IS DLCD able to provide technical support service to jurisdictions to facilitate their development of plans for designating CFAs? Can DLCD put some smaller jurisdictions in touch with others who are further along in the process as a way of supporting them?
19. This is an aggressive timeline and quick action is necessary to reduce climate pollution. I suggest maintaining this requirement with an optional 6 month extension if requested by the local government with a low bar for approval and up to a 12 month extension with a higher/high bar for approval.
20. These deadlines will force most local agencies to create CFA's only to meet the deadline and not a commitment for what they are meant to be.
21. Pushing MPOs too quickly will result in the designation of low hanging fruit CFAs, which may be affluent areas already designed to meet these requirements. Giving MPOs until the end of 2023 would allow a more intentional designation of CFAs (see comment re: requiring equity to be integrated into the definition of a CFA).

Question 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?

1. We are concerned that the proposed rules may have unintended consequences for affordability and displacement. Cities do not have capacity to staff a new/separate local advisory committee. The rules allow smaller communities to use planning commission, what about other local standing committees that overlap? Need to also consider capacity of community members to participate, esp from equity perspective, forces communities to hold more meetings with same people, taxing their capacity.
2. I still don't feel like I understand what equitable outcomes really means.
3. Submitting an additional form with comments on specific proposed rules.
4. In general, the approach seems to be a "one size fits all" approach with an assumption that all CFA's will have the same basic zoning e.g. the same density, permitted uses, height limitations, etc. That is not the way that the designated centers in the Portland Metro area work. Gresham, for example, has four centers (two town and two regional). Each of these center areas is characterized by a number of different zoning (sub-districts). Some permit mixed-use, some only residential, some only commercial; height minimums vary; density requirements (residential and commercial) vary; and so forth. In the aggregate they are intended to result in compact, mixed-use, pedestrian friendly and transit-supportive areas. Also, each center designated on differing areas. The Rockwood Town Center was an existing developed area served by light rail; The Civic Neighborhood Regional Center was mostly vacant land (City hall, a park-n-ride, and an old K-mart was the only existing development) and is served by light-rail; the Downtown Regional Center was developed land characterized by a traditional main street and served a frequent bus (the light rail ends just at its fringe on one side); and the Pleasant Valley Town Center was a UGB expansion area so existing development was rural and it is planned to be served by bus. The point here is that they are all different and I don't know that the proposed methodology would have worked. Given that DLCDC has engaged some of metropolitan areas outside of Portland in scenario planning and other efforts perhaps using what is known about one or two of the areas as a case study to show how this methodology would work for their likely CFA's would help be able to advise on the methodology? 0320(1). I do wonder if 30% is not high enough as it seems there has been little progress in most of the metropolitan areas (outside of Portland Metro and perhaps Eugene) and that there has been a significant time lag since GHG targets were set and this rulemaking will be complete (and considering that this rulemaking effort is in its second iteration). Also planning that 70% of new housing can be outside of climate-friendly areas doesn't seem the right balance. 0320(2).
I am concerned with the link of building square footage and assumption that building can be 100 feet. Below are characterization of town centers and regional centers as described on Metro's webpage . In Gresham you do see 100 foot maximums (10 stories) in some of the subdistricts (but not all) for Rockwood and Civic Neighborhood. Those subdistricts tend to be located near or as part of the light rail Station Centers subdistricts. Downtown does have some 85 foot high maximums (but not for all). Pleasant Valley has a 45 high maximum (with a 2 story minimum in the core town center subdistrict). All of the subdistricts have at least a 45 foot maximum. Although I could imagine 100 foot building in some of the other metropolitan cities (Eugene, Salem?) it seems unlikely to me that the other cities will the transit services (eg light rail) and that 45' height would be a better expectation. Town centers provide services to tens of thousands within a two- to three-mile radius. One- to three-story buildings for employment and housing are characteristic. Town centers have a strong sense of community identity and are well served by transit. Town centers vary in size. Examples include Tualatin, Forest Grove, Hillsdale and St. Johns. Regional centers are hubs of committee become part of a local government's

implementing code. That is, for example, in Gresham TSP and Comprehensive Land and Development Code amendments are processed as the Type IV Legislative Process in Gresham's Development (zoning) Code. I would suggest that advisory committee (and the other provisions for public engagement) and analysis be institutionalized in local government's implementing codes. Does a regional advisory committee replace the function of individual local government advisory committees? It wasn't clear to me what the role of the regional committee was in regard to the required public engagement. If a planning commission is used instead of the advisory committee does section (2)(a) regarding membership apply to the PC? This does seem like a reasonable way to accommodate smaller jurisdictions as long as the other aspect of the section are applied to the TSP and implementing land use provisions. I believe at this time those cities would be in the Rogue Valley MPO Eagle Point (9,686), Jacksonville (3,020, Phoenix (4,475), and Talent(6,282), along with the unincorporated area of White City (9,090); in the Corvallis area MPO Adair Village (994) and Philomath (5,350); in Central Lane Coburg (1,306); in Albany area MPO Jefferson (3,327), Millersburg (2,919), and Tangent (1,231) as well as adjacent parts of Marion, Linn and Benton Counties; and in Middle Rogue Gold Hill (1,335) and Rogue River (2,407) and in the Salem-Keizer MPO Turner (2,454).commerce and local government services serving hundreds of thousands of people. They are characterized by two- to four- story, compact employment and housing development served by high-quality transit. Examples include Gateway, serving central Multnomah County; downtown Hillsboro, serving western Washington County; Clackamas Town Center serving Clackamas County; and downtown Gresham, serving eastern Multnomah County. Regarding the survey question about public engagement.

I generally concur with what has been drafted. I do have a few concerns and questions. Would it be expected or required that the standing advisory committee become part of a local government's implementing code. That is, for example, in Gresham TSP and Comprehensive Land and Development Code amendments are processed as the Type IV Legislative Process in Gresham's Development (zoning) Code. I would suggest that advisory committee (and the other provisions for public engagement) and analysis be institutionalized in local government's implementing codes. Does a regional advisory committee replace the function of individual local government advisory committees? It wasn't clear to me what the role of the regional committee was in regard to the required public engagement. If a planning commission is used instead of the advisory committee does section (2)(a) regarding membership apply to the PC? This does seem like a reasonable way to accommodate smaller jurisdictions as long as the other aspect of the section are applied to the TSP and implementing land use provisions. I believe at this time those cities would be in the Rogue Valley MPO Eagle Point (9,686), Jacksonville (3,020, Phoenix (4,475), and Talent(6,282), along with the unincorporated area of White City (9,090); in the Corvallis area MPO Adair Village (994) and Philomath (5,350); in Central Lane Coburg (1,306); in Albany area MPO Jefferson (3,327), Millersburg (2,919), and Tangent (1,231) as well as adjacent parts of Marion, Linn and Benton Counties; and in Middle Rogue Gold Hill (1,335) and Rogue River (2,407) and in the Salem-Keizer MPO Turner (2,454).

5. No, it might actually do just the opposite. Several of the requirements have the potential to raise the cost of housing and there are likely several unintentional consequences that we have not had time to vet with the appropriate parties that will include the development community and Building Officials.

Transportation: I think the rule is too prescriptive and relies too much on land use planning tools that take a long time and a lot of process to implement. It also doesn't seem particularly equitable to apply special rules only to CFA's and then leave the rest of the state to be a climate "unfriendly" area. I could see this becoming a tool real estate agents and developers use to market certain areas and demand higher prices. I'd suggest making some state-wide rules

instead of requiring cities to pick and choose areas where special rules apply. I think things will naturally evolve in concentrated areas (like downtowns and TODs) if we don't add another layer of bureaucracy on to them.

Planning: No, the proposed rule fails in several ways to adequately address equitable outcomes. I think the authors of the proposed rule have not adequately considered the unintended consequences of what amount to penalties for development that provides parking. Given the threshold of 5 parking spaces, the current proposed rule will only be applied to larger multifamily developments, even with the state-mandated reductions of locally mandated off street minimum parking requirements. This means that the ONLY residential development that will be required to install charging stations and make other electrification investments will be desperately needed middle and higher density multifamily residential development. In housing markets outside of the Portland Metro region, development of these housing types is already difficult enough. Margins are already very thin for market rate rental middle and higher density housing; regulated affordable housing must already be deeply subsidized. Additional costs borne solely by housing types that are often the only housing option affordable to lower and middle income households could discourage construction of these housing types—particularly in more rural communities. I'm sure the RAC members and the authors of the proposed rule are well aware that the statewide lack of housing that is affordable to lower and middle income households has a disproportionate impact on BIPOC households and communities. In its zeal to discourage the construction of parking, and in its legitimate attempt to further the electrification of vehicles throughout the state, the proposed rule risks perpetuating the very inequities it claims to solve. I suggest the authors consider categorical exclusions for certain types of needed housing in certain regional housing markets and/or the guarantee of financial resources to defray the costs of electrification in these situations.

Regarding the public engagement requirements, specifically, I want to emphasize that the rule will increase workloads for municipal staff—probably planning staff specifically. Many planning departments, particularly those of smaller communities, are under-resourced and communities will be forced to make difficult choices between planning projects that may better pursue the very same goals espoused by this rule. The rule will have failed if local communities are forced to abandoned locally initiated climate actions that more directly address climate change adaptation, resilience, and mitigation. I would suggest allowing jurisdictions more flexibility in establishing advisory bodies and the processes through which those bodies do their work.

6. Methodology for calculating the land is not clear. The public engagement requirements seems unrealistic given the aggressive timelines and lack of staff and money.
7. It's not clear to me whether the proposed rule would adequately address equitable outcomes. I'd like to see an analysis of projected VMT reduction required for CFAs.
8. The location of the CFA's could cause some issues as greenfield development is the easiest path to meeting these benchmarks. Especially if in UGB designated areas. Equity needs to be better tied to the previous presentation on how models, data and spatial information will be provided to cities to accomplish this goal. DLCD needs to provide the tools to accomplish this.
9. Might there be a requirement to identify and track population demographic data (of the area) that is incorporated into the public engagement, decision-making, planning and implementation processes? What population data must be integrated to ensure an equitable process and outcome?
10. In addition to displacement, how do you ensure that "priority populations" can afford the Climate Friendly-Areas, and we don't further concentrate resources in areas of existing privilege.
11. The CFAs should be adopted in comprehensive plans as described in the answer to #1 –meaning as part of the jurisdiction's first major planning effort. Most of the rest of -320 is detailed and must be ground-truthed with local government planners, community and issue advocates,

builders, and others. And PLEASE – stop using “land” as in “...the amount of land needed in CFAs,” The issue is first capacity, and secondarily, if at all, land. We know that rezoning and upzoning will be needed in CFAs to accommodate more housing and employment consistent with the STS. As we move into the more detailed regulations, with more time for thoughtfulness, it will be much easier to assess equity.

There was just a lot to absorb in this packet and it is hard to see the "forest" of how the parts interrelate. Also, we have not yet had the webinar on Dr. Bates' work to see how it might influence our perspective and approaches. I find some elements not equitable - for example, the requirement to prioritizing park & open space investments in CFAs. What if a jurisdiction has a park plan that shows that certain more marginalized neighborhoods are park deficient, and yet are NOT in CFAs? Rather, whether a park or public space is appropriate for a CFA should be driven primarily by whether it enhances walkability and a mix of uses. E.g., the right tool for a particular CFA might be a car-free block, not a too-big park that ends up being a hinderance to the mixing of uses. That is just one speck of an issue in this bigger packet - and we need a larger framework for this conversation.

12. There are several challenges here: 1. To make the calculation from acres of land area to building square footage, there needs to be an assumption regarding the height of floors to determine the number of floors that will be available. To avoid confusion, just say what it is (i.e. $(\text{Land area} \times 8 \text{ floors} \times 30\%) / 900 = \text{number of units}$ that can be considered as part of a city's housing capacity. 2. When you came up with the 900 s.f. per apartment, did you get that number from a source that was listing average size of apartments or something that took into account the gross square footage of building that will include unleaseable space like lobby, elevator, fire escapes, hallways, mechanical rooms, amenity rooms etc. Assuming that they are approximately 25% of the building gross square footage, that would translate into the average leaseable space per apartment being approximately 675 s.f., not 900 s.f. 3. Are the capacity calculations taking into account the inefficiency that comes from redevelopment (i.e. if a grocery store has a 20 year lease, that property is unlikely to redevelop in the time horizon even though it is available). It does not seem like a realistic assumption to assume that 100% of previously developed areas will become available to the market, torn down and constructed at the full capacity. Perhaps that is what your 30% factor does in the calculation? If not, then these CFAs need to be large enough that they will actually produce the amount of housing that is desired in the time horizon, which might be bigger than what is being assumed. 4. Is there a definitive source of data that the state has for identifying the location of income restricted units on a map? Cities often know about the locations because they may be involved in financing, but there are other parties who may be creating income restricted property and not informing the city. 5. The Fair and Equitable Outcomes requirement should also include clear direction as to what the state is looking for in order to be in compliance. Phrases like "and other data", "potential" and "state and federal protected classes" can be challenging when actually thinking through implementation of this standard. Not all state and federal protected classes, for instance, are tracked geographically. Others, like domestic violence victims are things we don't want to map for victim security reasons. No idea how we would do for instance, marital status, source of income... 6. There needs to be an understanding of the tradeoffs between implementing these areas quickly for climate change purposes and the time that is necessary to ensure equitable outcomes and broad outreach to traditionally overlooked populations.
13. Do these draft rules for CFAs actually work? What empirical evidence is there to confirm or deny whether the market can support this level of required development in the CFA designated areas? Unless we know it's going to work, establishing requirements that are potentially going to push development to other places or stop it completely will not help us to achieve the desired equitable outcomes of this rulemaking process.

We suggest looking to evidence based examples of what works and market studies to inform these rules. For instance, in Springfield the LOCUS/Smart Growth America study that was done in 2018 showed that 2-story townhomes and 3 story walk-ups were more profitable than taller buildings. Thus, requiring more intense development would either mean that development doesn't happen (because it's not profitable), or the housing becomes even more out of reach for the large majority of residents. This could lead to displacement if supply is stunted or entirely prevented. One way to change the building height requirements could be to look at a ratio that relates to height/density of existing buildings in a city that would then adjust with reality over time and better fit the specific community instead of be a one-size-fits all statewide approach.

14. Significant amount of technical work required on a short timeline, for jurisdictions that are already understaffed. Will DLCDC provide funding for the community engagement and technical analysis needed? If not, then this is not possible to do.
15. I think the rule does what it can. This is a difficult area to make a hard and fast rule about--again, giving a city an opportunity to have a mid-term consultation with the state rule makers would be helpful to both.
16. I think the requirements for public engagement need more attention. In particular setting targets and indicators on engagement, providing guidance on how to actively engage priority populations in the process, and sanctions for not engaging priority populations sufficiently. Otherwise, it is likely to default to business as usual. I think we need to highlight that the priority populations listed are not discrete categories. In other words, some people may fit several or many of the individually recognized priority populations. for example - an African American disabled woman who is a single mom and is LGBTQ. That person is likely to face multiple discrimination and may need very different levels and types of support than a white heterosexual man with a mobility disability. There are several takeaways I think:
 - 1) persons who experience multiple or intersectional discrimination are less likely to be able to engage (given other priorities & time constraints & other barriers) and thus less likely to have their voices heard and needs met.
 - 2) DLCDC, cities, and counties need to understand that some people should be compensated for their time (otherwise they can't afford to engage).
 - 3) DLCDC, cities, and counties may need to design particular strategies to reach folks who are not "normally" part of the conversation.
 - 4) community engagement cannot just be holding one meeting in a community and expecting a truly diverse group to appear. There needs to be awareness about who is not in the room, and proactive strategies to reach those under-represented and underserved groups. The housing capacity analysis - needs to take into account all seven elements of housing (security of tenure, accessibility, affordability, location, proximity to goods and services, inhabitability, cultural adequacy etc.). we can't just reduce this all to "affordability." we also need to recognize that persons with disabilities have more expenses, on average, than non-disabled persons (transportation, medical, assistive devices, personal assistants, etc.). so what is "affordable" for non-disabled people may not be affordable for persons with disabilities. the housing production strategies need to recognize that "fair housing", "housing choice", "affordability" and "homelessness" , "gentrification" have different meanings for persons with disabilities (pages 75-76 of the packet) than for non-disabled persons.
17. Defer to cities, but some of these requirements may be a significantly challenge for cities under 25K due to staffing capacity, expertise, etc. State funding for consultants must be provided for assistance.
18. Too vague to state whether this will meet equitable outcome definition. However, equitable outcomes is not really defined well either.

19. No, the definition of a CFA needs to incorporate equity principles to prevent the designation of affluent areas as CFAs where the CFA benefits and funding would disproportionately benefit dominant culture communities.

Question 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?

1. It leaves a lot of flexibility.
2. Submitting an additional form with comments on specific proposed rules.
3. Similar to my answers to questions 1 and 2 I am concerned about what seems to read as an assumption that all CFAs will be characterized as having the same zoning and development requirements. That is that there is one size zoning that fits all. The 20+ years of experience in the Portland Metropolitan area is that it is not way centers and corridors/main streets work. Instead, compact, mixed-use, pedestrian-friendly and transit-supportive areas are an aggregate of different land use zoning and development standards applications. Personally I would recommend focusing this section on requiring that zoning for the CFA (in aggregate) has the minimum required density (both residential and commercial) and allowed mix of uses for the critical mass that is needed ensure that there are the people and the destinations (with the necessary infrastructure for walking, biking, transit use) that will shift mode travels from light vehicles to walking, biking and transit use (see my answer to question 1 on definition). I have some specific questions and comments on 320 but overall, I would agree with a statement I have heard that overall they need to be ground-truthed and I would say that the Portland Metro areas would provide such case studies. Some seem ambitious, some seem not at all ambitious, some seems unrealistic, and it is not clear if they are being used in any cities today and how they are working. In terms of design, I would recommend providing principles and/or elements that must be address e.g height, setback and the like but I would allow the local governments to tailor the designs understanding that sites will be different. 325.1. As I have noted elsewhere, I would not require that all the area within a CFA would allow every use listed in this section but rather that in aggregate that all the land uses are allowed. I assume that multifamily would include triplexes and duplexes. 325.2. What mechanism is expected of a local government to meet this rule? This is obviously not a land use provision per se. 325.3. Again, I don't think that requiring every part of a CFA to have the same allowances of uses or the subject to the same development standards will achieve good urban form or what is needed to create compact, mixed-use, pedestrian-friendly and transit supportive CFAs. Design, density and uses needs to be fine-grained application not a broad brush, one-size-fits all approach to be successful in my experience. For example, the planned Pleasant Valley Town Center Sub-district "permits a wide range of housing types, including live-work uses, mixed-use buildings, and adjacent townhouses and apartments" and is abutted on two sides with the Mixed-Use Employment Sub-district that is "intended to provide support services for the town center as well as local service needs, plus provide employment opportunities. Primary uses shall include offices and services and retail. Housing shall be allowed within a mixed-use building" and on the other two sides with High Density Residential that allows attached housing at an average density of 30-40 dwelling units per net acre. The higher minimum and maximum densities are intended to support the town center area as the lively, pedestrian-oriented, transit-supportive center within Pleasant Valley." The HDR subdistrict does not allow commercial. Although not every part of this center allows every use or has the same development centers in the aggregate it will

result in the CFA desired in this rule. 325.4. This is fine as it would allow for a two-track (on non-discretionary and one discretionary) approach. I would note that it is already required that there be a clear and objective approach for residential. 325.5. What is the origin of “15” density figure? Why is that high enough. I am not sure there is any utility to having no maximum as long as maximums are reasonable. 325.6. A 100’ height is approximately 9 stories. How likely is it to see 100 foot building in the majority of the cities outside of the Portland Metropolitan area which are served by light rail?

Below are characterization of town centers and regional centers as described on Metro’s webpage . In Gresham you do see 100 foot maximums (10 stories) in some of the subdistricts (but not all) for Rockwood and Civic Neighborhood. Those subdistricts tend to be located near or as part of the light rail Station Centers subdistricts. Downtown does have some 85 foot high maximums (but not for all). Pleasant Valley has a 45 high maximum (with a 2 story minimum in the core town center subdistrict). All of the subdistricts have at least a 45 foot maximum. Although I could imagine 100 foot building in some of the other metropolitan cities (Eugene, Salem?) it seems unlikely to me that the other cities will the transit services (eg light rail) and that 45’ hight would be a better expectation.

Town centers provide services to tens of thousands within a two- to three-mile radius. One- to three-story buildings for employment and housing are characteristic. Town centers have a strong sense of community identity and are well served by transit. Town centers vary in size. Examples include Tualatin, Forest Grove, Hillsdale and St. Johns. Regional centers are hubs of commerce and local government services serving hundreds of thousands of people. They are characterized by two- to four- story, compact employment and housing development served by high-quality transit. Examples include Gateway, serving central Multnomah County; downtown Hillsboro, serving western Washington County; Clackamas Town Center serving Clackamas County; and downtown Gresham, serving eastern Multnomah County. 325.7. Can staff provide for the RAC a list of what might be “life safety purposes” as I am not sure what that would be? Again the experience with Gresham’s four centers is that setback required vary by subdistrict. Some are zero. Some are zero for commercial but have setbacks for residential. Some have zero but allow for a setback to create a “enhanced public space”. Again, one size can’t fit all. 325.8. Is this provision really needed? If a local government proposed a land use regulations that doesn’t allow for the requirements wouldn’t it be rejected by LCDC? 325.9. How was the 250’ block face determined? Generally, I concur that smaller blocks are more pedestrian friendly but how would this work with existing constraints or topographic constraints (Pleasant Valley, for example, has two creeks that run through it that could make this problematic requirement). Again, how about requiring this a principle but allowing the local government to determine the optimal block face for the site. 325.10. I concur with the sentiment that CFA need these kind of spaces to be pedestrian friendly. However, is it practical or appropriate to prioritize the spaces (eg spend limited resources) when there may be other part of the community that are park/open space deficient? What mechanism is expected to be used b a local government to demonstrate compliance.

3.25.12. This section seems to require every local government in the Portland Metropolitan area to make finding that existing town and regional centers are consistent with this rule. Elsewhere in the staff report this rule was described as only applying to those local governments that have not yet complied with the 2040 Growth Concept (see my answer to question 1). Can this please be clarified. I don’t believe that it has been clear in this rule-making process that there would be an expectation that local governments in the Portland Metropolitan area would be expected to revise their centers. I would also note that in addition to town and regional centers that Central City, corridors and main streets are also consider in Title 6 of the UGM Functional Plan and I would think should also be considered a part of creating CFAs.

4. It will be difficult and time consuming for local agencies to develop implementing code language that achieves the desired result (mix uses with high quality non-auto transportation options) while at the same time being "clear and objective". I fear the outcome of this process will more likely be higher densities with a lack of infrastructure.
5. No, several items need to be worked out. Block length and parking are the two biggest so far but there are several impacts to existing utilities that haven't even been considered yet. Without infrastructure upgrades several areas might not move forward with development as it won't be cost effective.

Transportation: It seems that the prohibition on parking minimums, the prohibition on congestion standards, and providing for more flexible zoning are the key elements. I'd suggest keeping those key elements while eliminating the onerous planning processes (comp plan amendments, etc.). In other words, I suggest that the rule should set a few key high level requirements and then leave it up to local governments to implement.

Planning: Eliminating minimum off street requirements is simple enough, but the alternative compliance paths are anything but. Given the time constraints within which jurisdictions will work to comply with the proposed rule, one must question whether its authors actually think that any but the most heavily resourced jurisdictions would be able to pursue such a path to compliance. This strikes me as a disingenuous attempt to mollify local jurisdictions' demand for local control and flexibility.

6. Land use requirements in CFAs is generally quite prescriptive -- using performance outcomes or action plans is a more implementable approach.
7. Too prescriptive. The max height will result in significant community backlash which might mean the areas designated aren't necessarily the best areas, just where we get less pushback. Same with prohibition on setbacks. No rear setbacks when our major corridors are almost entirely next to residential uses doesn't make sense. No FAR, no discussion of max setbacks or design standards. Needs more work.
8. If this is going to make it more complicated to develop an area (inside a CFA) than it currently is, then it is doomed to fail.
9. The zero set back requirements and lack of direction on greenspace, public space, and adequate multi modal level of service planning is drastically insufficient. This does not seem to be a forward-thinking planning methodology. Please include more direction on adequate bicycle, pedestrian and public space requirements for 2050 needs. If you have 30% of Oregonians walking or cycling to taking transit there should be a basic methodology for building wide enough sidewalks, passenger waiting areas and separated wide lanes for cycling.
10. Again, define the population data that will guide and inform equitable CFA planning and implementation responsive to community needs. At the August RAC meeting, local representatives raised questions about local flexibility to met state guidelines.
11. At this point it time, it is difficult to tell whether the regulations will be an aid or hinderance to development. It would be useful to look at successful developments in cities of various sizes and regions and understand the characteristics of that development. Additionally, will the VMT/GHG impacts of development be measured? It will also be useful to think about how incentives and tax exemptions align and are targeted in these areas.
12. Same as answer to #1.
13. The rule needs to decide what it really wants to do regarding building height. 100 ft. buildings and attached single family of 15 units per acre are two very different concepts. If the desire is 100 ft. buildings and we are calculating a city's capacity under the assumption that it will be 100 ft. buildings, then allowing relatively low density options like attached single family is running counter to that goal and ensure that a city won't have enough housing capacity to meet its projected numbers. In order to do the calculation of capacity, you need to have a translation of

100 ft. of height into floors. Different building types would have different numbers of floors. An apartment building, for instance, has relatively low ceilings and would likely have more floors than a stacked mixed use building where the first floor or two dedicated to commercial uses will likely have a ceiling height that is far higher than you would see in a purely residential building. I worry about the "no setbacks" aspect of that rule for several reasons. 1. It ensures we will be putting lots of people in areas where they have no access to nothing but asphalt and concrete except for street trees. No balconies, no places for children to play etc. It also means that we will only be able to have windows on the fronts of the buildings because all the other sides of the building will have to be prepared to be abutting another building. I also worry that this is going to create another instance where we project that there will be far more housing capacity than you can actually construct because there will be life, safety standards that will prevent constructing to the property line such as fire access aisles, emergency exits, etc. Better to provide some acknowledgement that there will be needs to provide fire access and people are going to need to put in fire exits that will prevent all buildings being solidly butted up against each other on 3 of the 4 sides. I think we also need to acknowledge that having windows in apartment units is a key part of the quality of life. Even if you try to say that you could still build to the property line but then have an interior courtyard concept where windows could be located, that is still space that will be removed from actual usable building area even though it was projected as being available in the capacity projections. I also worry that the lack of setbacks means that we will be.

14. Housing type definitions need to be clarified and consistent up with HB2001. For instance, in 0325(1) – what do (a) and (b) mean? Where are the middle housing types included? What is 0320(3)(e) and how will it work? Please provide examples so that we can better understand. If it is relying on public subsidy to solve displacement, where does the public subsidy come from and is there enough revenue to ensure anti-displacement? What in these rules ensures that CFAs are open to those most in need? What are the tools for community stability to avoid displacement? What are the alternatives or backup plans if people are being displaced and the rules don't produce the desired outcomes? Does 0325(2) combined with the minimum densities in 0325(5) mean that when we build a new public library or other government buildings, there needs to be at least 15 residential units also on the same acre of land? 0325(6) is confusing as written and could be written as "Local governments are not allowed to establish building height maximums within Climate Friendly Areas that are less than X feet." This rule should be changed to allow for step down development within CFAs to better blend in with adjacent neighborhoods. We would like to see 0325(9) changed to allow for block faces up to 350 feet instead of 250 feet to allow more flexibility for development. Good network connectivity is important, but that can be achieved with a 350 foot maximum while allowing more flexibility to encourage development. This would allow for blocks similar to the block next to Orenco Station in Hillsboro, blocks similar the walkable downtown grid network in downtown Springfield, and blocks planned for in the Glenwood mixed-use district. A maximum block perimeter would achieve the same goal while allowing more flexibility than a maximum block face standard.
15. Am skeptical that this will incentivize development. Zoning is often not the barrier, it's market forces and improvement costs.
16. Is there any example of climate friendly areas? Any mechanism for cities to learn from each other?
17. I don't feel I have enough information to weigh in on this question.
18. Local governments are often asked how non-discretionary reviews - particularly for large multi-family developments - complies with Goal 1 as residents cannot participate in such land use decisions (and the program is based on "citizen involvement"). Helpful for DLCD to provide guidance to cities on a response to this question. How was a 100-ft height limit determined?

- Seems very high for a non-discretionary review. Perhaps 60-75 ft non-discretionary review and up to 100 ft as a discretionary review. Density can easily be achieved in 60-75 ft high buildings.
19. There should be a CFA "Zone" definition that states what the requirements and comprehensive plans allow in the land use planning. I don't see a current zone definition that can meet the desired balance of needs for a real CFA designation.
 20. I don't have enough time or knowledge to answer this question.

Question 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?

1. Can cities designate pre-existing neighborhoods as CFA areas and require those existing buildings to meet the new code? I worry that builders won't want to meet CFA requirements and that would in turn shorten supply and drive up prices in non CFA areas. If they designate an old area for example, can a new builder come in with a 100' building around homes that are 1-2 levels. If in new areas, how are they to be centralized to key services?
2. Submitting an additional form with comments on specific proposed rules.
3. I don't have the background to comment on this aspect of the rule. However, I do agree with Mary Kyle McCurdy's recommendation that: DLCD/local governments should designate CFAs and allocate employment and population to them at the first major planning activity of a metropolitan jurisdiction (RTP, TSP, HNA, etc..) or the dates in the staff proposed rule (June 2023/2024), whichever comes first. The CFA designation can readily be started using the existing mixed-use centers that cities already have designated. Many transportation and housing plan updates will be conducted before or at the DLCD proposed deadlines: Bend (2024) Corvallis (2022) Albany (2023) Grants Pass (2024) and Salem-Keizer (2023) will update Regional Transportation Plans; Eugene- Springfield (2023) and Salem Keizer (2024) will begin scenario planning; Albany (2022) Grants Pass (2022) and Medford/Ashland (2023) and will begin housing plan updates. The GHG reduction targets should be incorporated into these, since these plans will set development patterns for many years. And that ODOT help fund these efforts.

I also agree with this comment that I heard: DLCD and LCDC in this rulemaking should push for language for local governments to address affordable housing in CFAs. Additionally, it should provide the resources and tools for local governments to use anti displacement toolkit and tools in doing implementing the public engagements aspects of this rule making. Also, as DLCD and OHCS work together to develop criteria for where legislatively provided affordable housing money is directed – projects in climate friendly areas should be scored as higher priority. This better integration between DLCD and housing can be a vehicle to make sure incentive dollars go into CFAs to support affordable housing and thus addressing equity.

4. Transportation: From what I recall from our staff discussion, RPS already has density requirements in our area. I'd suggest that the state set minimum housing density requirements for a whole city as a UGB expansion requirement and let cities figure out how to get there. I agree that tying these requirements to UGB expansion will be an effective enforcement tool. Planning: Several jurisdictions will have completed new HCAs and HPSs by the time this rule has

been adopted. I am very concerned that we will have to revise those documents, which have already consumed so much time and energy. I am concerned that 660-008-0010(3) doesn't adequately protect work that has already been completed.

5. It's still not clear how these all work together. Not just the requirements but again the deadlines.
6. The proposed rules are too prescriptive in numerically describing what needs to occur. Provide flexibility especially with allowing consistency with existing, already vetted and adopted plans. Perhaps allow for a phased approach that first acknowledges already adopted plans to nearly meet the goals.
7. Yes, with the outcome to meet and monitor the community housing needs, as defined by the CFA element and "supporting findings" that result in affordable, accessible and acceptable housing (in accordance with the fair and equitable housing analysis).
8. The questions articulated in Chapter 660, Division 8 are appropriate and consider relevant aspects for meeting equity goals. How will cities and DLCD work with OHCS to align incentives for subsidized housing in CFAs? How will ODOT align funding in CFAs? What are the penalties if cities do not meet targets?
9. First, UGB expansions should not be tied to CFA performance, for several reasons: • We question whether this is even legal. The legal requirements for justifying a UGB expansion include Goals 10 and 14 and related rules and statutes (as well as every other Goal) While meeting one's housing targets inside CFAs will probably be part of a city showing it is meeting its Goal 10 obligations, that alone is likely not sufficient. • Many cities do not want to expand their UGB, so if this is meant to be a stick or carrot, it is likely irrelevant to some cities. • 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. In other words – the impact of expanding a UGB could well drive GHG emissions in the wrong direction. So this is not merely an issue of housing capacity inside CFAs. • Whether or not to expand a UGB should stand on its own legal requirements.
Second, "a phased-in requirement to meet housing goals within CFAs to justify a UGB expansion based on housing needs beginning January 1, 2026" is MUCH too late. Again, look at our response to question #1.
10. 0010 Section (4), pertaining to requiring at least 30% of housing units within CFAs, could exacerbate housing crisis and produce inequitable outcomes if minimum thresholds prevent market from building in CFAs. What resources or tools does the state have to support anti-displacement? Are there subsidies being provided in conjunction with these rules? Is the state going to be building housing if the private developers do not?
11. See comment above, zoning for more housing is not the solution to produce more housing, and sufficient economic tools are not yet available for most jurisdictions.
12. This seems to me to be reasonable and doable-
13. UGB expansion seems to work at counter purposes to the development of CFAs. Housing production strategies need to understand that right now: 1) there is a shortage of accessible housing; 2) there is a lack of choice for persons with disabilities about housing; 3) there is a lack of understanding of the correlation between homelessness and disability. i.e. that homelessness is a cause and a consequence of being disabled. Moreover, market forces don't fully understand the demand for accessible housing (studies have shown that non-disabled people also prefer accessibility features in their homes though they don't need or require them). In addition, contractors / developers tend to overestimate the added cost of developing homes / units that are accessible. If planned from the outset (as opposed to retro-fitting which is definitely significantly more expensive), the added costs can be as low as 2-3% of the total cost for new

construction. There should be ways to incentivize (since we can't require) more accessible housing design.

14. TBD. Cities could effectively "write-off" 30% of their housing need by identifying CFAs in areas where achieving 30% of needed housing is unlikely to occur for good reasons (small parcels in multiple ownerships with insufficient infrastructure). Providing 30% of needed housing in an existing downtown in any Oregon city appears aspirational, while 15-20% may be possible over a longer time and significant subsidies and public-private partnerships. Perhaps consider 35% of needed housing in UGB expansion CFAs and lower (15-20%) amounts in existing downtown areas. DLCDC staff may want to meet with developers or urban renewal district staffs around the state for achievable goals.
15. Only emphasis is on housing strategy and that's not enough for a plan. There must be equitable service and education requirements for the CFA zone intermixed with housing for a plan to be successful.
16. I don't have enough time or knowledge to answer this question.

Question 5

Parking and Electric Vehicles: 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?

1. No, the proposed "complex option" is so complex and burdensome that is not a realistic option that cities have the capacity to pursue. More time is needed to discuss parking reform requirements, ground truth them in actual impact to local communities, and design implementable options that will have the desired effect.
2. Fine with me.
3. Submitting an additional form with comments on specific proposed rules.
4. As a general comment I am not fond of the use of "mandate" in the context of this rule. Arguably all land use regulations are mandates. Using mandate to me sounds more like slogan rather than planning terminology. I would recommend on a focus of reducing the requirement for unneeded parking requirements including having no minimum parking requirements in appropriate situations. I would recommend an approach to these rules that clearing separates land use regulation of parking spaces (eg. parking minimums and maximums and off-street parking design) from the management of on-street and other public parking which is generally not a land use regulation (except perhaps for public street design requirements).
The conversation and need to reform parking has been on-going for decades. In the context of the 2040 Growth Concept reducing parking was an aspect of reducing VMT and helping to create compact development. And Gresham did go through a process to reduce parking requirements. With the centers parking minimums (and maximums) vary within the different sub-districts of the different centers. Many have no commercial minimums, some have no residential minimums and others have reduced (from prior codes) minimums. All have maximums. Areas outside of the centers also went through a reduction but do have higher minimums than found in most of the centers. I am not saying that Gresham's parking space requirements are optimal, but I wonder to what extent, if any, DLCDC has looked at the outcome of Portland Metro area local governments current parking requirements and modal split shifts? I don't feel I have been provided enough explanation of how these rules relate to reducing GHG emission by changing travel split modes in an equitable way and so I am not able to assess if this strikes the right balance or not. I do have some questions or comments: 0410.1. No mandate means no minimums — is that correct. That is establishing maximum allowed would not be considered a "mandate". 0410.2(b). Without an explanation of why this particular list or any of specified uses it is difficult to assess this list. This does not appear to address modal split but I

assume equity? 0410(3). What does “not enforce” mean — that it is OK to have a parking minimum on those lands but that a development permit would be approved without showing parking or that the zoning for those land should have no minimums? Again, I assume that mandate only refers to “no minimum”. How costly will it be for a local government to establish a parking district and install meters if they don’t already have a parking district? 0410(4). Is the requirement to not require parking with 1/2 mile? Or is there some other action expected by the “shall reduce parking mandates”? 0410.5(a). I understand that this is an option but doesn’t seem to me to be a viable option as generally much of the rule is non land use based. What are the basis for the numerical requirements (\$50 per month, 10% income). Do all local governments have the ability to pass such a tax? 0410.5(b). Some of these provisions can be done by land use regulations. Some, such as M, cannot. How will DLCD assure compliance with the non-land use provisions? What is the cost to a local government of implementing M? How will local governments monitor vacant buildings to comply with E and what is meant by redevelopment— a different use or a remodel? Why Historic Districts and or structures — do local governments require adding parking to use historic structures?

5. The cost of providing 20% ev charging spaces in new parking lots will be very expensive and could work in opposition to affordable housing. The rule that requires modification/reconstruction projects to add EV spaces needs some tweaking. What happens if the % of project cost gets them to 15% of EV spaces and not 20%? Do they provide no spaces, or provide some EV spaces up to the 30% threshold?
6. Transportation: I like the simple option. I’m not sure of the need for the complex option.
Planning: The alternative compliance path in 12-0410 is not realistic given the time and work involved. No actual options are provided in the context of proposed implementation of the rule.
7. Anything in the rule that gives ROW control to private property owners and removes the ability of local govts to manage and maintain their ROW is problematic and creates significant issues around safety, bike/ped traffic flow, etc. It would be very helpful to understand the data and assumptions that informed these rules.
8. It seems too hard to take the second route but it may end up having a much bigger impact then just eliminating the requirements. But due to lack of staff capacity and time it will be easier to go that route. All of the rules about parking garages seem misplaced. Our community barely has any garages, and they are in our downtown. They directly result in less pressure for surface parking but with these rules it will be much harder to do a garage and much easier to build surface parking. That doesn’t make sense at all. If parking is built, we should want it to be done as efficiently as possible, even if garages are expensive. Please think about the urban form and efficient use of land with these rules. I worry about the unintended consequences.
9. Yes, the draft parking rules strike a good balance, and I support the choice of a simple or a more complex option for reduction of parking mandates, as it is laid out. I support removing parking mandates and allowing for car parking to be redeveloped for other uses. We have too much parking already and maintaining parking mandates is not compatible with climate pollution reduction. I agree with requiring EV charging stations, but think the type of charger should not be specified as it may change in the future.
10. Very aggressive but strikes the right balance to get us where we need to go. Would only suggest that we first provide adequate non-auto options in a robust way before removing parking so people have a fair choice to make.
11. The approach to offer a simple and complex route makes sense. Given research on parking minimums and supply, it makes sense to burden *keeping minimums* rather than burdening repealing minimums.
12. This answer applies to questions 5-8, and all things related to parking. The RAC has several members whose expertise and/or experience is focused on parking and transportation. Given

how much material we received, we would prefer that the time be taken for a separate subgroup to be formed of RAC members to digest and comb through together the proposed rules on parking and related transportation provisions and let them come back to the full RAC with their observations and any recommendations. (And we recommend this approach for other specific topic areas.)

13. The parking screening requirements is probably too fine a detail to have in state rulemaking. There are a whole lot of issues that can become involved in that issue depending on context such as vehicular sight triangles and also personal safety issues which are important in areas of high crime. Keep in mind that some areas need to use CPTED considerations in creating land use regulations. I am a fan of EVs and understand the charging issue, but I think we might be trying to close the barn after the horse is gone. We are no longer at the point in time where the range of EVs is so low that we need to have charging stations everywhere in order to get back and forth on our commutes. The auto industry recognizes that EVs are the future and that is changing quickly. Market forces are going to solve this issue now and regulation is likely not needed. This would have been handy to have in place in 2010, but in 2021, EV plug ins will be supplied by the market as the auto industry changes. We don't for instance require there to be a gas pump in every large parking lot because it would be silly. The range of EVs and ICE technologies are converging, so we will start to feel the same way about putting charging stations all over the place. They will end up being poorly maintained and rarely used once market based solutions hit the market.
14. Flexibility and options are a good approach. However, it is pretty complicated if not eliminating all minimum parking requirements. Please see comments, questions, and concerns in Word doc to inform further refinement needed.
15. Not sure yet. Implementation of EV charging may be more complicated, have not had time to consider implications. Has DLCD staff considered challenges such as additional security required for EV charging stations, additional ROW for sidewalk clearance if located on public streets, and parking spill over into neighborhoods?
16. Yes, parking seems to be the most clear issue.
17. I want solar and trees not just one or the other. I want to depave gigantic lots. make public transportation free or increase subsidies to transit authorities and enable some persons to pay lower fares (maybe based on previous year's tax bracket?).
18. The repeal parking mandate is a solid option. The reduced red tape approach appears complicated, particularly for cities under 150K. In addition, as tourism is one of Oregon's leading industries and rural residents will not have access to transit, it will be important NOT to penalize parking lots or revenues for entertainment venues and museums in CFAs to attract tourists/visitors.
19. Need more information on electrical distribution grid to meet this proposal.
20. Generally, I am in favor of removing parking minimums universally, not just for CFAs and infrastructure for priority populations. And how do we prioritize parking for people with mobility limitations or whose jobs require vehicles (e.g. construction, delivery, etc.).

Question 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?

1. More analysis is needed.
2. No answer.
3. As I have stated in answering other questions, I do see the value in eliminating unneeded parking spaces when it comes to creating more climate friendly areas. A conceptually I

understand that the added costs of does this relate to 0410.5(b) or? Regarding that provision I would note that some of these provisions can be done by land use regulations. Some, such as M, cannot. How will DLCD assure compliance with the non-land use provisions? What is the cost to a local government of implementing M? How will local governments monitor vacant buildings to comply with E and what is meant by redevelopment — a different use or a remodel? Why Historic Districts and or structures — do local governments require adding parking to use historic structures?

0405. Has DLCD identified local governments that require a garage or carport or is this a pre-emptive provision? This seems to be a provision to address equity? or are their studies that show a garage/carport results in more use of a light vehicle than an unsheltered parking space? How will local governments regulate the (1)(c) provision? How does on street parking space get allocated as providing for a required of-street parking space(1)(e)? 0405.2. I would be cautious about specifying a certain technology as technology changes.

4. For mid-sized towns that don't charge for on street parking this is a club. There is no financially feasible option to start an on-street parking fee system, and the only recourse will be to take the "no required parking" option. Some language for cities of less than 100,000(?) that allows them to use time restrictions in lieu of parking fees?
5. Transportation: I don't know why the rule doesn't just repeal all parking minimums everywhere in the state and let the market decide how much parking is needed. I think history has shown that the downsides of parking minimums outweigh the benefits.
Planning: As I discuss above, the rule clearly burdens only higher density residential development. Single family, attached or detached, would not be affected by the rule as written. This means that housing that is typically less affordable to lower and middle income families will remain unaffected by the rule, and housing that is typically more affordable to lower and middle income households will subsidize more expensive, less attainable housing. I think this is the opposite of what the authors intend.
6. I don't know. Again, eliminating the mandates will be easiest. That doesn't mean people won't build parking, they will. Eliminating it for specific uses and using that as an incentive may be more effective but if we have to eliminate parking city wide you've removed our ability to have that incentive and probably have not changed the built environment as far as parking choices made by developers and businesses.
7. Schools should be included for reform of parking, especially where they exist in CFAs but also in other areas of a city or region.
8. The list of best practices for parking is a great start! The single and complex options require further discussion among those who plan, implement, and monitor parking practices. Special attention to community, business, and public needs, as well as easy access to active transportation options is important.
9. It would be useful if a sub-group could provide examples and bring these back to the RAC.
10. The arbitrary pricing amounts in the rules seems like it could be improved for several reasons. 1. Inflation will occur - do we really want to be constantly changing state rulemaking to take parking rates from \$1 to \$1.25, etc? More likely, it will be left alone and what might have been an effective number will become less effective over time as the value of \$1 goes away. I think every city can probably point to some obscure fee they have in their fee schedule that hasn't been updated in 2 decades and is just a silly number now. 2. Pricing of on street parking needs to be tied to the utilization or else you are going to be forcing cities to incur costs for meter equipment, enforcement etc. on streets that might not have parking congestion. A better way to do this would be to tie the fee to any street with more than X% of peak hour utilization and then indicate that the fee needs to be increased when the utilization exceeds 85%. That may be \$1 in some markets, but it is more likely that in some markets, you will need a higher rate to be

effective and in some other markets the market demand might justify a lower rate. This doesn't apply to my community, but I just see us all looking silly in the smaller communities when they are constructing housing near the 15 units per acre level and we are putting meters on the streets in front of them even though there is no congestion, so folks will just abandon the street and move to the side streets where they aren't paying \$1.

11. See detailed comments in Word doc.
12. Not sure yet.
13. Let's start with these.
14. Yes, but need to be aware that any boundary beyond which parking is prohibited may generate an immediate demand for parking lots (an undesirable outcome). Must allow some on street parking. In some situations, it can be a buffer between traffic and sidewalks. Price on-street parking high as curb space is increasingly valuable.
15. Rental parking located at the CFA boundary region with a transportation hub for the CFA should be required to account for people coming to the CFA from outside the region.
16. Generally, I am in favor of removing parking minimums universally, not just for CFAs and infrastructure for priority populations.

Question 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?

1. More analysis is needed.
2. No answer.
3. In general, I would concur with the benefit of better parking management. I would note that most of the provisions of 0415 are not implemented by land use regulations. In (1) I would be cautious about specifying Level 2 EV charging as technology changes. Maybe use language that refers to "or equivalent"? Does (1)(e) require a local government to provide the exemption or does it allow them to provide the exemption? Regarding (2)(a) — (A) seems doable and appropriate whereas (B) could be a costly endeavor. Regarding (3) — it does seem aggressive although I suppose Portland, Eugene and Salem will be able to handle it?
4. Parking needs to be related to use. Some uses still need to have some level of parking to be successful and the more rural areas will feel this the most. I am not sure how to fix this in the rule but I don't currently see rural Oregon building less parking to meet the needs of their customers. Transportation: Actually, I think provision 2 should apply to all cities, regardless of size. See answer to 6 above.
5. It is extremely important that if communities beyond MPOs are impacted that they are directly consulted in this rulemaking process. Also, in several places the proposed rule refers to county requirements in an "urbanizable area" (defined as "the unincorporated area w/in the UGB") and later refers to "unincorporated urban areas." But statute defines an "urban unincorporated community" and an "unincorporated community" -- so is the rule referring to one of those statutorily defined areas, all of the unincorporated area w/in the UGB, or something else...?
6. Less populous communities could also look at establishing parking maximums, and encouraging shared parking with other facilities/land uses.
7. 20% of all parking spaces with EV charging made sense a decade ago. Modern EVs don't need daily charging anymore. They are high maintenance and will likely fall into disrepair. The market is moving to EVs now on its own. This issue will get resolved. We are too late to be going down this road. The market is ahead of us now.
8. See detailed comments in Word doc.

9. Not sure yet.
10. Here we need guidance +/- examples of preparing for future growth so that a reasonable city center can develop without the need for extensive tear-down and rebuilding.
11. Provide longer phase-in periods for cities under 150K as transit service is often minimal, bike/ped facilities requirement improvements, etc. Otherwise, just creating a major demand for Uber, Lyft, etc.
12. There must be provisions for historical zones (areas defined by Oregon Parks & Rec) to count towards the CFA requirements for smaller cities.
13. I don't have enough time or knowledge to answer this question.

Question 8

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

1. Unsure.
2. I don't know the answer to that question. It would have been (and still could be) helpful to have staff provide standalone documents that provide the proper background for this general area of parking reform.
3. None that we can think of currently. Once all the rules are available for review and everything can be read in context of a more complete set of rules we might change our minds.
4. Dynamic pricing based on parking utilization.
5. See detailed comments in Word doc.
6. Not sure yet.
7. Seems comprehensive.
8. Strongly encourage shared parking such as Cannon Beach City Hall during summer weekends for visitors.
9. There needs to be rules for single/dual occupancy flight vehicles hubs (Drone Taxis) to reduce the needs for streets in the next 20 years.
10. I don't have enough time or knowledge to answer this question.

Question 9

Other Proposed Rules: 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?

1. None.
2. Submitting an additional form with comments on specific proposed rules.
3. There was so much packed into this packet that I was not able to spend much time on the aspects covered in this question. I would agree with Mary Kyle McCurdy's comment that while the packet describes worthwhile concepts, but for many parts, the actual proposed rule language is still missing, so large gaps remain to be filled in.
0012(2). What is the purpose of the section? Is this to allow an in progress TSP update to use current OARs as long it provide notice of hearing by the May 2022 date or? And what is the impact of the timing of implementing the new rules in those communities? Given the urgency of the Governor's EO on climate shouldn't local governments be required to pivot to these rules even if they are almost done with a TSP given that the TSP will have an impact for some time? What local governments in currently impacted by this section?

4. The rules seem way to prescriptive and should be at a higher level. Also block length should be allowed to consider existing built environment (especially for downtowns that will likely be considered CFA's) and environmental constraints. Medford's block length ordinance considers a maximum perimeter as well as block face and has built in exceptions for freeways, water bodies and topography.
Transportation: I think the requirement for 250' block lengths should be removed. Medford already has block length requirements and there are many dense urban areas with longer block lengths. At most, the rule should require that cities have a maximum block length requirement; the rule should not specify a number for the maximum block length.
5. Wondering whether any of these (especially parking reform and transit priority corridors) would apply to areas outside of CFAs or be limited? Perhaps some clarity is needed.
6. We recommend that the rules be changed to allow a local planning commission or another locally designated committee to serve as the standing committee, regardless of community size. Instead of listing frequency of meetings, list out what they're supposed to do and have the meeting frequency be to meet as necessary to accomplish the committee's duties. Meeting quarterly is too frequently if it is a separate committee, created solely for this purpose. Most small to mid-sized cities lack staff capacity to support an entirely separate, new committee. For reporting, minor reports need to be minor and reporting should be tied to existing reporting processes. Who's the audience for the report? What is its purpose? We are concerned that the reporting requirements as written would be taking away staff time that could instead be used to implement actions that lead to accomplishing the desired outcomes.
7. Changes to TPR are significant and will require much more local review. Right now, it seems to combine standards with policy decisions. When staff prepare findings to meet TPR, there should be clear standards that they are meeting. The reporting on progress also sounds a lot like periodic review, which is too onerous on most of our jurisdictions. Centering priority populations is a goal that we have for our work, but we should not be required to form and staff additional advisory boards to accomplish this goal, there may be better ways to center those voices or use advisory boards in other ways.
8. Regular updating and reporting is crucial.
9. I have views on priority pops, but already wrote about that above, so won't repeat those observations here. in general - there needs to be more robust monitoring of compliance, and a way for people to hold jurisdictions accountable if / when they aren't doing what they should be doing.
10. Must define "centering." Seeking clarity on county requirements in unincorporated "areas."
11. Not enough time was given to the RAC members to get through and evaluate all of these extra metro-based requirements.
12. I would like to see the rules require MPOs to update their TSPs out of cycle to comply with the new administrative rules.

Question 10

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

1. The breakout rooms were very helpful, particularly to hear from different perspectives/stakeholders that aren't always comfortable raising concerns/questions to the large group. There was also not nearly enough time for everyone to participate and ask questions in main RAC presentations/discussions.
2. Feedback loop.
3. The presentations summarizing the rules was very helpful. Having these presentations before reviewing the rules in the packets helps with understanding the framing of the rules, making it

easier to digest all at once. For this reason, it would be much better to get a longer time after each RAC meeting to do a review of the rules and provide feedback. Its very hard to start soliciting feedback from others in the organization before the RAC meeting that helps us frame it and ask basic questions first.

4. It was difficult meeting. As I have heard others state that the material for RAC meeting # 7 was too much to read through and understand for one meeting. It would have been better to provide digestible, topic-specific chunks that smaller topic subgroups of the RAC had drafted with staff for the larger RAC discussion. Instead, given the amount of material, we risk missing the big picture forest (get the key parts that need to be completed ASAP) for the trees (all the detail that is in the packet). I have become frustrated by the facilitator's statement following staff presentations to only ask a high-level clarification question. I think I understand that the concern being addressed by the direction is to conserve time for other presentations, break out rooms and the digital post-it process. Perhaps less time could be devoted to staff presentation and more time to dialogue and questions from RAC members. Part of my frustration is that the process is passed "high level" conversation but instead is into the details yet we seem to be admonished not to ask or comment on the details. Another concern is that it is only during this period following a presentation where all of the RAC members are present and able to hear each other. If it is critical (and I think it is) for both staff and RAC members to hear the voices representing those communities that are historically and institutionally underrepresented, then this is the time for those voices to be heard by all. Yes, in breakout room there may be such a RAC member present but that is just happenstance and when the reporting back occurs there is no way to know who's voiced any summarized reported comment. I feel that the flow of the meeting should be concentrated on centering those voices rather than limiting. I personally am not sure that there has been much value to the post-it processes. Post-it process can be effective in certain situations and for certain purposes but as used here just seems to be coming up with short buzz words or phrases (and good ideas) but again without providing any voice or agency to the RAC members and especially those typically underrepresented.
5. Seeing the rules for the first time and hearing that others are just as concerned as I am about the timeframes for the implementation.
6. The small group discussion because everyone was as confused as I was. Made me feel better about having so many questions.
7. Overall meeting processes good: Facilitated meeting with staff presentations, and time allowed for questions. Collection of member feedback through breakouts, post-it activities, and follow-up surveys. RAC meeting packets. Thank you!
8. Breakout group discussions to hear from various perspectives.
9. Finally getting to the actual proposed rules - but it was too much at one time and too late in the process for meaningful digestion and discussion. Hopefully, we can remedy that going forward, because we really have no other choice.
10. Break out discussion was very good.
11. Hearing that others share similar concerns about some of the draft rules and hearing from DLCD staff that there is flexibility to remove and revise sections.
12. Listening to comments and questions from RAC members.
13. I had a conflict with the first hour of this meeting, but feel that the reading was beneficial and efficient--I read much faster and more effectively than the meeting density.
14. Small group discussions.
15. Breakout session.

16. Listening to some planning professional evaluate the primary components of this proposal, learning how they think about these changes.
17. Breakout groups.

Question 11

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

1. More time is needed for all RAC members/perspectives to understand the proposed rules and be able to discuss and suggest improvements as a group.
2. Unsure.
3. One suggestion would be (although it is probably too far in the process to make a difference) is to stop making the survey questions answers anonymous. I have never been sure why this has been the practice. Although I suppose there may have been a thought that some RAC members might feel they can be more candid if anonymous, the fact is everyone is a volunteer member and I don't think that anyone feels the need to be anonymous. And if that was the case, I am sure the survey could allow for that anonymity. An issue with anonymous survey questions—especially as it seems to be the key feedback measure for RAC members — is it does not allow for a voice to be identified and, as such, heard. I read through the answers that staff diligently provides but I can't tell who is saying what. This means that, as this is especially crucial for those representing historically underrepresented voices, that those communities are not having agency in this process. How can we understand the advice of those communities if we don't know what they are saying? Another issue with anonymous questions is that I have found that sometimes answers to questions can be built on the answer to a previous question but because the answers are not presented in a way that allows that to happen I found trying to understand the logic a progression could allow instead to be a disjointed set of statements going from one questions to the next.

Another suggestion I would make regarding the survey would be that staff provide responses to the answers. As it is now, I can tell if my (and by extension anyone else's) questions are being considered, analyzed or understood. I am not saying that staff is not reading and considering them but that there is no real communication that has happened. Yes, on few occasions the staff report will refer to "we heard" but this is infrequent and seems to only occur for an element staff wants to include. Again, this presents itself as not providing agency to the RAC members and again especially to those historically underrepresented. If all you see is that your words have been recorded but there is little to make you think that have been considered I would think this undermines the purpose of involving a larger community.

Also, I would note that it can take a significant amount of time and energy to do the surveys and I would wonder how many people have stopped doing them because they are not seeing that their time spending doing them is making a difference or at least being heard. I noticed that in reporting on the last survey that question 10 reported 14 respondents. If this is indicative of the number of RAC members who completed the last survey this would suggest a significant drop out of members completing the survey. There certainly can be a number of reasons but I have to think that a lack of acknowledgement beyond merely reproducing would be a factor. Staff could provide responses on a question by question basis. For example, summarizing what the main points of the feedback for a questions and then providing some thought or response about how they could or could not be applied to the rule making and its process. As was mentioned by a couple of members at the meeting, DLCD should provide a timeline of the dates for initial compliance with each major requirement, for each jurisdiction, and the next required update.

4. We need more time to digest these significant changes and need to have more time to have discussions during the meeting. The last meeting was frustrating as we were limited in questions because of a timeline for the meeting that is unrealistic. We must have time to discuss this and need to have a technical analysis of the challenges of implementation. This does not mean I don't support the efforts, but I don't want to be part of a failed rule making process again! That only makes the last year a waste and also doesn't get the goal moving forward. I am afraid that this is going to get politically ugly very soon as the rules get out to a broader audience. I would strongly recommend setting up a technical group to discuss what it will take to implement the rules. Also, we need to get feedback on how our comments are being considered in making changes or this is also a waste of time.
5. Counties are struggling to solicit sufficient thoughtful feedback from the various impacted county departments and divisions. We strongly recommend extending this rule making timeline and creating a technical advisory committee to work through the very complicated and interconnected aspects of this rule. Counties want an outcome that is practical, implementable, and achieves the GHG reduction outcomes that we all want to see.
6. Separate meeting with planners to dive into the technical questions. The latter discussion is good but there's a huge split between the community reps and the staff that have to implement these rules.
7. This was a lot of very dense material and I don't feel that I have a good grasp or had enough time to fully comprehend it, and would like more time and opportunity to understand how it fits with the overall work of the RAC. I'm also wondering about what gets implemented in the 70% of the city that's not CFA designated -- only focusing on CFAs for most actions, rather than the entire city, seems like poor planning that is likely to create new inequities (or exacerbate existing ones).
8. The focus of this packet was on CFAs. In the previous meetings we painted a broader stroke of how climate-friendly strategies would affect areas throughout cities, not just CFA's. An example is in section B, page 18 of 41 in the July packet Planning Regulation Rules Concept. In this section it describes high quality pedestrian, bicycle, and Transit as follows:
 "Require high quality pedestrian, bicycle, and transit infrastructure planning. For pedestrian networks, rules will focus on complete networks in climate-friendly areas and access to transit, schools, and other services. For bicycle networks, rules will focus on a connected network of neighborhood greenways and protected bikeways on major corridors, allowing cyclists of all ages and abilities to access the complete network. For transit networks, rules will focus on priority corridors, with investments to improve transit travel time, improve access to stops and stations, and promote compact, mixed-use development patterns near stops and stations." In this section it does not state these activities will be focused on CFA's. However, it appears now that this and other climate-friendly strategies will be focused on CFA's. I strongly disagree with this concept and want to ensure that cities are planning ways to reduce GHG throughout the city, not only focused on CFA's. I also find this to be contrary to the equity goals we have set forth in this RAC knowing that generally there will be only 30% of residents within CFA's and likely some, if not most, of historically marginalized communities will not be included in CFA's.
9. Breakout sessions with small groups are good, although some themes are beginning to repeat. The post it sessions used in previous meetings allow for additional comments, although it does feel rushed at the end of a meeting, without synthesis of themes. The shared minutes are helpful. It is apparent that there are concerns and questions about local implementation of the rules.
10. More time for discussion and breakout rooms. Need more time to review packets, and more tables like Item 6 to help synthesize relevant information.

11. - Ensure that these key actions take place first, in the first significant planning effort each city is doing – designate CFAs, allocate population & employment to them, and incorporate the GHG targets into these plans. See question #1. Then take a bit more time to work through the details of planning. - Use subgroups for specific topics. -It is unclear whether/how various responses in these surveys are being handled. - Finally, but very importantly, ODOT must align its transportation investments - in both planning and projects – with these land use plans, to explicitly meet the GHG reduction targets.
12. I've heard from some RAC members that they have yet to have an opportunity to speak in the full meetings due to the size/format. I believe Ariel and Mallorie's suggestions to have Technical Advisory Committees to focus in on specific topics (i.e. CFAs, parking, transportation system performance standards, etc.) would be really beneficial for being able to talk with colleagues across the state, get the right technical experts for a given topic into the conversation, and collaboratively develop solutions and alternative recommendations. More time is needed for this to be a successful rulemaking process. How is feedback being incorporated or at least responded to?
13. More time to review materials in advance.
14. Getting tired of Zoom but don't see any alternative.
15. I feel that we (RAC members) provide an avalanche of feedback to DLCD and while we hear that you value our opinions, I'm not so sure our views are fully understood or taken into account. I feel like a broken record. I've been saying, since the first meeting, that "affordability" cannot be the only measure for understanding housing. I provided resources that backed up that assertion and introduced a framework that looks at seven elements of housing (one of which is affordability). and yet, when I look at the rules, all I see is "affordability." I certainly understand the importance of looking at affordability, so I'm in no way suggesting that be discarded. but it needs to be complemented by the other elements, otherwise certain priority populations will continue to be sidelined. I suppose the point is - what may sound like neutrally worded and objective rules and guidance - is not in fact neutral for those who live in unequal conditions and who experience discrimination in access to resources and opportunities. We need to shift what is being measured, how it is measured, and by whom.
16. The breakout sessions and jam boards are the best (following brief staff presentations). Several focused meetings with key experts and interests are necessary to address a host of issues identified in this meeting (and likely future meeting topics). Subsequent full RAC meetings (and in meeting packets if possible and depending on the date of the meetings) should then include summaries of such meetings.
17. Need more time to prepare for these meetings by getting the packet earlier, or even better, more meetings with less packet components for each meeting.
18. Instead of forcing the process on a monthly basis (which is arbitrary time anyway), could RAC meetings be 6 weeks apart to not only allow for more time for RAC members to review and comment on the materials, but for the DLCD staff to digest the feedback and present new drafts to the RAC? As a RAC member who participates on unpaid time as a volunteer (Recognizing I might be one of the only RAC members who is not attending on paid nonprofit or organization time), the short turnaround times require me to do this work in the evenings and on weekend.

Further comments received by email below:

From: [Jonathan Harker](#)
To: [YOUNG Kevin * DLCD](#); [HOLMSTROM Bill * DLCD](#); [TAYLOR Casaria * DLCD](#); [CAUDEL Ingrid * DLCD](#)
Cc: [Kaitlin La Bonte](#)
Subject: RAC #7
Date: Monday, August 16, 2021 6:08:44 PM
Attachments: [Aug 16 RAC #7 comments Harker.pdf](#)

Dear Kevin and Bill,

Attached is document with some questions and comments regarding Item 7.

This was a big packet with a considerable amount of detail work so my work is somewhat at the surface. I hope to be able to provide useful advise in the survey after the meeting.

Again this is pretty late to get to you but if you have a chance to skim and determine if there is any element that would be addressed during the meeting that would be good. As you may know I am subbing for Kaitlin for this meeting but I obviously not planning to raise every issue or question I have in the attachment.

See you Wednesday,

Jonathan
Jonathan Harker, AICP
RAC Alternate OAPA

August 16, 2021

TO (via email): Kevin Young, AICP, DLCD; Bill Holmstrom, AICP, DLCD; Casaria Taylor, DLCD; Ingrid Caudel, DLCD

CC: Kaitlin La Bonte, RAC Member, OAPA

FROM: Jonathan Harker, AICP, RAC Alternate Member OAPA

Dear Kevin and Bill:

What follows are a comments and questions RAC 7 Item 7 and the accompanying Items 4, 5 and 6.

An overall comment is that packet has quite a bit of material to review and digest so these comments and questions are initial impressions and somewhat random. Hopefully I will be able to provide considered advice through survey following Wednesday's meeting.

Also one piece of resource information that I have suggested in previous survey questions is for to have available to the RAC (as well as the public) a handout with each of the Metropolitan areas (maybe not necessary for Portland Metro area) with the cities and counties within the MPO area as well a populations and maps would be nice. As this is a land use related rule making geographic representation would be nice. In the proposed rules certain actions are dependent on the size of the local government and it would be helpful to understand which cities are which and how they related within their regina. At the end of the document I listed the 7 metropolitan MPOs (excluding Portland Metro) with a list of cities and their populations and counties in the MPO. The city population are from the 2020 census using a table prepared by [Oregonlive](#) so the figures may be incorrect. The cities and counties came for each MPO's website. I don't have the population of the counties unincorporated areas with the MPO.

Page 12 of 147. I would suggest adding language that references having "density that are transit-supportive and business supportive" as a key to climate friendly is a viable transit system and walkable business destinations. I would also wonder if community spaces could be mentioned? What is the difference between jobs and business in this definition? Housing, businesses and services can be translated in development codes land uses while on the other hand jobs do not translate to land uses.

Page 13 of 147. Can you identify what local governments have not "adopt[ed] boundaries for their two and regional centers"?

Page 41 of 147, line 8. Could section (d) be modified by adding to the end of the sentence "by shifting modal splits from climate pollution producing light vehicles to transit, biking and walking and by facilitating electric vehicles"? Which is the main point of this rulemaking.

Page 46 of 147, line 7. Can you explain the intent of section (2)? Is this to allow an in progress TSP update to use current OARs as long it provide notice of hearing by the May 2022 date or? And what is the impact of the timing of implementing the new rules in those communities?

Page 46 of 147, line 12 and line 31. In section (2) “inside the Portland Metropolitan area” is identified and in section (6)(c) “metropolitan service district” is identified. These are some correct?

Page 46 of 147, line 37. How was the 5% and 10% percentage of priced on-street parking spaces determined?

Page 46 of 147, line 1. How were the percentage determined? Is this a percentage of new off-site spaces?

Page 52 of 147, line 30. Would it be expected or is it required by this section that the advisory committee’s role as established by 0125 be part of implementing codes? That is, for example, in Gresham TSP and Comprehensive Land and Development Code amendments are process as a Type IV Legislative Process. Development Code language prescribes how this process occurs including the Planning Commission and Council Hearings. Should this proposed advisory committee be codified in the legislative process?

Page 53 of 147, line 10. Is this regional advisory committee intended to replace individual local government advisory committees? If so I would assume this is mostly directed at the smaller metropolitan areas?

Page 53 of 147, line 14. If a planning commission is used instead of the advisory committee does section (2)(a) regarding membership apply to the PC? This does seem like a reasonable way to accommodate smaller jurisdictions as long as the other aspect of the section are applied to the TSP and implementing land use provisions. I believe at this time those cities would be in the Rogue Valley MPO Eagle Point (9,686), Jacksonville (3,020, Phoenix (4,475), and Talent (6,282), along with the unincorporated area of White City (9,090); in the Corvallis area MPO Adair Village (994) and Philomath (5,350); in Central Lane Coburg (1,306); in Albany area MPO Jefferson (3,327), Millersburg (2,919), and Tangent (1,231) as well as adjacent parts of Marion, Linn and Benton Counties; and in Middle Rogue Gold Hill (1,335) and Rogue River (2,407).

Page 57 of 147, line 8. In addition to downtowns and neighborhood centers I would add corridors as they are described in Title 6 of the Metro UGM Functional Plan. Title 6 describes what is being called Climate Friendly as “mixed-use, pedestrian-friendly and transit-supportive development”. Corridors need “a mix and intensity of uses sufficient to support public transportation”. So housing and commercial uses in transit corders that connect and adjacent to centers are part of that coordinated transportation and land use planning that will support more transit, walking and biking instead of driving.

Page 59 of 147, line 19. Are duplexes and triplexes including in category (a)?

Page 59 of 147, line 24. How is (2) implemented by local governments and enforced by the agency? I concur with the sentiment I just don’t know how that gets done — by local government ordinance to their City Code?

Page 59 of 147, line 26. It is the intent that all properties have the same land use designation? I assume not. but that instead different districts or sub-districts or zones that individually may only allow multi-family, or only commercial or mixed-use will be allowed as long as the aggregate

meets the intent of mixed-use and transit-supportive. Gresham's various regional and town centers and corridors don't all allow mixed-use but in the aggregate create the intent of climate friendly areas.

For example the planned Pleasant Valley Town Center Sub-district "permits a wide range of housing types, including live-work uses, mixed-use buildings, and adjacent townhouses and apartments" and is abutting on two sides with the Mixed-Use Employment Sub-district is "intended to provide support services for the town center as well as local service needs, plus provide employment opportunities. Primary uses shall include offices and services and retail. Housing shall be allowed within a mixed-use building" and on the other two sides with High Density Residential that allows attached housing at an average density of 30-40 dwelling units per net acre. The higher minimum and maximum densities are intended to support the town center area as the lively, pedestrian-oriented, transit-supportive center within Pleasant Valley." The HDR subdistrict does not allow commercial.

Page 59 of 147, line 32. How was the 100 foot height arrived at. That would be 9-story or so building? The afore-mentioned PV has 45 foot maximums.

Page 59 or 147, line 33. Clarify the side in both interior and street sides?

Page 59 of 147, line 37. I assume the FAR restrictions would be maximums not minimums. Commercial minimum FAR's can be a good way to ensure adequate densities.

Page 60 of 147, line 1. I generally concur with the sentiment of connectivity but where did the 250 foot figure come from?

Page 60 of 147, line 19. Section (12) is applying the the Portland Metro area. I would suggest that in addition to town or regional centers that the City Center, Station Centers, Corridors and Main Street be added as per Title 6 of the UGM Functional Plan.

Page 62 of 147, line 1. As a general comment I am not fond of the use of "mandate" in the context of this rule. Arguably all land use regulations are mandates. The word "mandate" also seems to be a charged work in today's climate.

Page 62 of 144, line 26. Are their impacted local governments that require garage or carports? I have not encountered this. Is a garage including structured parking? This does not seem to be a provision that would impact climate friendly as I don't know that a garage or carport as opposed to a. open parking space would have any impact of modal split changes. And I am not sure how much impact to equity a carport or a garage would have as opposed to open parking. I just not sure what the problem is that is being solved.

Page 63 of 147, line 9. Any concern if (2) (a) could conflict with future technology?

Page 65 of 147, line 6. The use of the term "enforce" is confusing to me. This is not to suggest that a parking mandate could be codified with these areas but just not enforced?

Page 65 of 147, line 40. What is subsidized parking? How will this provision be implemented and enforced? Should there be inflationary language for \$50?

Page 66 of 147, line 1. How will this work? Is it doable for a local government?

Albany Area MPO

The AAMPO Planning Area includes the cities of Albany (56,472), Jefferson (3,327), Millersburg (2,919), and Tangent (1,231) as well as adjacent parts of Marion, Linn and Benton Counties.

Bend MPO

The BMPO include the City of Bend (99,178) and Deschutes County

Central Lane MPO

Cities of Coburg (1,306), Eugene (176,654), Springfield (61,851) and Lane County.

Corvallis Area MPO

CAMPO is composed of the cities of Corvallis (59,922) , Adair Village (994) and Philomath (5,350), as well as adjacent parts of Benton County which are currently urbanized or anticipated to be urbanized within the next 20 years.

Middle Rogue MPO

MRMPO includes the cities of Gold Hill (1,335), Grants Pass (39,189), Rogue River (2,407), and adjacent parts of Josephine and Jackson Counties which are anticipated to become urbanized over the 20 year planning horizon.

Rogue Valley MPO

The RVMPO encompasses the urbanized areas of Jackson County and includes the cities of Ashland (21,360), Central Point (18,997), Eagle Point (9,686), Jacksonville (3,020), Medford (85,824), Phoenix (4,475), and Talent (6,282), along with the unincorporated area of White City (9,090), and the surrounding areas of Jackson County, Oregon.

From: Mary Kyle McCurdy <mkm@friends.org>
Sent: Monday, August 16, 2021 12:01 PM
To: Nick.Lelack@deschutes.org; MCARTHUR Robin * DLCD <Robin.MCARTHUR@dlcd.oregon.gov>; WARREN Stuart * DLCD <Stuart.WARREN@dlcd.oregon.gov>; HALLOVA Anyeley * DLCD <Anyeley.HALLOVA@dlcd.oregon.gov>; SANDOVAL Gerard * DLCD <Gerard.SANDOVAL@dlcd.oregon.gov>; PEARMINE Katie * DLCD <Katie.PEARMINE@dlcd.oregon.gov>; JACOBSON Kaety * DLCD <Kaety.JACOBSON@dlcd.oregon.gov>
Cc: JOHNSON Esther * DLCD <Esther.JOHNSON@dlcd.oregon.gov>; RUE Jim * DLCD <Jim.RUE@dlcd.oregon.gov>; HOLMSTROM Bill * DLCD <Bill.HOLMSTROM@dlcd.oregon.gov>; Robert Cortright <23cort@gmail.com>; Rob Zako <rob@best-oregon.org>; MCCURDY Mary Kyle <mkm@friends.org>; Sara Wright <saraw@oeconline.org>
Subject: Oregon compared to CA on transportation-related GHG reduction in urban areas

Dear Land Conservation & Development Commissioners:

At the Commission's last meeting, Commissioner Lelack raised the topic of how Oregon compares with California on reducing transportation related GHG emissions through integrating land use and transportation planning in major urban areas (the MPOs). I responded that in many ways California is ahead of Oregon and, at a minimum, can provide us with useful lessons. I offered to follow up with more information.

Attached is a memo doing that, which is mostly a side-by-side comparison of the two states on some critical components. Some of this has been provided in written testimony to the Commission in the past several years, from Bob Cortright and me, but some of this is new, and so is this comparison format. I hope you will find the attached information helpful. Contributors to it include Bob Cortright (retired DLCD transportation planner), Rob Zako (Better Eugene Springfield transit), and me.

Thank you.

Mary Kyle

Mary Kyle McCurdy
Deputy Director
Pronouns: she/her
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Learning from California

California is years ahead of Oregon in changing land use and transportation plans to reduce GHG and VMT

A decade ago, Oregon and California started on the same path to reduce GHG from transportation by adopting GHG reduction targets to guide metropolitan land use and transportation planning. Today, however, California is at least 5-7 years ahead of Oregon: all of California's 17 metropolitan planning organizations (MPOs) have adopted Sustainable Communities Strategies (SCS) that meet state targets. In addition to changing plans, California and its local governments have reoriented land use and transportation planning and funding to support development in walkable, mixed use communities, expand transportation options and hold developments accountable for implementing actions to reduce VMT. By comparison, outside Portland Metro, most Oregon metropolitan areas have yet to begin planning to meet GHG reduction targets and business-as-usual planning for land use and transportation continues.

While it is true that Oregon starts in a better place than California thanks to statewide land use planning - and hence reduced sprawl- we cannot rest on our laurels. We still have sprawl inside UGBs and a need for infill and redevelopment; our transit systems are underfunded and therefore under-serving; pressure remains to continue building outward; and most transportation funding still goes to roads.

California's success and progress with a remarkably similar framework (state goals implemented through metropolitan land use and transportation plans) provides lessons about effective actions that Oregon can learn from. California's experience also shows that changing local plans and codes to allow climate friendly development is just one step and must include redirecting public spending to support and prioritize development and transportation improvements and programs that reduce GHG and VMT¹. The table below compares California and Oregon actions on key efforts and outlines actions LCDC could - and should - take to accelerate progress in Oregon

| California | Oregon | Things LCDC should do |
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| GHG Reduction Targets | | |
| Both states have adopted regional GHG reduction targets that call for metropolitan areas to plan to reduce GHG emissions by about 20% by the year 2035 | | |
| In 2010, California adopted GHG reduction targets for California's 17 metropolitan areas. In 2016, California adopted updated targets | In 2011, LCDC adopted GHG reduction targets for Oregon metropolitan areas. In 2017, LCDC adopted updated targets which call for GHG 20-30% by 2050 | |
| Metropolitan Planning for GHG Reduction | | |
| GHG reduction planning is <u>mandatory</u> . All 17 of California's MPOs have adopted Sustainable Communities | GHG reduction planning is <u>largely voluntary</u> . Portland Metro is required to meet GHG targets and adopted its Climate Smart | <ul style="list-style-type: none"> • Work with ODOT to adopt state performance measures for GHG, VMT, compact mixed use development, mode share |

¹ While California has adopted regional plans to reduce emissions goals, it does face issues with implementation that Oregon can also learn from: <https://cal.streetsblog.org/2018/11/26/report-california-efforts-to-reduce-transportation-emissions-are-not-working/>

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| Strategies (SCS) that meet state GHG targets. Most are now preparing their 3rd SCS update. | plan in 2014. Oregon’s other metropolitan areas have prepared modest “strategic assessments” but none are currently working on plans to meet GHG targets. | to guide MPO plan updates. ² <ul style="list-style-type: none"> Amend the TPR to require cities to adopt housing and employment allocations to climate friendly areas to guide MPO and other plan updates³ |
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Planning for Climate Friendly Areas

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| The Bay Area plan designates “ Priority Development Areas ” to focus planning for higher density mixed use development in connected communities with good transit service. Transportation funding is targeted to projects that support development in these areas. | Metro’s 2040 Growth Concept designates a series of town centers, main streets and other areas for compact mixed use development. DLCD is proposing to amend the TPR to require metropolitan cities to designate “Climate Friendly Areas” in future TSP updates | <ul style="list-style-type: none"> <i>Immediately</i> Designate “Climate Friendly Areas” ASAP and direct DLCD financial and technical assistance in metropolitan areas to help plan for development in CFAs Work with ODOT and other state agencies and RSTs to target state funding assistance in metropolitan areas to support climate friendly development |
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State Transportation Plan & VMT Reduction

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| In 2016, CalTrans adopted the 2040 CTP including goals for GHG and VMT reduction. In Feb 2021, Caltrans adopted an updated plan that calls for 27-35% reduction in TOTAL VMT by 2050, major increase in non-auto mode share | The current OTP dates from 2006 and assumes VMT will increase. The Statewide Transportation Strategy (STS), developed in 2013, says a 23% reduction in VMT per capita is needed to meet 2050 goals. However, although the STS was formally “adopted” by the OTC in 2019 it includes only recommendations. No other ODOT plans or policies call for achieving VMT reduction of GHG reduction goals. An update to the OTP is scheduled for 2022 | Amend the TPR to require that transportation plan updates plan for VMT reduction consistent with the STS and GHG reduction targets. |
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Review of Plan Amendments & Major Development

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| In California, major developments and plan amendments are subject to review under the state’s | Neither plan amendments nor major developments are subject to review for VMT or GHG impacts by ODOT or DLCD. | Amend the TPR to require that plan amendments and zone changes in metropolitan areas advance climate friendly |
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² While MPOs aren’t directly subject to state land use requirements, federal law requires that MPO plans meet ODOT adopted performance measures - and Governor Brown’s Climate Emergency Executive Order (EO 20-04) directs ODOT to adopt STS-based performance measures.

³ MPOs update regional transportation plans every 4-5 years. Housing and employment forecasts provide the basic building blocks for these regional plans. Requiring cities in MPO areas to adopt growth allocations that call for most housing and employment growth in climate-friendly areas - consistent with the STS - would assure that RTP updates help meet GHG goals.

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| <p>environmental quality act - CEQA. In 2019, California adopted SB 743 effectively requiring all new developments reviewed under CEQA to reduce VMT by approximately 15%. The state and local governments have developed detailed guidance ⁴for measures that developments can incorporate to mitigate VMT impacts to carry out SB 743.</p> | | <p>development or include measures that reduce VMT per capita by 15% below the regional average.</p> |
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Coordinating Housing Planning with Climate Goals

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| <p>Among other things, California has invested a significant amount of its cap-and-invest auction proceeds into building affordable housing near transit, with over 7200 units to date (as well as more funding in transit and other non-auto projects).</p> | <p>Although the legislature has directed linking housing and transportation planning to reduce GHG emissions in (at least) the MPOs in several pieces of legislation since 2009, DLCD has not adopted rules or guidelines requiring this as part of a local government's compliance with Goals 10, 12, or 14. These Goals are silent on climate. To the extent that DLCD has started to require more diverse housing types, it is due to the legislature directing it to - in HB 2001 (middle housing), SB 1051 (ADUs), and HB 2003 (regional housing needs analysis). While these are critical improvements to local government housing planning, they are not enough - they are appropriately jurisdiction-wide, and they are focused on relatively modest housing densities. More dense development and affordable housing is needed around transit stops to both increase transit ridership and to benefit all Oregonians. And, none of these more diverse housing types is (yet) linked to walking and bicycling infrastructure improvements.</p> | <ul style="list-style-type: none"> ● Focus TGM grants and assistance provided to metropolitan areas for projects that update local or regional transportation plans to meet GHG reduction targets and implement the Statewide Transportation Strategy. ● Require zoning for increased residential densities within 1/8 mile of transit stops in Climate Friendly Areas. ● Focus affordable housing investments in climate friendly areas. ● Require increased densities and other zoning tools in CFAs to ensure 40%-50% of all new housing and other development occurs in them. |
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⁴ See for example, San Diego's VMT Reduction Calculator Methodology: https://icommutesd.com/docs/default-source/planning/tool-design-document_final_7-17-19.pdf?sfvrsn=2

Memo to DLCD
From Al Johnson
Re: Draft Climate-Friendly and Equitable Community rules
August 23, 2021

Note: I am submitting these preliminary questions, comments and suggestions from a motel room in Spokane because of the extremely short deadline we were given at last Wednesday's CCRAC meeting.

Briefly, the draft rules raise serious questions as to their relationship to and consistency with the statewide Housing and Urbanization Goals and with related statutes designed to equitable and efficient utilization of residential lands inventories within existing Urban Growth Boundaries. These conflicts have not been addressed or even acknowledged in any of the materials or presentations provided to the CCRAC to date.

The proposed rules say nothing about infill on urban residential lands inventories which will remain outside of designated Climate-Friendly Areas. In fact, they indirectly discourage it, even though in many, perhaps most cases, those non-CFA areas have the greatest potential to accommodate additional housing, reduce commute times, and avoid climate-polluting sprawl.

As drafted, the proposed rules require urban jurisdictions to allocate 30 percent of their future housing supplies to CFAs without regard to whether such an allocation is economically feasible, equitable, or even safe, and without regard to 20-year housing needs and supplies adopted pursuant to the Statewide Housing Goal and Needed Housing Statutes. They reward jurisdictions which do so by allowing them a large credit toward expanding their Urban Growth Boundaries and penalize those which don't by denying that credit.

In so doing, they slight not only the LCDC's own Housing and Urbanization Goals, but also the Governor's order and transportation strategies that they are supposed to implement. As Kevin's August 11 background memo says:

"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 . . . 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-travel mode choices for Oregonians, and enhance the effectiveness of public transportation and other modal options."*

Nothing we have seen so far addresses the biggest infill potential within current UGBs.

Contrary to their purpose, the actual effect of the rules, if adopted as drafted, will be to reduce the capacity of existing urban residential areas to accommodate infill, while existing inequities resulting from historic zoning patterns and practices will be further entrenched. That is flat wrong: It was never ok to set or maintain effectively exclusionary densities to protect property values, and is not ok to reduce climate impacts.

I'm sure that even a cursory review of adopted HNAs and BLIs would show that the vast majority of the capacity of Oregon's existing urban growth areas to accommodate future housing needs will continue to be outside of CFAs and that utilizing that capacity will prevent sprawl and climate pollution, not cause it.

I believe the rules can and should be modified to eliminate these concerns.

CFAs should be designated in sizes, shapes, and locations that are consistent with Housing Needs Analyses and the requirements of the Statewide Housing Goal and that recognize the health, safety, and equity issues involved in further concentrating residential development in heat islands, grocery deserts, polluted areas, and the like.

The rules should not set quotas, benchmarks, or deadlines that reward exclusionary jurisdictions and that penalize other jurisdictions which encourage infill and find other to accommodate some arbitrary quota of future housing because of infill inside their existing UGBs but outside of CFAS.

As touchstones for next steps, I suggest we all keep in mind that the Statewide Housing Goal, by its terms, calls for dispersal of affordable rental and ownership opportunities for Oregonians of all financial capabilities and that so far, we have only been successful at providing adequate opportunities for those of the greatest financial capability:

Goal 10 – Housing

“Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”

As background, here are my pre-meeting questions and comments:

Questions:

1. What are the details of internal coordination between DLCD’s CCRAC team and its housing team concerning the potential impact of the proposed rules on housing affordability and access?
2. What are the criteria for climate-friendly areas? Are there any examples the CCRAC could look at?
3. When and where is capacity of a CFA assessed against Housing Goal, Urbanization Goal, and ORS 197.296?
4. Do mandates to concentrate 30% of future housing in CFAs trump affordable housing dispersal objectives of Goal 10 as augmented by HB 2001 (middle housing) and HB 1079 (accessory dwelling units)?
5. Can LCDC reduce or eliminate existing statutory and goal requirements that cities, counties, and Metro demonstrate with evidence in the record that their buildable lands inventories are adequate to meet their 20-year housing needs?
6. Does Metro’s charter amendment prohibiting it from requiring increased minimum densities in any existing single-family neighborhoods prevent it from including any part of any such neighborhood in a CFA, where the minimum density will be 15 units per acre?

7. When and where do hazards such as fire, flood, pollution, and explosives come into the designation and capacity analyses?

8. Do the rules establish new concurrency hurdles for affordable and accessible needed housing that would prevent, slow, or increase costs of new apartments, townhouses, group residences, manufactured homes, etc., outside of CFAs on lands currently inventoried for such purposes in local and regional buildable lands inventories?

Comments:

I support the purpose of the rules and with most of what they do, including removal of minimum parking requirements, but I remain concerned about the collateral damage that the rules might inflict on BLI integrity and on housing access affordability and dispersal in the rest of our urban areas.

On my quick read, it looks like local and regional land use authorities get a free pass around the otherwise required factual "demonstration" for 30 percent of their housing needs.

Is there some requirement that they show, beyond zoning for it, that a CFA is reasonably likely to be able to deliver on its 30 % share of the 20-year housing needs identified in their HNA's?

Currently, Metro and other jurisdictions properly count only the fraction of their BLIs that they can show is likely to be developed during the planning period.

I recall that ECONW did a report to Metro some years back explaining that an area (maybe in Beaverton?) that was planned and zoned for high-density mixed-use development had gone undeveloped because it had been overzoned for the market. That has happened here in Eugene as well. What if ECONW's analysis indicates that this will retard rather than support development as assumed in some parts of some CFAs?

I hope that the RAC and the Commission can get clear answers to these questions as well as to the interplay between the middle housing statutes, the proposed rules, HNAs, BLI's, and Goal 14's "cannot reasonably accommodate" standard.

Optimism unsupported by facts and reasoned analysis won't cut it.

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) of this rule.
- (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 **in which public safety is maintained or improved**;
 - (e) Provision of on-street parking, off-site long-term lease parking, and shared parking shall be allowed to meet parking mandates **when there are no adopted plans to remove the on-street parking**;
 - (f) **Any required parking spaces may be provided off-site, within a 2,000 feet ~~walking~~ pedestrian path of travel distance**;
 - (g) Parking mandates shall be reduced by one off-street parking space for each 3 kilowatts of capacity in solar panels or wind power included in a development; and
 - (h) Parking lots with five or more parking spaces abutting a street, sidewalk, trail, bikeway, or walkway shall be screened and buffered with a low wall, vegetative barrier, earthen

Commented [NE1]: Private property owners should not have authority over public right-of-way. They do not have the traffic engineering expertise to ensure public safety with implementing the proposed elements. We want to retain local government decision making over the use of the right-of-way. For instance, we wouldn't want a private property owner to place a bike corral along a curb that has been publicly planned for and needs to be used as a bike lane to implement an adopted TSP project. Private property owners can and do submit requests for the city to consider, but it should not be the property owner's decision to determine what is safe and consistent with city policies or not.

As currently written, what is included in transit-oriented developments and "similar facilities"? Bike parking and transit stations make sense, but the rest is very open ended and could be problematic. Would this require jurisdictions to vacate ROW that has on street parking for optimization of TODs? Are we unintentionally allowing sidewalks to jog back and forth as private property owners choose to control limited pieces of the public ROW?

This could further strengthen a common misperception of private property owners having authority over public right-of-way.

Please revise to solely apply to off-street parking areas.

Commented [NE2]: This ensures that curb faces currently used for on-street parking, but are planned for bike facilities in adopted TSP projects, won't be counted. Without this, it could make implementing the necessary bike network connectivity projects even more difficult.

Commented [NE3]: Ablest language.

Commented [NE4]: In conjunction with the ADA comments in 0410 below, will the required parking that is built 2000 feet away be required to have a viable ADA compliant connection available or built? Will those improvements be considered for nexus and proportionality? We recommend that this subsection not be applicable to ADA spaces. ADA spaces should be provided on-site, or at least much closer to the use.

Is the 2000 ft from property lines or from the furthest parking stalls to the main entrance? It could make a very big difference, especially for larger industrial sites, schools, etc.

berm, or similar method. Such screening shall not limit the ability for pedestrians to see cross-traffic.

- (2) Cities and counties shall adopt regulations requiring new development to support electric vehicle charging.
 - (a) For new buildings with five or more parking spaces on a lot or parcel, cities and counties shall require the installation of Level 2 or above electric vehicle charging stations rated at 6.6 kW or higher. The percentage of parking spaces required to have charging stations is listed in OAR 660-012-0012(9).
 - (b) For new buildings with five or more parking spaces on a lot or parcel, cities and counties shall require sufficient dedicated electrical capacity, wiring and conduit to accommodate Level 2 electric vehicle charging stations serving 50% of all parking spaces.
- (3) Cities and counties shall adopt land use regulations for new developments that include more than one acre of surface parking as provided below:
 - (a) Developments must provide one of the following:
 - (A) Installation of solar panel with a generation capacity of at least 0.5 kW per parking space on the property. In lieu of developing solar on site, cities may allow developers to pay \$1,500 per parking space in the development into a city fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose. Developments subject to OAR 330-135-0010 shall be exempt.; or
 - (B) Creation of tree canopy covering at least 50% of the parking lot at maturity but no more than 15 years after planting. Trees planted under this requirement must meet the standards in subsection (3)(b).
 - (b) Developments must provide street trees along major driveways. The tree species planted must be the largest appropriate for the site. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions;
 - (c) Developments must provide street-like design and features along major driveways including curbs, sidewalks, and buildings built to the sidewalk; and
 - (a) ~~Developments must submit a redevelopment plan outlining ways the parking area could 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:~~
 - ~~(e) 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;~~
 - ~~(d) 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:~~

Commented [NE5]: How much of this and the other EV section below is required by legislation vs. going above and beyond what the legislature required?

What will be the economic impacts to developers for this? How much will it potentially deter development due to increased cost? Do we know that the energy infrastructure required to implement this exists or can be feasibly accommodated?

The feedback I received from our Buildings Official is that this section could be costly for developers.

This will require a lot more coordination between building department, utilities boards, and development services to coordinate all of the electrical requirements and thresholds linked to parking supplies.

Please do not specify Level 2 or specific types of technology that will likely soon be out of date.

In Glenwood, this will freeze mixed-use development until the Glenwood substation is resolved.

Commented [NE6]: This should vary depending on use and likelihood of people to charge at that use (i.e. higher use expected at work/home than dropping in for a quick stop somewhere). How does the ODOT EV charging assessment inform and sync up with this?

Commented [NE7]: How is major driveway defined?

Commented [NE8]: We will likely receive pushback on this. Is this really needed with all of the other changes being made that increase burden on developers? Changes to parking areas and associated impervious surfaces after development could affect storm water facilities designed and constructed to handle the runoff.

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- ~~(E) Preparation of a traffic or parking impact analysis; or~~
- ~~(F) A fee exceeding the administrative cost to review a conversion proposal;~~
- ~~(g) 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; and~~
- ~~(h) 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) of this rule.
- (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:

Commented [NE9]: Unless there is a specific and significant problem this is trying to solve, these types of decisions should be made at the local level. Cities want flexibility to meet their own specific community needs and set local policy.

Prohibiting cities from requiring traffic and parking analysis is problematic. This will take away tools for local Planning Commissions to engage with concerned community members since they couldn't require parking analysis to alleviate concerns.

50% seems rather high without some form of analysis justifying it. How long after the 50% is removed before they can then develop the remaining 50% or is that it? Can conversion after conversion be made over and over again, getting to smaller and smaller requirements?

Commented [NE10]: How are public safety (emergency / evacuation route access) issues raised at RAC #6 being addressed? Not only will unsafe situations with unauthorized on-street parking be exacerbated in residential areas, it could also increase costs for businesses that may need to enforce parking requirements as a result of residential area parking spilling into their parking.

Commented [NE11]: ADA space preservation – please include and explicitly state in the rules how ADA spaces will continue to be required. If a jurisdiction takes one of the “complex option” routes, it could be confusing to have two different parking space requirement tables in the code (one that would apply solely for ADA parking purposes as a percentage of current parking requirements and one that implements these new rules). It's still going to be quite some time before cities will be fully accessible, even within areas close to frequent transit corridors. We need to make sure that people with disabilities can live in our cities. These rules should in fact make cities *more* accessible for people with transportation barriers and mobility challenges, not more burdensome, if we are to achieve the equity outcomes the RAC developed at the beginning of this process.

Building Code – ADA spaces are based on # of required parking spaces. If # of required spaces = 0, how are ADA parking spaces and needs being preserved in these rules?

- (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-quarter mile walk pedestrian travel path 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-quarter mile walk-pedestrian travel path 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
 - (D) A tax on the income from commercial parking lots collecting no less than 10% of income, with revenues dedicated to improving transportation alternatives to drive-alone travel.
 - (b) A reduced regulation parking management approach, shall include all of the following:
 - (A) Repeal all parking mandates within ½ mile walking distance of Climate-Friendly Areas;
 - (B) Repeal parking mandates for transit-oriented development and mixed-use development;

Commented [NE12]: Removing ableist language.

Commented [NE13]: Priority transit corridors typically have more spaced out stops to have faster travel times. Given this, a "one-half mile or priority transit corridors" could mean walking closer to 3/4 or 1 mile from some locations. Springfield Code allows reduction of spaces for within 1/4 mile of existing or proposed FTN. Since generally people are willing to walk about 1/4-1/2 mile to frequent transit (see [https://safety.fhwa.dot.gov/ped_bike/ped_transit/ped_transguide/ch4.cfm#:~:text=A.,stop%20\(see%20figure%20below\)](https://safety.fhwa.dot.gov/ped_bike/ped_transit/ped_transguide/ch4.cfm#:~:text=A.,stop%20(see%20figure%20below))), the proposal is likely too large of an envelope distance. The ¼-mile alternative I've shown in text should likely result in ½ - ¾ walking distances.

Significant funding would be needed to ensure safe walking/biking facilities within this distance of priority transit corridors, especially in some industrial areas.

Need to account for barriers to pedestrian routes (i.e. railroad right-of-way, existing development, hillsides/streets unable to meet slop standards, natural resource protection areas, historic landmark sites or structures, rivers without ...

Commented [NE14]: For all four of these provisions, it would be helpful to identify what the implementation mechanism is (i.e. development code update, municipal code amendment, establishment of an ongoing program and if so which entity manages it, etc.). What are the enforcement mechanisms? Entirely different type of code enforcement activity than we have done. Resource intens ...

Commented [NE15]: How is residential over-spill onto unsafe street parking locations prevented? (cars parking across sidewalks, blocking ADA ramps, double parking, parking both sides of street and blocking fire trucks/emergency access and evacuation, etc.)

Commented [NE16]: Can you please provide examples of this in small to mid-sized cities? Would this be a municipal code amendment as the implementation mechanism? How has this been done? Are there lessons learned? Do cities have the authority to do this (we could make it a condition of approval at time of development, but then what?)? How is it tracked over time?

Commented [NE17]: I like this. However, who pays for it? If it is paid by the employer as it seems, does this deter employers from locating in our communities and thus limit our tax revenue and potentially conflict with economic development goals?

Commented [NE18]: When does this section of the rules go into effect? Do they only apply to new parking at time of development or would they trigger nonconforming uses to come into compliance?

As Rob noted, local jurisdictions should have more flexibility over the use of the funds. ...

- (C) Repeal parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;
- (D) Repeal parking mandates for studio apartments, one-bedroom apartments and condominiums in residential developments of five or more units on a lot or parcel;
- (E) Repeal parking mandates for redevelopment of buildings vacant for more than two years;
- (F) Repeal parking mandates requiring additional parking for change of use, redevelopment, or expansion of existing businesses;
- (G) Repeal parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or on a local inventory of historic resources or buildings;
- (H) Repeal parking mandates for businesses with fewer than ten on-site employees or 3000 square feet floor space;
- (I) Repeal parking mandates for developments built under the Oregon Residential Reach Code;
- (J) Repeal parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;
- (K) Set parking maximums in appropriate locations, such as downtowns, Climate-Friendly Areas, and transit oriented-developments;
- (L) Adopt regulations allowing and facilitating shared parking; and
- (M) Designate at least one residential parking district or parking benefit district where on-street parking is managed through permits, time-based limits, 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.

Commented [NE19]: For a lot of smaller and mid-sized communities, having an incremental step that allows for time based parking limits without having to manage pricing is a helpful tool to have available to use.

Commented [NE20]: Why is this section separate from 0405? It seems as if it would be less confusing to have the sections combined instead of having to look to different sections of the rules for similar topics (i.e. EV charging requirements).

- (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~~20% 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) of this rule:
- (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.

Commented [NE21]: Are these materials commonly available or more specialized (and presumably more costly)? Once installed, who pays for the electricity required to operate the charging stations? Are they going to be user pay or will the cost be borne by the developer? Or is it flexible?

Commented [NE22]: 20% would match other definitions of disproportionate cost (i.e. ADA)

Commented [NE23]: For large developments, this could be a significant cost burden, especially if retrofit measures have to be made to existing parking facilities (i.e. Shoppes at Gateway). 30% is a high percentage.

From: [Ariel Nelson](#)
To: [CFEC DLCD * DLCD](#)
Cc: [MASON Palmer * DLCD](#); [GREENE Kirstin * DLCD](#)
Subject: LOC Comments on CFEC Draft Rules
Date: Friday, August 27, 2021 5:24:59 PM

Dear DLCD CFEC Rulemaking Staff,

I'm emailing to share feedback from the LOC, in addition to our and individual cities' survey responses. Please understand our feedback comes in full support for the goals of the executive order and in recognition of the need to take bold, quick action on climate. The LOC is committed to supporting the RAC process and ensuring the resulting rules are bold, equitable, and implementable.

The current proposed rules are very prescriptive, both in terms of local implementation requirements and timelines. Hyper-specific requirements for block length, building setbacks, parking and others pose unintended consequences that will undo existing and anticipated local plans for climate friendly and equitable communities. These include efforts that cities have spent years and considerable investment to develop and implement, as well as planning work that is anticipated in the near future, including TSP updates and HB 2003 implementation.

In addition, the proposed local implementation deadlines are far too short for cities to meet given existing state and local resources and local staff capacity that is stretched thin. Cities do not have the capacity to meet the proposed additional local reporting timelines and requirement to stand up new, local advisory committees. Any new local implementation and reporting requirements should build on and align as much as possible with existing local efforts. Furthermore, the current rulemaking process and timeline is far too short and does not include adequate representation from impacted cities needed to ensure the rules will achieve the goals of the executive order and avoid unintended consequences that would undermine these goals.

In light of these concerns, the LOC respectfully requests that DLCD shift its approach and structure the rules to a more outcomes or performance-based approach to allow local governments to align and update their existing and current planning processes to meet our shared climate goals. We are committed to working with our fellow RAC members to identify bold priority outcomes in rule that can be measurable, impactful, equitable, and implementable – in a quick timeframe. Alternatively, if DLCD is going to continue to pursue prescriptive requirements, we request that the rulemaking timeline be extended to allow adequate analysis, vetting and critical participation from affected cities.

Again, the LOC shares DLCD's goals to promote climate friendly and equitable communities. We remain committed to supporting this rulemaking effort and look forward to discussing next steps with DLCD and fellow RAC members.

Thank you,
Ariel

From: Cassie Lacy <clubenow@bendoregon.gov>
Sent: Friday, August 27, 2021 3:29 PM
To: CAUDEL Ingrid * DLCDC <Ingrid.CAUDEL@dlcd.oregon.gov>
Cc: HOLMSTROM Bill * DLCDC <Bill.HOLMSTROM@dlcd.oregon.gov>; YOUNG Kevin * DLCDC <Kevin.YOUNG@dlcd.oregon.gov>
Subject: RE: RAC 7 Surveys closing today - 5pm

Hey Ingrid, Bill and Kevin,

Attached are comments/questions on specific rules proposed in the packet from City of Bend planning staff. This didn't fit well into the survey format so I hope providing comments in this way is acceptable. For some sections of the rules, we didn't have enough time to get the right staff to be able to provide review and input, so any additional time or process to review the rules further would be much appreciated.

Thanks,
Cassie



Cassie Lacy | Senior Management Analyst
Direct: 541-323-8587 | City Hall: 541-388-5505



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City of Bend

**Comments on Climate Friendly and Equitable Rulemaking in Item 7, Packet 7 – Divison 12 and 8 rules
August 27, 2021**

Page 7 of 39, See (2), line 12

- If wasteful spending is being brought up, is there an opportunity to call ODOT out on their constant financial mismanagement? The money they're not spending on highway projects can go to cities to ensure safe rights of way for walking, bike riding, and transit.

Page 8 of 39, See OAR -660-012-016, lines 29 and 30.

- This is confusing. This coordination between cities, counties, and MPOs is critical for planning at the metropolitan level. How will the rule get at the results that are desired, but not being achieved now?

Page 11 of 39, OAR 660-012-012, Effective Dates

- (3) – clarify that the “planning area” is the area within a cities UGB, and does not also include areas outside of the UGB that are unincorporated county.
- (4) – change the effective date in line 18 to October 1, 2023. Cities will need time to create a mission and recruit and appoint members for this standing land use and transportation committee. Alternatively, amend rule that allows an existing committee whose charge is climate to serve in this role.
- (6), Line 26 – change required date to June 30, 2023. Cities will need time to get this work done, especially if they have not already started the housing and employment land inventories and need analyses required to support the designation of a CFA. Designation of a CFA will also require not only consideration of the housing need met in these areas, but will need to account for and land for employment that may be relocated and redesignated elsewhere in a UGB to ensure the CFA can accommodate 30% of needed housing.
- (7) Line 36, change date to December 21, 2023
- (8) Lines 40 and 42 – again, cities will need more time to complete this work, including the creation of a pricing system for on-street parking. Add one year to each date.

Page 12 of 39, -012, Effective Dates (continued)

- (9), Lines 1 through 6 – again cities will need time and for this requirement budget. Has the Department completed any cost estimating for an electrical permit, materials, and labor to install one EV charging station? This will help with cities completing this work in the public right of way and publicly owned parking lots. Cities will also need time to complete a parking inventory so an actual number can be calculated for number of spaced needing an EV charging station to meet the rule.

- Lines 18-19 refer to a list of priority populations from the Governor's office. Will this be made available through the DLCD website? Is this different from those populations referred to under the draft rule under sub (2), pages 16-17?

Page 17 of 39, -0125, Decision-making with Priority Populations

- Sub (1) – allow for an existing committee to serve this function, e.g. City of Bend Human Rights and Equity Commission (HREC).
- Sub (2) – for the land use and transportation advisory committee, amend rule to allow an existing committee to potentially serve, such as City of Bend Environment and Climate Committee.

Page 21 of 39, -0300, Coordinated Land Use and Transportation Planning

- Clarify whether a County must also adopt a CFA if the proposed CFA is already within the city's corporate limits and UGB.

Page 22 of 39, -0310, Designation of Climate Friendly Areas

- Both (4) and (5) need clarification - what actions are required of a city and/or county? Should these be (3)(a) and (3)(b) instead?
- Page 23 of 39, -0320, Process for Designation of Climate-Friendly Areas
- (6) – Question (Cassie, you may already know this) is the expectation that cities designate one or more than one CFA?

Page 23 of 39, -0320, Process for Designation of Climate Friendly Areas

- (2) building height – there seems to be an inconsistency regarding height. Sub (2) allows for a height less than 100 feet if a height limit has already been established. For example, if the City had an adopted mixed-use zone with a height limit of 65 feet, would that satisfy this rule? Under what circumstances would the city have to allow a higher height limit?
- (3) Climate Friendly comprehensive plan element. Is the Department planning on developing a guidebook or providing guidance on how to best complete this element?

Page 24 or 39, -0325, Land Use Requirements in Climate Friendly Areas

- (6) Height limit language requiring a height of at least 100 feet in consistent with - 0320(2)

Page 30 of 39, -0410, Reduction of parking mandates

- (5) the rules need a longer time period for compliance – recommend 2024 on line 22. This is going to be ugly at the local level, even with a supportive city council and constituency.

660-008-0050, Housing Production Strategy Report

(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.

- What does increase the residency of state and protected classes within CFAs mean? Encourage these people to look to these areas first for housing? How will achievement of this objective be measured?

From: Noel Johnson <noelallenjohnson@yahoo.com>
Sent: Friday, August 27, 2021 9:49 AM
To: YOUNG Kevin * DLCD <Kevin.YOUNG@dlcd.oregon.gov>
Subject: Re: Climate Rules feedback from RAC member

Sounds good.

Regarding less need for on-site parking, with the height you are including it seems you are thinking four to 7 story massing. If this is the case, even one “tray” of parking will only get you to about 0.5 stalls per unit. A ratio that is rather low. From this, the geometric considerations probably become one of the most important levers to ensure cost-effective house, etc. build at desired densities.

Noel
503.290.4095

On Aug 27, 2021, at 9:06 AM, YOUNG Kevin * DLCD <Kevin.YOUNG@dlcd.oregon.gov> wrote:

Hi Noel, thanks for the input! I’ll make sure to include this with the other feedback we’ve received. Of course, with the proposed changes to parking mandates, there may be less need for on-site parking. However, I understand that the market may still provide parking regardless of city requirements, or the lack thereof, so geometric considerations are relevant.

Thanks again,

Kevin Young, AICP

Senior Urban Planner | Community Services Division | Cell: 503-602-0238

Pronouns: He/Him

kevin.young@dlcd.oregon.gov | www.oregon.gov/LCD

<image001.jpg>

*Beginning **Monday, June 14th**, my new email address will be kevin.young@dlcd.oregon.gov. Please update your records and note that your Outlook Cache may need to be cleared.*

From: Noel Johnson <noelallenjohnson@yahoo.com>

Sent: Friday, August 27, 2021 9:00 AM

To: YOUNG Kevin * DLCD <Kevin.YOUNG@dlcd.oregon.gov>

Subject: Climate Rules feedback from RAC member

Hi Kevin,

I know I've missed the last climate action meeting but i've tried to review materials provided. One simple note I wanted to pass along was in regard to the maximum 250' length of block in Climate Friendly Areas. It should be 260' because one of the most basic things this rule is driving at is to have more density of development.

Development occurs based on fundamental geometries and derive from basic sizes of things we use. The size of a bed. The size of a car. The size of an office desk. Etc. In this way, parking wants to have about 65' "modules" and that does not divide into 250'. See attached visual illustration of the basic parking geometry. What will occur is the land will be both less efficiently developed AND more costly to develop.

This is one of the problem's with Portland's 200 x 200 or 200 x 400 block grids; they don't divide into parking geometry. We used to "solve" this by putting the parking under the sidewalks and squeezing the parking sizes and drive isles. But PBOT killed this about 10 years ago when they started charging for this and creating legal uncertainties.

I know the RAC does not have much actual experience with development, and the few person who say they do really don't have much actual experience. In this way, I'm sorry I have been unable to be as hands-on but now that you are down to the details please, please feel free to reach out with questions like this on any other specifics because I do want this effort to produce the outcomes desired. And often, it doesn't because the small, specific numbers put into rules don't make sense and thus hinder...

There may also be "easy" concessions to give to NIMBY and progressives-in-name-only groups; for example, the heigh limit of 100' is an odd number as it does not match any of our building code-created typologies. You could lower it to 85' and there would probably be zero impact to what actually gets built. Very few 100' buildings are ever created for myriad fundamental reasons.

Finally, regarding Section (10), I think this is a huge issue as local government's collect SDC money but then do not spend it or spend it elsewhere. Portland is the worst at this; for example, Portland Park's is doing a great job of creating NIMBY issues in NW Neighborhood where they have collected over \$17m of parks SDCs in the past 10 years but have not spent any of it inspite of have the land for the new park already figured out via the Conway Master Plan.

Thanks,
Noel Johnson
503.290.4095

From: [Julie Warncke](#)
To: [CAUDEL Ingrid * DLCD](#); [HOLMSTROM Bill * DLCD](#); [YOUNG Kevin * DLCD](#)
Cc: [Lisa Anderson-Ogilvie](#); [Eunice Kim](#)
Subject: RAC Meeting
Date: Friday, August 27, 2021 12:51:28 PM
Attachments: [TPR Amendments_RAC7.docx](#)

Ingrid, Bill, and Kevin,

Salem staff support the stated goals of the CFEC rulemaking. Many of the objectives being addressed by this rulemaking align with work currently underway with the Our Salem project and the City's Climate Action Plan. We want to ensure that we can build on the significant work already being done in Salem. To this end, we encourage more flexibility in the rules so that we are not put in a position of having to immediately re-do valuable work that has taken a few years to develop and relied on significant community engagement.

We would like to request a meeting with DLCD staff to discuss how these rules can better align with our planning work program.

The initial draft rules need significant refinement and iterative review so that they can be successfully implemented across all applicable jurisdictions. The rules need to allow flexibility for local governments to shape regulations to fit their unique communities. Associated with this is the need to gather input from a broad segment of the public, with an emphasis on those who have been excluded historically. This takes time and requires flexibility so that the resulting regulations can be informed by that input. Many of the rules are inter-related, including sections that have not yet been released. Additional time will be needed to fully understand and respond to the interplay of these proposed regulations.

Please see attached comments on the draft TPR rules. Following is a summary of some key comments:

- Timelines are unrealistic. DLCD needs to outline how timelines all fit together to inform how best to sequence/prioritize work. Given the large workload, I think the DLCD with RAC input should prioritize which actions need to come before others.
- The Governor's Executive Order directs DLCD and ODOT to provide financial and technical assistance to metropolitan areas to amend transportation and land use plans that meet State GHG reduction goals. What resources does DLCD have to support implementation of these proposed rules? This should be a factor in the implementation timelines.
- Align CFA designation with already established HNA timelines.
- Draft rules are too prescriptive.
- The lack of flexibility in the standards for CFAs will probably limit the designation of climate friendly areas. Salem may just use downtown (if we can) and not expand to any corridors due to height standards, lack of setbacks, etc.
- Amending the TPR Purpose Statement to de-emphasize street connectivity for all travel modes seems to be going backwards and brings up visions of 1970's subdivisions with lots of cul-de-sacs with only pedestrian path connections.
- Allowing cities and counties to separately meet requirements creates questions regarding how rules would be applied, especially as it relates to designation of CFAs.

- There should be an allowance for all jurisdictions to expand the role of existing commissions rather than creating a new land use and transportation committee.
- Private developers/property owners should not have control over public right-of-way as is suggested in the draft rules Section 0405.
- The connection between removing parking minimums and reducing GHG (or VMT) has not been demonstrated. If adopted as currently proposed, there will be significant public pushback. The State needs to provide evidence that these rules will result in the intended outcomes.
- The alternative approaches to address parking (0410(2) – (5)) are too unwieldy and too prescriptive.
- The rules targeting structured parking are likely to result in more surface parking lots.
- The EV parking requirements exceed legislative requirements and appear to be arbitrary. It is not clear that they are tied to anticipated demand.
- The contents of a minor report are more than would be considered minor.

Please let me know when you would be available to meet with me, Lisa, and Eunice.
Thanks!

Julie H. Warncke

Transportation Planning Manager

City of Salem | Public Works Department

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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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1 **Updated Rules**

2 **Changes to Existing Rules**

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

4 0000: Updates to reflect changes across the division.

5 0005: Updates to reflect changes across the division.

6 0015: Changes to remove requirements specific to metropolitan areas.

7 0016: This rule only applies in metropolitan areas and is proposed to be deleted.

8 0035: Changes to remove requirements specific to metropolitan areas.

9 0045: Changes to remove requirements specific to metropolitan areas.

10 0060: Updates to reflect changes across the division.

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

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

14 **0000: Purpose**

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

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

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

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

34 (a) Provide for safe transportation for all Oregonians;

- 1 (b) Promote the development of transportation systems adequate to serve statewide, regional
2 and local transportation needs and the mobility and access needs of the transportation
3 disadvantaged;
- 4 (c) Provide for affordable, accessible and convenient transit, pedestrian, and bicycle access
5 and circulation, with improved connectivity to destinations people want to reach, such as
6 education facilities, work places, services, shopping, places of worship, parks, open
7 spaces, and community centers;
- 8 (d) Ensure Oregon meets its statutory and executive goals to reduce climate pollution by
9 reducing pollution from transportation;
- 10 (e) Recognize and remedy impacts of past practices such as redlining, displacement,
11 exclusionary zoning, and roadway and other public infrastructure siting that harmed
12 certain populations;
- 13 (f) Engage those populations in decision-making and prioritize investments serving those
14 communities;
- 15 (g) Facilitate the safe flow of freight and other goods and services within regions and
16 throughout the state through a variety of modes including road, air, rail and marine
17 transportation;
- 18 (h) Protect existing and planned transportation facilities, corridors and sites for their
19 identified functions;
- 20 (i) Provide for the construction and implementation of transportation facilities,
21 improvements and services necessary to support acknowledged comprehensive plans;
- 22 (j) Identify how transportation facilities are provided on rural lands consistent with the
23 goals;
- 24 (k) Ensure coordination among affected local governments and transportation service
25 providers and consistency between state, regional and local transportation plans; and
- 26 (l) Ensure changes to comprehensive plans are supported by adequate planned transportation
27 facilities for all modes.
- 28 (1) ~~This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage~~
29 ~~a safe, convenient and economic transportation system. This division also implements provisions~~
30 ~~of other statewide planning goals related to transportation planning in order to plan and develop~~
31 ~~transportation facilities and services in close coordination with urban and rural development. The~~
32 ~~purpose of this division is to direct transportation planning in coordination with land use planning~~
33 ~~to:~~
- 34 (a) ~~Promote the development of transportation systems adequate to serve statewide, regional~~
35 ~~and local transportation needs and the mobility needs of the transportation disadvantaged;~~
- 36 (b) ~~Encourage and support the availability of a variety of transportation choices for moving~~
37 ~~people that balance vehicular use with other transportation modes, including walking,~~
38 ~~bicycling and transit in order to avoid principal reliance upon any one mode of~~
39 ~~transportation;~~
- 40 (c) ~~Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and~~
41 ~~circulation;~~
- 42 (d) ~~Facilitate the safe, efficient and economic flow of freight and other goods and services~~
43 ~~within regions and throughout the state through a variety of modes including road, air,~~
44 ~~rail and marine transportation;~~
- 45 (e) ~~Protect existing and planned transportation facilities, corridors and sites for their~~
46 ~~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.

Commented [JW1]: Is there a definition for “common air pollution”?

(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-all~~ travel modes.

Commented [JW2]: I believe that planning a well-connected network of streets and supporting improvements are vital for all travel modes, not just non-driving modes. We have worked hard to provide local street connectivity – this change would suggest that we are OK with reverting to the development patterns with lots of cul-de-sacs that are connected only by pedestrian walkways.

(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.

1 **New Rules 0011-0012: Applicability and Effective Dates**

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

6 **0011: Applicable Rules**

7 This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-
8 0100 and above. Local governments in other parts of the state will continue to use the existing rules,
9 although cities outside metropolitan areas may opt into using the updated rules if they wish.

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

11 OAR 660-012-0000, Purpose

12 OAR 660-012-0005, Definitions

13 OAR 660-012-0010, Transportation Planning

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

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

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

17 The latter two rules only apply to rural lands statewide.

- 18 (1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-
19 012-0012, OAR 660-012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide.
- 20 (2) OAR 660-012-0100 through OAR 660-012-0910 apply to the following local governments:
- 21 (a) Cities within metropolitan areas;
- 22 (b) Portions of counties within Urban Growth Boundaries of cities in metropolitan areas; and
- 23 (c) Metro.
- 24 (3) OAR 660-012-0010 through OAR 660-012-0055 apply to all local governments other than those
25 listed in section (2) of this rule, where this division is applicable.
- 26 (4) Cities that otherwise would be required to use rules as provided in section (3) of this rule, may
27 choose to instead adopt a Transportation System Plan meeting the rules that apply to jurisdictions
28 as provided in section (2) of this rule. Upon acknowledgement of such a Transportation System
29 Plan, the city shall continue to be subject to these rules in all respects.
- 30 (5) All cities are either subject to the rules in section (2) or section (3) of this rule, but not both.
- 31 (6) Counties may have different applicable rules in different parts of the county.

1 **0012: Effective Dates**

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

5 (1) The rules in this division adopted on [March XX, 2022], and amendments to rules in this division
6 adopted on that date, are effective April 26, 2022, except as provided in this rule.

7 (2) A city or county adopting, amending, or updating a Transportation System Plan that is required to
8 meet the requirements as provided in OAR 660-012-0100 may instead use existing requirements
9 as provided in OAR 660-012-0015 if the city or county has submitted notice of the proposed
10 change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later
11 than May 30, 2022.

12 (3) Planning areas as provided in OAR 660-012-0110 are for the entire urban growth boundary until
13 and unless a county acts to separate the planning area as provided in that rule. Inside the Portland
14 Metropolitan Area, cities, counties, and Metro shall designate planning areas within the urban
15 area no later than June 30, 2022.

16 (4) The standing land use and transportation planning advisory committee required to be established
17 as provided in OAR 660-012-0125 must be established and hold a first meeting no later than
18 October 1, 2022.

19 (5) The requirements of OAR 660-012-0170 limiting the use of motor vehicle congestion standards
20 take effect on January 1, 2023.

21 (6) Cities and Counties shall designate Climate-Friendly Areas as provided in OAR 660-012-0310 as
22 follows:

23 (a) A city or county outside a metropolitan service district with a population of 10,000 or
24 more within the urban growth boundary that is subject to the requirements of OAR 660-
25 012-0310(1) shall designate Climate-Friendly Areas as provided in OAR 660-012-0320
26 by in coordination with the timelines established for updating Housing Needs Analysis
27 March 31, 2023.

28 (b) A city or county outside a metropolitan service district with a population of more than
29 2,500 within the urban growth boundary that is subject to the requirements of OAR 660-
30 012-0310(1) shall designate Climate-Friendly Areas as provided in OAR 660-012-0320
31 by March 31, 2024.

32 (c) Within the urban growth boundary of a metropolitan service district, a county with
33 planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer,
34 stormwater, and transportation services; or a city shall meet the requirements of OAR
35 660-012-0310 by March 31, 2023.

36 (7) Cities and counties must adopt comprehensive plan amendments and land use regulations meeting
37 requirements as provided in OAR 660-012-0400 no later than December 31, ~~2022~~2023.

38 (8) Cities and counties choosing to report on the share of on-street parking spaces that are priced as
39 provided in OAR 660-012-0415(1)(a)(B) must, through an annual report required as provided in
40 OAR 660-012-0900:

41 (a) Demonstrate at least 5% of on-street parking spaces are priced by December 31,
42 ~~2022~~2024; and

Commented [JW3]: I have inserted some possible dates into my edits, however I need to see an overall picture of how all of the proposed timelines inter-relate, including Regional Scenario Planning. There is a lot of work in all of these rules, and only a small handful of people to work on it. Additionally, there is a limit to community capacity for engagement. It may be best to have each jurisdiction propose a schedule/work plan for implementation.

Commented [JW4]: I cannot comment whether this timeline is realistic without knowing what the proposed rule contains.

Commented [JW5]: Because the designation of CFA is directly related to ensuring 30% of housing units can be provided within CFAs, the deadline for this effort should be tied to the already-established timelines for updating HNAs.

This proposed deadline is not a realistic timeframe to both designate, develop, and adopt the code requirements for these areas. This is particularly true given direction to include community engagement. Community engagement of populations that have not historically been included takes more time and effort to reach. Additionally, if a new committee is required – or an existing committee has a new role – there will need to be time to create/engage them.

It seems to me that there needs to be a decision on what is the highest priority and use that to help guide coordination of deadlines.

Commented [JW6]: This timeline implies that the desire is for all jurisdictions to simply eliminate off-street parking requirements because there is not sufficient time to work through the much more complex provisions. This is not respectful of the intent of community engagement.

Commented [JW7]: How are you defining all on-street parking spaces? We do not have an inventory of on-street parking spaces throughout the City. All residential streets, etc.

Commented [JW8]: I'm just proposing dates that would allow time for jurisdictions, with community engagement, to first choose their approach, and then to implement. Although even this may not be enough time for a jurisdiction that currently does not have priced parking.

1 (b) Demonstrate at least 10% of on-street parking spaces are priced by December 31,
2 ~~2024~~2027.

3 (9) Cities and counties must implement the requirements for electric vehicle charging stations as
4 provided in OAR 660-012-0405(42) as follows:

5 (a) Starting January 1, 2023, at least 20% of parking spots must have a charging station;

6 (b) Starting January 1, 2025, at least 25% of parking spaces must have a charging station;
7 and

8 (c) Starting January 1, 2030, at least 30% of parking spaces must have a charging station.

9 (10) Requirements as provided in OAR 660-012-0900 are modified as follows:

10 (a) The first reporting year for the reporting requirements as provided in OAR 660-012-0900
11 is 2022, with reports due no later than May 31, 2023.

12 (b) Cities and counties otherwise required to complete a major report for the 2022 reporting
13 year as provided in OAR 660-012-0900 may delay submission of the major report until
14 the 2023 reporting year. A city or county electing to do so must submit a minor report for
15 the 2022 reporting year and cite this provision in that report.

Commented [JW9]: How does this align with legislative requirements?

16 New Rules 0100-0299: General Provisions

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

22 0100: Urban Transportation System Plans

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

27 (1) Cities shall develop and adopt an urban Transportation System Plan. An urban Transportation
28 System Plan includes the following elements:

29 (a) The core Transportation System Plan elements as provided in section (2) of this rule;

30 (b) Transportation System Inventories as provided in OAR 660-012-0150;

31 (c) A pedestrian system element as provided in OAR 660-012-0500;

32 (d) A bicycle system element as provided in OAR 660-012-0600;

33 (e) A public transportation system element as provided in OAR 660-012-0700;

34 (f) A street and highway system element as provided in OAR 660-012-0800;

35 (g) A financial plan as provided in OAR 660-012-0205.

36 (h) A financially-constrained project list as provided in OAR 660-012-0210; and

- 1 (2) Transportation System Plans must also include the following core elements:
- 2 (a) Major core elements to be updated with major updates to a Transportation System Plan as
3 provided in OAR 660-012-0105:
- 4 (A) The base and planning horizon years for the plan as provided in section (3) of
5 this rule;
- 6 (B) The land use assumptions used in development of the transportation system plan,
7 as developed under OAR 660-012-0340;
- 8 (b) ~~Minor core elements to be updated with major or minor updates to a Transportation~~
9 ~~System Plan as provided in OAR 660-012-0105:~~
- 10 (A) A list of all components of the plan, and the date of adoption or amendment of
11 each;
- 12 (B) The policies in the city's comprehensive plan that apply to coordinated land use
13 and transportation system planning;
- 14 (C) The goals and policies of the Transportation System Plan;
- 15 (D) Those areas designated by the city with concentrations of priority populations as
16 provided in OAR 660-012-0120;
- 17 (E) A record of the engagement, involvement, and decision making processes used in
18 development of the plan, as provided in OAR 660-012-0125, and an equity
19 analysis as provided in OAR 660-012-0130.
- 20 (F) The dates of each report made to the director as provided in OAR 660-012-0900.
21 These must include all reports made for the planning area, including city and
22 county reports, if applicable.

Commented [JW10]: This list seems very extensive for what I would consider a "minor" update. For example, shifting the alignment of a future roadway. Or adding detail for a project developed through a refinement plan in one specific part of the City. Maybe there is a 3rd tier that is not considered an "update" but only an "amendment"?

23 ~~(1)~~ The base and horizon years of urban Transportation System Plans shall be ~~determined as~~
24 ~~follows consistent with regional travel demand model available at the time the amendment is~~
25 ~~initiated.~~

26 ~~(b)~~ ~~The base year for an urban Transportation System Plan is the present or past year which is used~~
27 ~~for the development of plan elements. The base year must be the year of adoption of a major~~
28 ~~update to the Transportation System Update, or no earlier than three years prior.~~

29 ~~(e)(3)~~ ~~The horizon year for an urban Transportation System Plan is the future year for which the plan~~
30 ~~contains potential projects. The horizon year is no more than twenty years from the year of~~
31 ~~adoption of a major update to the Transportation System Plan.~~

32 ~~(3)(4)~~ Cities must coordinate the development of urban Transportation System Plans with counties,
33 transportation facility owners, and transportation service providers.

34 ~~(4)(5)~~ Cities must develop urban Transportation System Plans and amendments to those plans consistent
35 with the provisions of OAR 660-012-0105 through OAR 660-012-0140.

36 ~~(5)(6)~~ Adoption or amendment of an urban Transportation System Plan shall constitute the land use
37 decision regarding the need for transportation facilities, services, and major improvements; and
38 their function, mode, and general location.

39 ~~(6)(7)~~ Findings of compliance with applicable statewide planning goals and acknowledged
40 comprehensive plan policies and land use regulations shall be developed in conjunction with the
41 adoption or amendment of the Transportation System Plan.

Commented [JW11]: We rely on regional traffic model which may not fit within this requirement. One option to have it align with the regional travel demand model recognizing that the work may start a few years prior to adoption.

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Commented [JW12]: If we are doing a major update and aligning it with the RTSP, there are times when the model is developed for a few years beyond 20 years since they are required to have a minimum of 20 year horizon. I think that we should be allowed to align with Regional transportation modeling even if greater than 20 years.

Commented [JW13]: I thought that land use regulations needed to consistent with comp plan. This seems to say that amending the comp plan has to be consistent with land use regulations.

1 **0105: Transportation System Plan Updates**

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

- 7 (1) Cities may adopt a major update to an urban Transportation System Plan as provided in section
8 (2), or a minor update as provided in section (34).
- 9 (2) A major update to an urban Transportation System Plan is any update that:
- 10 (a) Includes a change to the horizon year of the plan;
- 11 (b) Any update where the adoption date is fewer than five years prior to January 1 of the
12 planning horizon year of the acknowledged plan; or
- 13 (c) Is intended to include a Vehicle Miles Traveled-Increasing facility in the plan that has
14 been reviewed as provided in OAR 660-012-0830.
- 15 (3) A city making a major update to a Transportation System Plan must:
- 16 (a) Include an update to the core Transportation System Plan elements as provided in OAR
17 660-012-0100, and include all other applicable elements as provided in OAR 660-012-
18 0100.
- 19 (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the
20 major update to the transportation system plan.
- 21 (c) Complete the review of any Vehicle Miles Traveled-Increasing facilities in the plan as
22 provided in OAR 660-012-0830 prior to adoption in the Transportation System Plan.
- 23 (4) A minor update to an urban Transportation System Plan is any update which is not a major update
24 as provided in section (2) of this rule. A city making a minor update to a Transportation System
25 Plan must:
- 26 (a) Include, at minimum, an update to core Transportation System Plan elements as provided
27 in OAR 660-012-0100.
- 28 (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the
29 minor update to the Transportation System Plan.
- 30 (5) Notwithstanding any other provision in this rule, cities having an acknowledged Transportation
31 System Plan adopted as provided in OAR 660-012-0015 shall adopt a major update to the
32 Transportation System Plan. Cities may use any part of existing acknowledged plans to meet the
33 applicable requirements.
- 34 (6) Notwithstanding any other provision in this rule, cities that do not have an acknowledged
35 Transportation System Plan shall adopt a new plan in the manner of adopting a major update to a
36 Transportation System Plan. Cities may use any part of existing acknowledged plans to meet the
37 applicable requirements.

Commented [JW14]: Clarifying question: Is this requiring that the first "update" to a TSP must be a major update regardless of scope?

1 **0110: Transportation System Planning Area**

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

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

Commented [JW15]: In developing timelines/deadlines, development of IGAs needs to be accounted for (in the event that existing IGAs do not cover needed coordination).

Commented [JW16]: Depending on the timelines for development and adoption, this could conflict with - 0100(3).

1 **0115: Transportation System Planning Engagement**

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

- 4 (1) Cities and counties must develop urban transportation system plans using methods of engaging
5 the public and making decisions consistent with the statewide planning goals and provisions of
6 the local comprehensive plan.
- 7 (2) Public engagement and decision making must place an increased emphasis on centering the
8 voices of Priority Populations as provided in OAR 660-012-0120.
- 9 (3) Cities or counties engaged in a major update of the transportation system plan as provided in
10 OAR 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-
11 012-0340, must make a special effort to ensure priority populations, as provided in OAR 660-
12 012-0120, are informed about the choices that need to be made in the planning process, given a
13 meaningful opportunity to inform the planning process, and to the extent possible, have an
14 equitable share of the decision-making power over key decisions.

15 **0120: Priority Populations**

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

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

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

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

Commented [JW17]: Is all of this information available through Census data? For example, single parent data? I understood that DLCD was going to provide technical assistance to identify these populations. This technical assistance and associated data need to be available well before the public engagement required for TSP deadlines.

10 **0125: Decision-Making with Priority Populations**

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

- 14 (1) Cities and counties must, as a part of an involvement program required as provided in OAR 660-
- 15 015-0000(1), center the voices of priority populations in processes at all levels of decision-
- 16 making under this division. Actions that may accomplish this include, but are not limited to:
 - 17 (a) Establish a standing advisory committee as provided by section (2);
 - 18 (b) Regularly reporting on progress made under this rule as provided by section (3);
 - 19 (c) Conducting equity analyses as provided in OAR 660-012-0130;
 - 20 (d) Engaging in additional outreach activities with priority populations and in areas with
 - 21 concentrations of priority populations. Such outreach activities shall include activities in
 - 22 languages and that formats the can be used by everyone, be accessible to people with
 - 23 disabilities, and be accessible to people without internet access, with limited
 - 24 transportation and child care options, and with schedule constraints around employment
 - 25 or other critical responsibilities;
 - 26 (e) Considering the effect on priority populations when developing plans, including land use
 - 27 plans and plans for public investment;
 - 28 (f) Developing decision-making factors that recognize historic and current inequities, and
 - 29 work to reduce them.
- 30 (2) Cities and counties must establish a standing land use and transportation planning advisory
- 31 committee. The committee is advisory to local staff, the planning commission, and the local
- 32 governing body on issues relating to local land use and transportation planning as required in this
- 33 division.
 - 34 (a) The membership of the advisory committee must include members of the populations in
 - 35 respect to the categories in OAR 660-012-0120(2), in equal proportion as the city or
 - 36 county, to the extent practicable.
 - 37 (b) Cities and counties must give the advisory committee the opportunity to review and
 - 38 comment on the development and implementation of land use and transportation plans
 - 39 developed under this division, and related activities.

Commented [JW18]: This is a significant added workload for a jurisdiction. The rule should allow for this role to be assigned to an existing committee or committees. In Salem, it doesn't make sense to create a committee to advise the Planning Commission, as the PC advises the Council on land use and transportation. Their role could easily be expanded and it would have much less of an impact on staff/workload.

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

Commented [JW19]: I think that all jurisdictions should be able to use either Planning Commission or another advisory committee that can have their role expanded to include required reviews.

30 **0130: Equity Analysis**

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

- 35 (1) Cities and counties must ensure that land use and transportation plans required in this division
 36 improve outcomes for priority populations by using an equity analysis. An equity analysis is
 37 intended to determine benefits and burdens on priority populations, as provided in OAR 660-012-
 38 0120.
- 39 (2) A city or county engaging in an equity analysis must:
- 40 (a) Engage with the advisory committee established as provided in OAR 660-012-0125 to
 41 develop key community outcomes;

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

Commented [JW20]: Has an equity analysis been prepared for these proposed rules? If not, when will it be prepared?

13 **0140: Transportation System Refinement Plans**

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

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

Commented [JW21]: Refinement plans depend on budget and capacity. If the transportation need identified is in the out years of the plan (15-20 years), it may not be a priority to complete within the first 5 years.

Commented [JW22]: This may have an unintended consequence of restricting an area that may otherwise be appropriate for a CFA. It is also not clear why this would be prohibited. Is there a reason to believe that deferring to a refinement plan in a CFA will impede development in the CFA?

1 **0150: Transportation System Inventories**

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

6 **0160: Transportation Planning Modeling and Vehicle Miles Traveled Reduction Targets**

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

Commented [JW23]: I am largely waiting to comment on rules that have not yet been shared. However, I question this assertion that consistency with regional GHG reduction target is "by way of using Vehicle Miles Traveled reduction target".

10 **0165: Evaluation and Selection of Transportation System Alternatives**

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

13 **0170: Transportation Performance Standards**

14 This rule provides a framework for how decisions are made using transportation performance standards.
15 These include decisions made about transportation system planning, reviewing comprehensive plan and
16 land use regulation amendments, and in the local review of development proposals.
17 Currently many, but not all, decisions have relied heavily on performance standards related to motor
18 vehicle congestion. This rule ensures that decisions take all modes and a wider variety of values into
19 account. These values include equity, reducing climate pollution, safety, accessibility, reliability, and
20 mobility.

21 **0180: Transportation Prioritization Framework**

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

26 **0190: Temporary Projects**

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

1 **0200: Combined and Illustrative Project Lists**

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

7 **0205: Transportation System Financial Plan**

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

11 **0210: Financially-Constrained Project List**

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

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

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

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

25 **0300: Coordinated Land Use and Transportation System Planning**

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

- 28 (1) Cities and counties must ensure land use and transportation plans are coordinated.
- 29 (2) Cities and counties must, if applicable, adopt and implement Climate-Friendly Areas as provided
30 in OAR 660-012-0310.
- 31 (3) Cities and counties must adhere to the applicable land use requirements as provided in OAR 660-
32 012-0330.
- 33 (4) Cities and counties must, in the development of transportation plans, use the land use assumptions
34 described as provided in OAR 660-0340.

Commented [JW24]: Cannot comment until the referenced rules are shared.

1 ~~(5)~~(4) ~~Cities and counties must develop a list of key destinations, as provided in OAR 660-012-0360.~~
2 ~~(6)~~(5) Cities and counties must meet the parking management requirements as provided in OAR 660-
3 012-0400.

Commented [JW25]: I understand the key destinations, but I would suggest that language indicate that jurisdictions use the key destinations in coordinated land use and transportation planning as stated in -360(1). I don't know what this means – do we develop a list with each update? Do we adopt this list? Key destinations change over time and I don't think a static list is helpful.

4 **0310: Designation of Climate-Friendly Areas**

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

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

Commented [JW26]: Does this include floodplain areas? Per Goal 7, local governments are deemed to comply by adopting and implementing local floodplain regulations that meet minimum NFIP requirements. We have that, so would we have to exclude areas in floodplains? Could create some unique boundaries for Climate Friendly Areas in proximity to creeks.

Commented [JW27]: This coordination is not clear to me. What if a county (or City) chooses not to designate any CFAs? Does the other jurisdiction have to then designate enough to cover the projected housing need fully within their boundary?

Commented [JW28]: Timeline for this? How does it relate to other timelines proposed in this rule? This supports the notion that the CFA designation and HNA adoption are closely linked. This supports having the deadline for CFAs linked to already established timelines for HNAs. See my comment on Section 0012(6)(a).

- 1 (7) A local government not subject to OAR 660-008-0045 shall maintain sufficient lands within
 2 Climate-Friendly Areas to accommodate at least 30 percent of the city’s housing need. Cities
 3 shall take all necessary actions to maintain the sufficiency of Climate-Friendly Areas within one
 4 year of the release of final population forecasts as provided in OAR 660-032-0020(1) or (2), or
 5 concurrent with the adoption of a new housing capacity analysis, as provided in ORS
 6 197.296(10). Housing need estimates based on population forecast data shall determine housing
 7 needs for a twenty-year planning period, utilizing the methodology for converting population
 8 projections to housing unit needs from the most recent adopted and acknowledged housing
 9 capacity analysis. Amendment or expansion of Climate-Friendly Areas shall follow the process
 10 provided in OAR 660-012-0320.
- 11 (8) If a city, metropolitan service district, or county has not designated sufficient Climate-Friendly
 12 Areas as required in this rule, the commission may:
- 13 (a) Initiate periodic review for the subject local government to address the requirement; or
 14 (b) Issue an enforcement order to the local government, consistent with ORS 197.646

Commented [JW29]: Clarification question: Is this saying that it must be done within one year of final population projections that are published every 3 years? Or does a jurisdiction get a pass on this deadline until they adopt a new HNA?

15 **0320: Process for Designation of Climate-Friendly Areas**

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

- 19 (1) Cities and counties subject to the requirements of OAR 660-012-0310 shall designate Climate-
 20 Friendly Areas sufficient to accommodate at least thirty percent of the total identified number of
 21 housing units necessary to accommodate all current and future housing needs over the planning
 22 period. A local government may designate one or multiple Climate-Friendly Areas.
- 23 (2) Cities and counties shall calculate the housing that can be accommodated in Climate-Friendly
 24 Areas by estimating the buildable square footage within Climate-Friendly Areas, based on net
 25 zoned area, allowed building heights, and setbacks established within the Climate-Friendly Area.
 26 Where the local government has not established a maximum building height, assumed building
 27 height shall be one hundred feet. Local governments may assume that residential dwellings will
 28 occupy thirty percent of the full buildable square footage within Climate-Friendly Areas. Local
 29 governments may assume an average dwelling unit size of nine hundred square feet in order to
 30 convert the estimated residential building area into an estimate of the number of dwelling units
 31 that may be accommodated in Climate-Friendly Areas.
- 32 (3) Cities and counties shall adopt a Climate Friendly element to the comprehensive plan concurrent
 33 with the designation of Climate-Friendly Areas as provided in OAR 660-012-0012. The Climate
 34 Friendly element, and findings adopted in support of the element, shall include the items provided
 35 below in subsections a – e.
- 36 (a) Maps illustrating all Climate-Friendly Areas, as well as calculations of dwelling units that
 37 can be accommodated within the Climate-Friendly Areas as a percent of the city’s
 38 housing needs, as identified in the most recent adopted and acknowledged housing
 39 capacity report.
- 40 (b) Documentation that the land use and development requirements identified in OAR 660-
 41 012-0325 have been adopted and are effective within designated Climate-Friendly Areas.
- 42 (c) The number of existing dwelling units within Climate-Friendly Areas and the number of
 43 income-restricted dwelling units within Climate-Friendly Areas.

Commented [JW30]: Similar to question regarding coordination in 0310(2).

Commented [JW31]: Please provide an example of how you would calculate this in a few scenarios. Is this requirement supposed to incorporate a realistic projection for development? For example, in a downtown that is historic, would we still assume 100 foot tall buildings even if that would require removal of historic buildings?

Commented [JW32]: This level of work is not realistic in the timeframes proposed. Additionally, many jurisdictions may need funding to support this and other work. Is DLCD prepared to provided funding to implement these requirements on the timeline proposed? This does not seem realistic given budget/grant/contracting/staffing realities.

Commented [JW33]: How do the timelines for housing capacity reports align with this requirement?

Commented [JW34]: I would assume that these would either be adopted concurrently or after the comprehensive plan since the comp plan should form the policy basis for the development requirements.

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

14 **0325: Land Use Requirements in Climate-Friendly Areas**

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

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

Commented [JW35]: This will limit a jurisdiction's ability to establish context-sensitive standards.

Commented [LA36R35]: Lack of flexibility in these standards will probably limit the designation of climate friendly areas. Salem may just use downtown (if we can) and not expand to any corridors due to height standards, lack of setbacks, etc.

Commented [JW37]: This requirement does not respect the impacts to neighboring properties with respect to shadow/solar access. It also does not acknowledge public engagement. Salem has worked hard to increase allowed building heights, while respecting adjacent land uses. This has involved using stepped down height limitations as a building gets closer to property line (next to residential historic district, for example). There should be an allowance for local governments to shape what works best for their community.

Commented [JW38]: Including zero lot line setbacks?

Commented [LA39R38]: We can establish MAXIMUM setbacks, correct? Just saying no setbacks, no FAR and 100 feet means we could get very low density, suburban style development if that's what the developer wants.

Commented [LA40]: We are literally adopting FAR downtown right now, to ensure we get urban levels of development.

- 1 (9) Within newly-developing Climate-Friendly Areas or for redevelopment within developed
 2 Climate-Friendly Areas the length of any block face shall not exceed 250 feet. Pedestrian
 3 accessways, trails, streets, or public alleys through a block may be used to meet the block face
 4 standard.
- 5 (10) Local governments shall ~~prioritize~~ consider locating parks, open space areas, plazas, and similar
 6 public amenities within one-half mile of Climate-Friendly Areas.
- 7 (11) Local governments shall address the following requirements in Climate-Friendly Areas:
- 8 (a) The land use requirements in OAR 660-012-0330;
- 9 (b) The applicable parking requirements in OAR 660-012-0410;
- 10 (c) The applicable pedestrian system planning requirements in OAR 660-012-0510 or OAR
 11 660-012-0515;
- 12 (d) The applicable bicycle system planning requirements in OAR 660-012-0610 or OAR
 13 660-012-0615;
- 14 (e) The applicable bicycle parking requirements in OAR 660-012-0630;
- 15 (f) The applicable public transportation system planning requirements in OAR 660-012-
 16 0710 or OAR 660-012-0715; and
- 17 (g) The applicable street and highway system planning requirements in OAR 660-012-0810
 18 or OAR 660-012-0815.
- 19 (12) Local governments within a metropolitan service district subject to the requirements of OAR 660-
 20 012-0310 shall either:
- 21 (a) Adopt findings as provided in OAR 660-012-0320(3) that demonstrate that development
 22 allowances within an adopted town or regional center are consistent with the
 23 requirements of this rule, or
- 24 (b) Adopt findings demonstrating that development allowances within an adopted town or
 25 regional center will achieve equal or better climate and equity outcomes in relation to the
 26 requirements of this rule.

Commented [JW41]: This is excessive and has the potential to create additional safety hazards with introduction of new intersections. If I am understanding this correctly, redevelopment of Nordstrom in downtown Salem would not comply as the blocks in downtown Salem are over 350 feet. Same for the newly constructed Nishioka building at State and Commercial (the side facing State Street is less than 250 feet, but not the side facing Commercial Street).

Commented [LA42R41]: I assume that development triggers still apply and that a new building downtown will not trigger a new street, despite block length standards. Nexus/proportionality will also still apply.

But I think our downtown is a great example of climate friendly area as they define it, and it's not 250. I agree the standard should not be 250. Our standard is 400/600 for new development. Looks like our downtown is about 450 or so....

Commented [JW43]: Not all parks, open space etc are appropriate for climate friendly areas. For example, large urban parks may not be a good fit.

Commented [JW44]: Unable to comment without full set of draft rules.

27 **0330: Land Use Requirements**

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

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

1 **0340: Land Use Assumptions**

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

7 **0350: Urban Growth Boundary Expansions**

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

13 **0360: Key Destinations**

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

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

Commented [JW45]:

Commented [JW46]: This list covers more than what a jurisdiction might consider "key". For example, a home-operated child care facility that serves 10 children may not be a "key" destination. The hospital is a key destination, but every single individual medical or dental office is probably not. Especially because they frequently move. I think local governments should be given more discretion as to what is key for their jurisdiction – taking into consideration public input.

1 **New Rules 0400-0499: Parking**

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

7 **0400: Parking Management**

8 This rule directs jurisdictions to implement the parking rules.

- 9 (1) Cities and counties shall amend their comprehensive plans and land use regulations to implement
10 provisions of OAR 660-012-0405, OAR 660-012-0410, and OAR 660-012-0415, and conform
11 with section (2).
- 12 (2) Cities and counties shall meet the bicycle parking requirements as provided in OAR 660-012-
13 0630.

14 **0405: Parking Regulation Improvements**

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

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

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

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

Commented [JW47]: Developers do not typically indicate what parking is designated for employees. Also, this is not something that can be enforced over time.

Commented [LA48R47]: Agreed. The rule should just give a numerical requirement for businesses with xx of employees, x% of parking should be designated for carpool/vanpool

Commented [JW49]: The City strongly opposes giving or suggesting that property owners have control over public right-of-way. Comments from City of Springfield articulated the many reasons for this position.

Commented [JW50]: On-street parking may need to be removed for operational or safety reasons. Suggesting that private property owners have a right to on-street parking limits the ability to effectively manage the public right-of-way for safety and to support both current and future planned transportation network for all modes of travel.

Commented [LA51R50]: This should be reworded to say City's shall allow these uses, not that a property owner can just do these things in the ROW.

Commented [JW52]: This is covered in next sub-section.

Commented [JW53]: Does this include all required ADA parking, carpool/vanpool parking, bicycle parking? How is the distance measured? And is an accessible route required from the parking location to the subject development?

Commented [LA54R53]: Should have an exception for ADA, as I don't think these rules can overrules the ADA requirements.

- 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.~~

Commented [JW55]: What is the basis for this requirement? 50% seems high. Has this need been identified through a process informed by the industry? This could be very costly for developments with large parking lots and I have a hard time envisioning people going to a grocery store (for example) needing to charge while they are shopping.

Commented [JW56]: Definition?

Commented [JW57]: Who pays for this process and implementation of it?

Commented [JW58]: How would this work for industrial developments?

Commented [LA59R58]: We have on-site pedestrian access standards that already require the sidewalk along the driveway out to the street, even at industrial sites. But requiring the building to be built at the sidewalk is off for industrial sites.

Commented [JW60]: I believe this is not necessary. I'm trying to imagine what we would get from Costco. It doesn't seem useful.

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

Commented [LA61]: What are these other uses? Is this envisioned to allow café seating? Examples are needed or a specific list of uses that we have to allow on a temp basis. Salem allows temp markets, Christmas tree and firework sales, etc.

Commented [JW62]: I think that a local government should have the ability to establish a duration independent of state mandate.

Commented [LA63]: This could easily be read to imply that someone can get rid of a parking lot and build new buildings and we can't require a TIA. That doesn't make sense. Need to define what permanent conversion means, and again to what uses.

Commented [JW64]: A jurisdiction needs to be able to request information needed to inform the conversion, possibly including a traffic or parking impact analysis.

Commented [LA65]: Land use fees are already limited to cost of the review.

Commented [JW66]: It goes against having a regulation if you are required to allow reduction of that same regulation. This creates an inconsistent regulation where one development is required to follow the minimum parking requirement, but the jurisdiction must approval a reduction for a different development.

Commented [LA67R66]: I concur, this is a de facto 50% reduction of the parking requirement. If that's the intent just make that the rule.

Commented [JW68]: Please provide references that tie reduction of parking mandates to reduction in GHG emissions. Or to a reduction in VMT, or both. Many such assertions have been made, but I have not seen any evidence-based documentation.

Commented [JW69]: In other sections it was stated that ADA parking would still be required. How will this be accomplished if all parking mandates are repealed?

Commented [LA70]: I will be much easier to just repeal the mandates but if a City adopts some of the provisions in sections 2-5 they will probably have more of an impact on ghg reduction then just repealing the mandates. A lot of businesses will continue to provide parking, even if not required. Seems like a mix of the two would achieve better outcomes.

Commented [JW71]: Are there studies documenting that eliminating parking for these uses will create Climate Friendly and Equitable Communities?

17 **0410: Reduction of Parking Mandates**

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

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

- 1 (F) Publicly-supported housing as defined in ORS 456.250;
- 2 (G) Emergency and transitional shelters for people experiencing homelessness; and
- 3 (H) Domestic violence shelters.
- 4 (3) Cities and counties shall reduce parking mandates in Climate-Friendly Areas. In each Climate-
- 5 Friendly Area, as provided in OAR 660-012-0305, cities and counties shall either:
- 6 (a) ~~Not enforce any parking mandates within the Climate-Friendly Area and on parcels that~~
- 7 ~~include land within 1/4 mile distance of those areas; or~~
- 8 (b) Significantly manage parking, by:
- 9 (A) Adopting a parking benefit district with a majority of on-street parking spaces in
- 10 the Climate-Friendly Area ~~metered at a cost of at least \$1 per hour for at least six~~
- 11 ~~hours on weekdays.~~ A majority of those ~~meter~~ revenues must be dedicated to
- 12 public improvements in the Climate-Friendly Area;
- 13 (B) Adopting land use amendments to require no more than one-half off-street
- 14 parking space per new housing unit in the Climate-Friendly Area; and
- 15 (C) Not enforcing parking mandates for commercial developments.
- 16 (4) Cities and counties shall reduce parking mandates along priority transit corridors. Cities and
- 17 counties shall not require parking spaces for developments within one-~~half-quarter~~ mile walk of
- 18 priority transit corridors. Until cities and counties designate priority transit corridors under OAR
- 19 660-012-0710, cities and counties may not require parking spaces for developments within one-
- 20 ~~half-quarter~~ mile walk of a transit corridor with busses or rail service arriving with a frequency of
- 21 at least four times an hour during peak service.
- 22 (5) Cities and counties shall select and implement either a market-based parking management
- 23 approach as provided in subsection (a) of this section, or a reduced regulation parking
- 24 management approach as provided in subsection (b) of this section. ~~These provisions must be~~
- 25 ~~implemented in the planning area by December 31, 2022.~~
- 26 (a) A market-based parking management approach shall include parking mandates for new
- 27 multifamily residential development no higher than 0.75 space per unit and at least three
- 28 of the following four provisions:
- 29 (A) A requirement that parking spaces for each unit in residential developments of
- 30 five or more leased or sold units on a lot or parcel be leased or sold separately
- 31 from the unit itself. ~~That requirement must include a requirement for the parking~~
- 32 ~~space(s) to be rented or sold at market rates for comparable local off-street~~
- 33 ~~parking, and for the renter of the unit to be able to opt out of renting the parking~~
- 34 ~~space(s);~~
- 35 (B) A requirement that ~~parking spaces serving leased commercial developments be~~
- 36 ~~leased or sold separately from the unit itself. That requirement must include a~~
- 37 ~~requirement for the parking space(s) to be leased or sold at market rates for~~
- 38 ~~comparable local off-street parking, and for the lessor or owner of the unit to be~~
- 39 ~~able to opt out of leasing or owning the parking space(s);~~
- 40 (C) Requiring employers ~~of 50 or more employees who provide free or subsidized~~
- 41 ~~parking to their employees at the workplace to provide a flexible commute~~
- 42 ~~benefit of at least \$50 per month to those employees eligible for that free or~~
- 43 ~~subsidized parking who regularly commute via other modes instead of using that~~
- 44 ~~parking; and~~

Commented [JW72]: Is the use of "Not enforce" deliberate? As opposed to not having any mandates? Same with respect to (b)(C) below.

Commented [JW73]: If jurisdictions create parking benefit districts, they should be able to establish cost and payment mechanism based on local input and market demand. For example, it could be managed by selling permits as opposed to meters. Installation of meters is expensive. Also, if the cost is greater than the market demand, the resource may not be used, resulting in spillover to other areas.

Commented [JW74]: This is not realistic. I would propose no sooner than December 31, 2023 – however that may also not be realistic given the overlapping requirements and timelines included in this proposed rulemaking.

Commented [JW75]: How would this be monitored over time?

Commented [JW76]: How would this be monitored and enforced over time?

Commented [JW77]: This seems to potentially go beyond the anticipated DEQ rulemaking that I understand is intended to focus on employers with 100 or more employees. Is this 50 per location? Or in total? I think that a well developed Transportation Options Program is good, but I think it needs to be a well thought out program, not a single mandate. Also – who pays for this? Who enforces that the person isn't using the free or subsidized parking? Who determines if it is subsidized (if it is not free)? What is the nexus for \$50 per month?

- 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 ~~1/4-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.

Commented [JW78]: This is outside my expertise. What level of approval is needed for such a tax? How is it implemented? Does it require a vote?

Commented [JW79]: Aren't some of these already included in (2)(b)?

Commented [JW80]: How is this linked to Climate Friendly communities?

Commented [JW81]: Would this create a two-tiered system of parking requirements? A new development would be required to provide X, but a redevelopment or expansion would not?

Commented [LA82R81]: Yes, exactly.

Commented [LA83]: Does this include residential districts/uses?

Commented [JW84]: At the time of development? Ten on-site employees at a time?

Commented [JW85]: This would seem difficult to manage.

Commented [LA86]: Parking maximums shouldn't be limited to downtowns and climate friendly areas.

Commented [JW87]: Allowing shared parking was already covered in a separate provision.

1 **0415: Parking Management for More Populous Communities**

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

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

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

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

10 (1) Cities and counties with populations over 50,000 in the urban area, and cities with populations
11 over 25,000 within a metropolitan service district, shall require the installation of electric vehicle
12 charging infrastructure upon major remodel or renovation of certain buildings or parking lots.

13 (a) Requirements shall apply to existing parking garages or commercial buildings with more
14 than 40 parking spots, residential developments with five or more parking spaces on a lot
15 or parcel, and mixed-use buildings with five or more parking spaces on a lot or parcel.

16 (b) Vehicle charging infrastructure shall include at least Level 2 electric vehicle charging
17 stations rated at 6.6 kW or higher, dedicated electrical capacity, wiring and conduit.

18 (c) At least 20% of parking spots provided must have a charging station.

19 (d) For the purposes of this section, major remodel or renovation means the value of the
20 proposed alterations on the site is 20% or more of existing building or parking lot
21 valuation, or more than \$200,000.

22 (e) An exemption may be granted if the cost of the Level 2 charging installations exceeds
23 30% of the cost of the proposed alterations.

24 (2) Cities with populations over 100,000, counties with populations over 100,000 outside city limits
25 but within the urban growth boundary, and cities with populations over 25,000 within a
26 metropolitan service district, shall:

27 (a) Adopt one of the following options:

28 (A) Adopt land use regulation amendments to remove all mandates to provide
29 parking spaces, other than parking spaces reserved for people with disabilities,
30 parking required for electric vehicles when parking is provided, or parking for
31 carpools and vanpools; or

32 (B) Price at least the percentage of on-street parking spaces specified in OAR 660-
33 012-0012, and report the percentage of on-street parking spaces that are priced as
34 provided in OAR 660-012-0900. Residential parking permits priced at lower than
35 50 cents per day per space do not count towards this total.

36 (b) Study local conditions and set appropriate parking maximums to encourage development
37 in Climate-Friendly Areas and along priority transit corridors.

38 (3) Cities with populations over 150,000 shall, in addition to requirements as provided in section (1):

39 (a) Study parking use in areas with on-street priced parking at least every three years, and
40 adjust prices to ensure availability of at least 10% of on-street parking spaces within two
41 blocks of all locations at all hours;

Commented [LA88]: This section says garages or commercial buildings, does it apply to commercial surface parking lots?

Commented [LA89]: Why are government uses not included? The biggest parking lots in Salem are the state lots.

Commented [JW90]: It seems that the percentage demand should be tied to type of use. As noted previously, certain uses are not likely to have a demand for electric vehicle charging. Is there a requirement for them to be maintained? Managed?

Commented [LA91]: This seems extreme. \$200,000 for improvements that are entirely within a building would trigger parking lot changes? Not only is the value low, I don't think there is a nexus between these two things. We have projects that are multi-million dollar projects with no exterior improvements, this would require them to vastly change the scope of their project to implement this.

Commented [JW92]: This seems like a very low threshold.

Commented [JW93]: What is the basis for determining the percent of on-street parking spaces? Most on-street parking is not marked.

Commented [JW94]: Will DLCD provide the funding for these studies and the tools/staffing to manage the on-street parking?

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

Commented [JW95]: How is public structured parking defined?

Commented [LA96]: I feel like these rules targeting parking garages will just result in more surface lots being built instead.

Commented [LA97]: We usually find out about a project when they submit their land use app for site plan review. How does these 6 months get conveyed to developers, and how does this work with 120-day deadline? The approval would be conditioned on them showing they did this?

Commented [JW98]: I'm not sure how this would be enforced.

12 **New Rules 0500-0599: Pedestrian System**

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

17 **0500: Pedestrian System Planning**

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

21 **0505: Pedestrian System Inventory**

22 This rule describes how cities must inventory their pedestrian system.

23 **0510: Default Pedestrian System Requirements**

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

26 **0520: Pedestrian System Projects**

27 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.

1 **New Rules 0900-0999: Monitoring and Reporting**

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

6 **0900: Monitoring and Reporting**

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

- 11 (1) Cities and counties shall prepare a report annually on progress toward meeting goals.
- 12 (2) Cities and counties shall submit the report for review by the advisory committee established as
13 provided in OAR 660-012-0125. If the advisory committee approves the report, then the city or
14 county shall submit the report to the director. If the advisory committee does not approve the
15 report, then the city or county shall make necessary revisions and resubmit the report for review
16 by the advisory committee.
- 17 (3) Reports are due to the director no later than May 31 of each year for the report for the previous
18 calendar year. The director shall review reports as provided in OAR 660-012-0905.
- 19 (4) Cities and counties shall submit either a major report, as provided in section (5), or a minor
20 report, as provided in section (6), each year.
- 21 (a) Major reports shall be submitted for each year in which the metropolitan planning
22 organization representing the city or county approved a regional transportation plan as
23 provided in 23 CFR 450.324.
- 24 (b) Minor reports shall be submitted each year where a major report is not submitted.
- 25 (5) A major report must include the following information:
- 26 (a) All information required in a minor report as provided in section (5);
- 27 (b) An assessment of the regional and local performance measures as provided in OAR 660-
28 012-0910 and OAR 660-044-0110 or 660-044-0210, including:
- 29 (A) Baseline data;
- 30 (B) Baseline projections of expected outcomes from existing adopted plans for 2040-
31 2050;
- 32 (C) Baseline performance measures targets for each major reporting year between the
33 base year and 2050;
- 34 (D) An assessment that measures local implementation of the actions taken over the
35 reporting period; and
- 36 (E) A proposal for the actions necessary to meet the performance targets in the next
37 reporting period.

- 1 (6) A minor report must include the following information:
- 2 (a) A narrative summary of the state of coordinated land use and transportation planning in
- 3 the planning area over the reporting year, including any relevant activities or projects
- 4 undertaken or planned by the city or county;
- 5 ~~(a) A copy of the order approving the report from the previous reporting year as provided in~~
- 6 ~~OAR 660-012-0905;~~
- 7 ~~(a) The planning horizon date of the acknowledged Transportation System Plan, a summary~~
- 8 ~~of any amendments made to the Transportation System Plan over the reporting year, and~~
- 9 ~~an estimate of planning activities over the near future which may include amendments to~~
- 10 ~~the Transportation System Plan;~~
- 11 ~~(a) A report on the membership and activities of the standing land use and transportation~~
- 12 ~~planning advisory committee, as provided in OAR 660-012-0125;~~
- 13 ~~(a) Any temporary projects implemented as provided in OAR 660-012-0190;~~
- 14 ~~(a) Any reviews of Vehicle Miles Traveled Increasing facilities as provided in OAR 660-~~
- 15 ~~012-0830 including those with consultations underway, suspended, or completed; and~~
- 16 ~~(a) A description of what immediate actions the city or county has considered to be taken to~~
- 17 ~~reduce greenhouse gas emissions as provided in ORS 184.899(2).~~
- 18 ~~(a) A description of the consultations with the metropolitan planning organization on how~~
- 19 ~~the regional transportation plan could be altered to reduce greenhouse gas emissions as~~
- 20 ~~provided in ORS 184.899(2).~~
- 21 ~~(14)(7)~~ The director may grant an exemption to a city or county from a requirement to include any
- 22 required element of a report when the director determines that collection and reporting of the
- 23 information would not be possible or would place an undue burden on the city or county. The city
- 24 or county must request an exemption in writing prior to the due date of the report.
- 25 ~~(15)(8)~~ Counties need only report for those portions of the county within an Urban Growth Boundary
- 26 inside the metropolitan area. A county may jointly report with a city for the entire urban growth
- 27 area of the city.
- 28 ~~(16)(9)~~ Reports as provided by this rule are not land use decisions.

Commented [JW99]: This lengthy list is much more than minor.

Commented [JW100]: This is something that DLCD should have in their records. No need to require jurisdictions to submit it.

29 **0905: Orders Approving a Report**

30 This rule provides a process for receipt, review, and approval of submitted reports. The process in this

31 rule was developed through the 2017-2018 rulemaking process. The rule gives the director of DLCD to

32 opportunity to review a report for completeness, then either approve the report or refer it to the

33 commission. There is an appeal process for approved reports to the commission. The commission may

34 either approve or remand a report that was referred or appealed to the commission.

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

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

28 **0910: Transportation System Performance Measures**

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

33

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

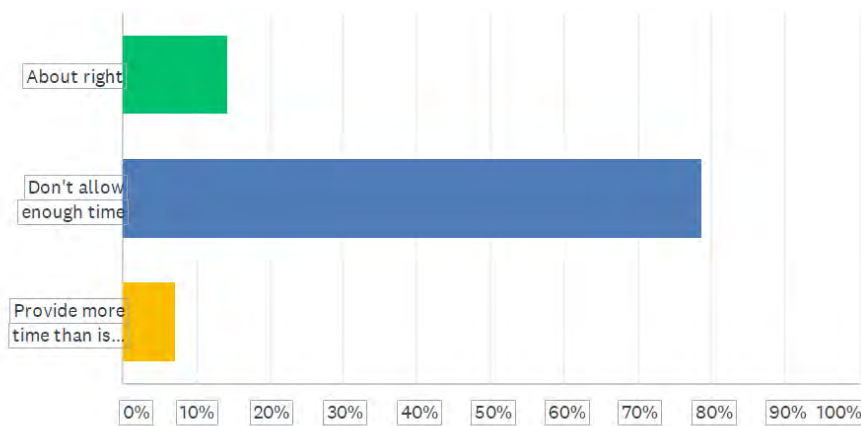


MEETING 7 KEY QUESTIONS RESPONSES – AUGUST 27, 2021

TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: RAC Meeting 7 Supplemental Survey Responses
DATE: August 27, 2021

Question 1

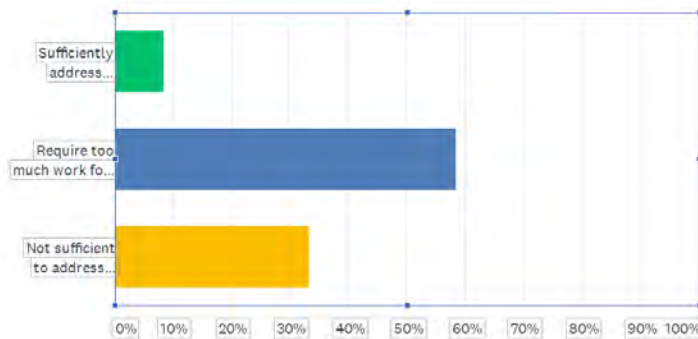
Climate Friendly Areas: In general, are the proposed deadlines for local governments to designate Climate-Friendly Areas:



| ANSWER CHOICES | RESPONSES |
|-------------------------------------|-----------|
| About right | 14.29% 2 |
| Don't allow enough time | 78.57% 11 |
| Provide more time than is necessary | 7.14% 1 |
| TOTAL | 14 |

Question 2

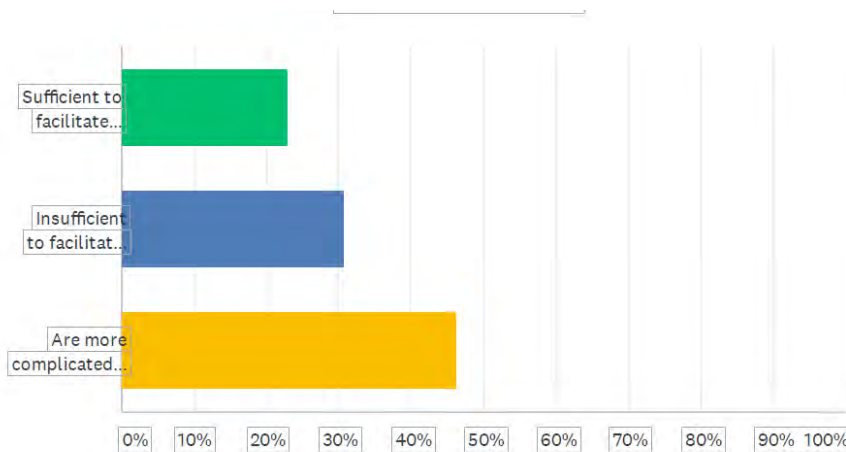
In general, do the proposed rules regarding the process for local governments to adopt Climate-Friendly Areas:



| ANSWER CHOICES | RESPONSES | |
|--|-----------|-----------|
| Sufficiently address equitable outcomes | 8.33% | 1 |
| Require too much work for local governments | 58.33% | 7 |
| Not sufficient to address equitable outcomes | 33.33% | 4 |
| TOTAL | | 12 |

Question 3

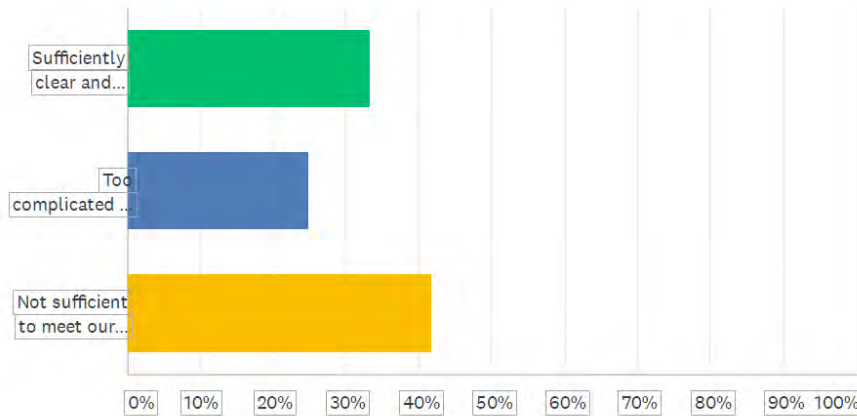
In general, do you think the proposed land use requirements for Climate-Friendly Areas are:



| ANSWER CHOICES | RESPONSES | |
|--|-----------|-----------|
| Sufficient to facilitate development in Climate-Friendly Areas | 23.08% | 3 |
| Insufficient to facilitate development in Climate-Friendly Areas (more detail is needed) | 30.77% | 4 |
| Are more complicated than is needed to facilitate development in Climate-Friendly Areas | 46.15% | 6 |
| TOTAL | | 13 |

Question 4

In general, are the proposed amendments to the Housing Rule:



| ANSWER CHOICES | RESPONSES |
|--|-----------|
| Sufficiently clear and feasible to help local governments to meet climate and equity goals | 33.33% 4 |
| Too complicated to meet our climate and equity goals | 25.00% 3 |
| Not sufficient to meet our climate and equity goals | 41.67% 5 |
| TOTAL | 12 |

Question 5

Terminology for Priority Populations: After hearing the term “historically and currently marginalized populations” was hard for some RAC members, staff have heard feedback from the Commission that the term “priority population” does not provide enough context, or recognize the hurt and damage done by historic and current practices. We have asked other DEI practitioners and looked at other documents. While no concise term can meet all our goals, we would like to hear any strong opinions you have about the options below. “priority populations” “equity populations” “underserved populations” “underserved and discriminated against populations”. Thank you for your insights and thoughts.

1. Among the four phrases presented above, "underserved and discriminated against populations" most accurately captures the historic and current practices that make these communities vulnerable and in need of prioritization by our policies.
2. HB 2488 as introduced and as enrolled (HB 2488A) used the term Disadvantaged Group. I think that was good term that was generally accepted by those in it by definition. Underserved Population may be closer that the others. I agree that priority doesn't really capture the intent nor does equity populations.
3. I think the last one provides the best description.
4. Whatever term is chosen should align with other state efforts, including recent statutory rulemaking, or executive orders. Perhaps the rules can provide an intro/intent statement with more expansive context/intent language recognizing historically and currently marginalized populations and then designate them as "priority populations" and refer to them as such for the rest of the rules.
5. Underserved populations (although some people react to this phrase as it being too close to "un-deserved").

6. Underserved populations.
7. Prefer "underserved and discriminated against populations.
8. Underserved populations or disadvantaged populations are typically what we use in my circles.
9. 'Historically excluded communities' is an option that should be considered. It is inclusive and recognizes the way these voices have been left out of the conversations. 'Underserved and discriminated against' would be closest to this option.
10. I would go with option 4, but settle for option 3. These two have accepted definitions that are documented. Options 1/2 are purposely nebulous (politically) for making non-committal statements. Options 1/2 change meaning based on context and thus are extremely confusion when used in commitment planning.
11. I'll look to others who have more expertise and lived experience in responding to this.
12. As an equity and social justice consultant, I would rule out "underserved populations." That also does not acknowledge the harm done. If we really want an accurate description, then we should stop focusing on the state of a population being oppressed and name the oppressor (e.g. populations oppressed by white able cisgender straight men). But since that probably won't be popular, then we could look at options like "oppressed populations" or "populations oppressed by the dominant culture."

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee MEETING 8



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 8 Item 14: Public Comments**
DATE: August 27, 2021

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

1. Tom Armstrong, City of Portland
2. Eric Hesse, Portland Bureau of Transportation
3. Greg Dirks, Joint letter from cities of Fairview, Troutdale and Wood Village
4. Kim Ellis, Metro
5. Keith Liden
6. Jean Senechal Biggs, City of Beaverton
7. Heather O'Donnell – City of Eugene

From: [Armstrong, Tom](#)
To: [CFEC DLCD * DLCD](#)
Cc: [Cowan, Stacy](#); [Hesse, Eric](#); [Kim Ellis](#)
Subject: Portland BPS comments on draft CFEC rules
Date: Wednesday, August 25, 2021 5:05:43 PM

BPS supports the direction that CFEC rulemaking is headed, especially in elevating equity and inclusion in planning decisions.

We are concerned about some of the key land use provisions in the initial draft:

1. **Rule 0125 Section 2** - The creation of yet another advisory committee. This new committee would have too much overlap with a planning commission and citizen involvement committee (currently required advisory committees). The rules should focus more on increasing representation on planning commissions, rather than creating another committee. Plus, if it is determined that this new committee will be subject to the requirements of HB 2560 to require remote access to meetings, then it will further add to the administrative burden of this provision.

2. **Rule 0325** – Land Use Requirements.

In general, these requirements are overly prescriptive.

Section 1 – need to reconcile requiring allowing attached single-family dwellings with Section 6 (100ft buildings).

Section 3 – allowing all uses and standards in all parts undermines the planning for these areas – attached single dwellings are too low density for core areas of CFAs

Section 4 conflicts with ORS 197.307(5), which allows for discretionary review in Gateway Regional Center and historic districts.

Section 5 minimum density of 15 du/acre is too low and is not calibrated with Section 6. In previous materials DLCD has asserted that the 30% of housing in CFAs is based on ODOT’s STS and Metro’s Climate Friendly Strategy, which in turn demonstrates that the 2040 Growth Concept is climate friendly. Minimum densities in the 50-75 du/acre range would be a better standard. In general, minimum densities is a much better performance based approach than the prescriptive standards in Section 6.

Section 6/7/8 - the 100ft minimum building height with no setbacks or FAR limits is excessive and not calibrated to any plan that shows that this level of density or urban design is needed to meet our climate goals. Our main concern is that this approach will undermine the use of density and height bonuses used to support inclusionary zoning and deeper affordability, such as those called for in SB 8. We suggest that deleting these sections and have the rules focus on minimum density standards for Climate Friendly Areas with a dramatic increase to the 15 units per acre standard proposed in the initial draft.

Section 12 – needs more clarification. Presumably you are trying to set-up the rule as a “safe harbor” with Section 12 as a performance measure for alternative approaches. This section needs more clarity on the climate and equity outcomes that the rule is trying to achieve. Again, Section 6 requirements do not track with the density and design assumption in the 2040 Growth Concept.

The rule only references a deadline for designating boundaries. It is unclear as to when local jurisdictions need to make other changes to implement Rule 0325. Do these requirements go into the next periodic review? Next TSP update?

3. **Rule 0900** - The creation of another annual report. DLCD needs to consolidate the number and types of annual data and reporting required of local jurisdictions. Please consolidate these requirements into a single report. Further, a requirement that the report needs to be reviewed by the planning commission before it is transmitted to DLCD will help serve the purpose of creating a new committee.

From: [Hesse, Eric](#)
To: [CFEC DLCD * DLCD](#)
Cc: [Armstrong, Tom](#); [Hurley, Peter](#); [Kellett, Bob](#); [Cowan, Stacy](#); [Cohen, Shoshana](#); [Kim Ellis](#)
Subject: PBOT Comments on CFEC proposed rules (to date)
Date: Thursday, August 26, 2021 12:29:44 PM

DLCD CFEC Staff,

The City of Portland's Bureau of Transportation (PBOT) appreciates the opportunity to provide some informal comment on the set of proposed rules recently shared with the Rulemaking Advisory Committee. In general, we remain supportive of the intention of the effort and the overall direction of the rulemaking. The proposed rules also demonstrate the breadth and ambition of the effort, which is appropriate to the task at hand. That said, the potentially significant implications of the proposed rules also underscores the importance of providing ample time for affected parties to review and provide meaningful feedback to ensure the rule is successful in advancing its desired outcomes. We encourage staff to consider providing more than a week for comment as additional rules are proposed.

In addition, the proposed rules also reflect a rather prescriptive approach that may not readily interface with pre-existing and ongoing local planning efforts that are themselves attempting to advance the objectives of the rulemaking. We would encourage staff to engage with jurisdictions (both on and off the RAC) to craft a two-tiered approach that both provides a more prescriptive approach for those parts of the state that may not be as advanced in identifying and implementing the needed policies, plans and investments to realize the types of Climate Friendly Areas the rule is envisioning.

While we will provide more detailed commentary as additional rules are proposed around the Transportation Planning Rule and performance measures, we offering the following comments now in terms of the mostly broadly important elements of the rulemaking:

- PBOT supports the proposed rules direction of minimizing the importance of--or ideally replacing--a motor vehicle based mobility policy and standard (volume/capacity or level of service) with one that aligns with climate and equity, such as a Vehicle Miles Traveled and Equitable Access policy and standard for both transportation and land use projects. For example, transportation projects in TSPs, RTPs, and the STIP should be required to demonstrate VMT reduction consistent with metropolitan GHG reduction targets and equitable access expansion, or to mitigate for increased VMT.
- While some of the specific details may need some refinement, we are also very supportive of the focus on increased parking management and reforming rules around parking in our plans and practice. Reducing or eliminating minimum parking requirements could provide significant climate and housing affordability benefits. It is nearly as important to reduce parking maximums, especially for non-residential uses, to reflect the mode shares needed to meet GHG reduction targets. DLCD should consider adding a requirement for local and regional agencies to reduce parking maximums to match GHG reduction targets.
- Regarding the definitions and thresholds proposed in the rule for Climate Friendly Areas, we would note that Mixed Use development is more important than residential density in reducing GHG and VMT. Rather than simply focusing on residential density, DLCD should

require local and regional agencies to establish mixed use percentage and density requirements sufficient to reduce per resident and per worker VMT to achieve GHG reduction targets in Climate Friendly Areas, while also being sensitive to market realities and varying contexts when establishing thresholds (noting comments from Tom Armstrong at BPS on the current thresholds proposed).

Over the past year Portland has been working with ODOT and Metro to use the VisionEval climate planning model to evaluate what it would take to advance toward our GHG and VMT targets. A valuable lesson that we learned is that we can't invest our way to the targets. That is, no matter how much pedestrian, bike, and transit infrastructure we build and service we provide, we won't achieve the targets without significant complementary efforts to manage driving demand and support low-/no-emission travel activity. Portland alone, or even all the cities and counties in the region working together, won't get near our targets without significant ODOT actions that reduce GHG and VMT. So while the new TPR rules focus on requiring more from cities and counties, they are likely missing the essential ingredient for cities, counties, and Metro to make substantial progress, which is ODOT plans, policies, and investments demonstrating sufficient GHG and VMT reduction to support local and regional plans.

As the rulemaking proceeds, we encourage DLCD and ODOT staff to work together to develop TPR rules that strengthen ODOT's commitment to support cities, counties, and regions with policies and investments that demonstrate GHG and VMT reductions aligned with regional targets.

Thank you for your important work to date on this crucial effort.

Eric

.....
Eric Hesse | Supervising Planner
Policy Innovation & Regional Collaboration
Pronouns: He/Him ([Why I list My Pronouns](#))

Portland Bureau of Transportation
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From: [Greg Dirks](#)
To: [CFEC DLCD * DLCD](#)
Cc: kim.ellis@oregonmetro.gov; [Chris Damgen](#); [Sarah Selden](#)
Subject: DLCD Comment on Draft Rules on CFEC
Date: Friday, August 27, 2021 5:06:33 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[3-City Letter DLCD.pdf](#)

Good afternoon,

Please find attached a joint letter from the cities of Fairview, Troutdale, and Wood Village on the draft rules regarding the Climate Friendly and Equitable Cities initiative. We thank you for your time and consideration in this matter.

Greg Dirks
City Manager
City of Wood Village

Phone: 503-489-6854
Email: GregD@WoodVillageOR.gov
Address: 24200 NE Halsey St. 97060
Web: www.WoodVillageOR.gov





August 27, 2021

Dear members of the CFEC Rulemaking Advisory Committee,

The cities of Fairview, Troutdale, and Wood Village (“our cities”) have received the draft rules from August 11, 2021 regarding the Climate-Friendly and Equitable Communities initiative. We understand that additional rules are pending, and we respectively submit the following comments for your consideration moving forward in this important process.

Within the Metro designated area, there are 26 unique and distinct jurisdictions. Each with its own sense of community, priorities, and goals. While each jurisdiction is unique, we all have a common thread, which is Metro. For decades we have been working on and updating regional plans including the 2040 Growth Concept regional plan, Climate Smart Communities Initiative, as well as a unified Master Transportation System Plan which focuses on climate goals and equity. Our cities have also been involved in a joint planning effort since 2015 called Main Streets on Halsey which attempts to link these communities with one another through modern and best practice land use, zoning, and transportation options. Our cities are finalizing and adopting the results of a two-year planning effort to increase densities, expand commercial activity in an economically viable way that also reduces barriers for entrepreneurship, especially among women, BIPOC, and historically marginalized community members, and increases transportation options for all. Our cities also have recently updated Town Center Plans that were developed with an equity lens and centered on the future of our region.

Undoing these efforts with the prescriptive measures in place as seen in the draft rules seems to undermine years of effort as well as waste hundreds of thousands of dollars spent updating these plans. Not to mention, these plans were developed with robust community outreach and engagement including culturally sensitive and specific outreach workshops, vast surveys in multiple languages, and traditional open house and outreach events. Goal 1 of Oregon land use and planning is for "the opportunity for citizens to be involved in all phases of the planning process." Our communities have taken this to heart in the development and updating of our plans. This effort thus far has not lived up to intent of Goal 1. We ask that those efforts and community participation and trust not be broken by these heavily prescriptive measures.

We ask that more time be spent before the rules are sent to LCDC for consideration. We further ask that it be considered that all jurisdictions within Metro’s boundary be exempt from these rules as we all have been working under a framework to create and sustain more equitable communities that address greenhouse gas emission concerns. At the very least, we ask that the cities within Metro’s boundary be given a period of at least ten years to evaluate how our recently updated and adopted plans develop. It takes years for developments of size to go from thought to paper to actual construction. We simply ask that you trust us enough in our processes to right-size meaningful development standards that provide for increased housing, commercial opportunities, and increased equity and transportation options, while reducing long-term environmental impacts; goals and objectives that we all share and support. We sincerely thank you for your time, consideration, and work in these important matters.

Sarah Selden
Planning & Economic
Development Manager
City of Fairview

Greg Dirks
City Manager
City of Wood Village

Chris Damgen
Community Development Director
City of Troutdale

From: [Kim Ellis](#)
To: [CFEC DLCD * DLCD](#)
Cc: [YOUNG Kevin * DLCD](#); [GREENE Kirstin * DLCD](#); [HOLMSTROM Bill * DLCD](#); [Margi Bradway](#)
Subject: CFEC August 2021 Draft Rules - Metro staff comments
Date: Friday, August 27, 2021 4:59:38 PM
Attachments: [Metro comments on draft CFEC rules 082721.pdf](#)

Dear DLCD CFEC Rulemaking staff,

Thank you for your bold leadership in developing the draft Climate Friendly and Equitable Communities (CFEC) rules. We recognize these rules contain ambitious proposals and we will continue to support this rulemaking in the spirit of doing the challenging work needed to address the seriousness and urgency of climate change.

Attached please find our comments on the overall direction of the draft rules. We look forward to actively supporting your commission and staff in helping our state reduce GHG emissions, and meeting with the rulemaking team next week.

Best,
Kim

—

Kim Ellis, AICP | Metro | Principal Transportation Planner

My gender pronouns: [she/her/hers](#) | Schedule: 8:00 a.m. to 5:00 p.m. Monday to Friday

August 27, 2021

Kirstin Greene, Deputy Director
Kevin Young and Bill Holmstrom, Lead Rulemaking Staff
Oregon Department of Land Conservation and Development
Sent via email: DLCD.CFEC@dlcd.oregon.gov

Dear Kirstin, Kevin and Bill:

Thank you for your bold leadership in developing the draft Climate Friendly and Equitable Communities (CFEC) rules. We recognize these rules contain ambitious proposals and we will continue to support this rulemaking in the spirit of doing the challenging work needed to address the seriousness and urgency of climate change.

Overall, Metro strongly supports the policy direction reflected in the draft rules, as it is generally consistent with and supportive of Metro's [2040 Growth Concept](#) and [Climate Smart Strategy](#) that are guiding our region's growth, investments and commitment to equitable outcomes. However, Metro would like the CFEC rules to directly build on these adopted and acknowledged regional plans and to rely on Metro's unique role as an elected regional body with land use planning and regulatory authority under Oregon's statewide planning program. Given our strong existing work in this area, we believe that our regional plans and Climate Smart Strategy should be the centerpiece of the state's efforts toward greenhouse gas (GHG) emissions reduction in the greater Portland region.

As currently written, the rules reflect a rather prescriptive approach and do not build on Metro's existing regional policies and plans in a way that will most effectively move our region forward in reducing GHG emissions and advancing equity. We have heard from our local partners that the draft rules would require them to duplicate planning work that is already underway, or that is already completed with extensive community engagement, in order to carry out the Climate Smart Strategy and other regionally adopted plans.

Specifically, we would like to see the following plans recognized as the primary tools for reducing GHGs in the greater Portland region:

- Use Metro's [Regional Transportation Plan](#) (RTP) as the primary tool for setting regional transportation policy and targets that meet the requirements in Oregon Administrative Rules, Chapter 660 Division 44, with the continued requirement for local Transportation System Plans to be regularly updated for consistency with the RTP, as enforced by the Oregon Transportation Planning Rule and Metro's [Regional Transportation Functional Plan](#).
- Use Metro's 2040 Growth Concept, [Urban Growth Management Functional Plan](#) and regular [urban growth management cycles](#) and related [urban growth boundary](#) decisions to inform ongoing progress toward regional GHG targets as required by provisions in Division 44.

Both the RTP and urban growth management cycles are established by federal and state statute and state administrative rules, and we propose that new planning and reporting requirements for our

region be designed around these timelines. Accordingly, using these regional processes and timelines would also respond to concerns from city and county partners in our region.

We also recognize that the 2040 Growth Concept and Climate Smart Strategy will both require periodic updates to ensure that we continue to meet GHG targets and other desired outcomes for our region. Specifically, Metro recognizes the need to update the following elements of our plans and policies, and we are open to addressing them in accord with the CFEC rulemaking:

- Update the regional parking policy in Metro’s Regional Transportation Plan and Regional Transportation Functional Plan to reflect emerging trends in both land use and transportation behavior and best practices for managing on-street and off-street parking with the goal of reducing overall parking production as our region grows.
- Update Title 6 of the Urban Growth Management Functional Plan to reflect locally adopted Region 2040 centers and require local adoption of boundaries and land use regulations where needed.
- Establish a requirement for Metro to work with our cities and counties to develop an adoption schedule that fits existing regional planning timelines and ongoing local planning efforts that are aimed at advancing the objectives of the rulemaking while also recognizing the urgency of GHG reduction, as reflected in the Governor’s Executive Order 20-40. This would allow Metro to ensure we can continue to provide the support and capacity that some of our partners may need to complete this work.

These comments are offered on the overall direction of the rules. We will continue to review and comment on draft language as it is proposed to the CFEC Rulemaking Advisory Committee. Future reviews will propose new language that reflects the overall feedback we have provided in this letter and separate provisions for the greater Portland region that build on Metro’s planning authority and existing plans and processes. We encourage DLCD staff to more deeply engage the cities and counties in the greater Portland region in the rulemaking as it proceeds.

Thank you for including Metro in this important work! We look forward to actively supporting your commission and staff in helping our state reduce GHG emissions.

Sincerely,



Margi Bradway
Acting Director, Planning, Development and Research Department

From: Keith liden <keith.liden@gmail.com>
Sent: Friday, August 27, 2021 3:10 PM
To: YOUNG Kevin * DLCD <Kevin.YOUNG@dlcd.oregon.gov>; HOLMSTROM Bill * DLCD <Bill.HOLMSTROM@dlcd.oregon.gov>
Cc: margi.bradway@oregonmetro.gov
Subject: Climate-Friendly Rulemaking Comments

Kevin and Bill,

While I'm the contract planner for King City, the following are my **personal comments**, which do not necessarily represent the views of the city. I believe city staff is too busy to comment at this time. I've only had time to give the draft amendments a cursory review, but I understand comments are due today.

Overall, I favor the nature and scope of the amendments, and only have the following observations:

- **One-size-fits-all.** I'm concerned about how some of the amendments propose singular solutions regardless of context or circumstances. For example, the minimum 100' building height for climate-friendly areas would be way beyond what the market would support in many areas, including suburban situations like King City.
- **Building political support.** It's one thing for the state to require local jurisdictions to implement the proposed climate-friendly rules, and it's another to gain public acceptance and support. As these requirements are rolled out, there needs to be public education and outreach to demonstrate how these measures are necessary and how they will contribute to our overall goals to reduce GHG emissions. As we have seen from Covid-19, we have a lot of pushback related to suspicion of government and not liking to be told what to do. Local leaders and planners will need all the help they can get.
- **Remove traffic engineering obstacles.** I don't see any specific direction given to the traffic engineers and their auto-oriented standards, which hinder the creation of pedestrian/bike/transit-friendly places. During a 2015 King City planning effort to make it's portion of the 99W/Durham Rd. town center compliant with Metro 2040, the city wanted to transform 99W from a highway design to that of an urban boulevard per the Regional Transportation Plan. However, ODOT insisted on maintaining a highway design through the King City/Tigard town center with minimal pedestrian crossing opportunities and amenities. As King City and Tigard are planning for future urban expansion including a pedestrian-scaled main street or town center, we've run up against a Washington Co. TSP policy that significantly limits intersection spacing and pedestrian crossing opportunities on Beef Bend Rd., a county arterial. Discussions with the county to allow more intersections to promote access are promising, but the point is an exception shouldn't be necessary just to provide a reasonably walkable environment in what would become a climate-friendly area under the proposed rules. We can implement all the proposed state land use directives, but they won't perform as desired if we don't amend traffic engineering mandates related to LOS, v/c ratios, street design, and intersection spacing in town centers and mixed-use settings.

Thanks.

Keith Liden, AICP
503.757.5501

From: [Jean Senechal Biggs](#)
To: [CFEC DLCD * DLCD](#)
Cc: [Anna Slatinsky](#)
Subject: CFEC August 2021 Draft Rules - Beaverton staff comments
Date: Friday, August 27, 2021 3:02:59 PM
Attachments: [CFEC Draft Rules Beaverton Staff Comment 2021-08-27.pdf](#)

Dear DLCD CFEC Rulemaking staff,

Beaverton staff have very recently become aware that the draft rules proposed by the Climate-Friendly and Equitable Communities Rulemaking process will apply to Metro jurisdictions, as well as those in other parts of the state. We have had very limited time to review the draft rules, so the attached memo by necessity represents only a superficial review. A light reading of the draft, however, is enough to recognize that the implications for transportation and land use planning and development are sweeping and profound.

Please take this feedback seriously, as we share the goal of climate-friendly and equitable communities and want the outcome from this process to be both bold and implementable. Beaverton staff are prepared to provide further feedback and make constructive suggestions, if given the time and opportunity to do so.

Please contact us if you have any questions or if there is any additional information we can provide.

Thank you.

- Jean

Jean Senechal Biggs, ASLA (she/her/hers)
Transportation Planning Manager | Community Development
City of Beaverton | 12725 SW Millikan Way | PO Box 4755 | Beaverton OR 97076-4755
503.277.8822 (mobile) | jbiggs@beavertonoregon.gov | www.BeavertonOregon.gov

I am working remotely at this time. My work hours are Monday – Friday, 8:30 am – 5:30 pm. Email is the best way to reach me. You can also reach me by phone at (503) 277-8822. Thank you!



MEMORANDUM

TO: DLCD staff

FROM: Jean Senechal Biggs, Transportation Planning Manager
Anna Slatinsky, Planning Division Manager

DATE: August 27, 2021

SUBJECT: Climate-Friendly and Equitable Communities Rulemaking
August 2021 Draft Rules

Beaverton staff have very recently become aware that the draft rules proposed by the Climate-Friendly and Equitable Communities Rulemaking process will apply to Metro jurisdictions, as well as those in other parts of the state. We have had very limited time to review the draft rules, so this memo by necessity represents only a superficial review. A light reading of the draft, however, is enough to recognize that the implications for transportation and land use planning and development are sweeping and profound.

It is important to express that the goal of addressing climate change through land use and transportation planning and regulation is extremely important, and we agree that this work is urgent. We also agree on the need to rectify the racist past of land use planning and transportation investments. Many aspects of the draft rules represent appropriately deep rethinking of state policy that makes sense to implement at the statewide level, such as revising the Transportation Planning Rule.

Beaverton staff have identified four major areas of concern:

- The timeframe for drafting the rules is far too short to ensure the proposed rules accomplish the stated goals rather than impede them. Taking sufficient time to ensure that these rules are effective will ultimately be faster than enacting poorly considered rules that need to be fixed later.
- The committee's process does not include adequate representation from jurisdictions that will now be impacted by the rules and, in fact, the RAC includes only one full member from a Portland metropolitan area agency, Metro Deputy Director of Planning and Development, Margi Bradway. Engagement at a technical staff level has been insufficient for such a massive regulatory shift.

- The current draft of the rules includes many problematic specific requirements that will undo years of careful planning in Beaverton's Downtown to further the city's goal of creating a vibrant, dense, pedestrian-friendly downtown. Some draft rules are extremely intrusive into regulatory areas that are at best tangentially related to climate change and at worst will prevent developing the very pedestrian friendly density that is the goal of the effort.
- The timeframe for implementing the rules, which are sweeping, is far too short given the staff and budget resources needed at the local level.

Specific Discussion of the Draft Rules:

Generally, we advocate for an outcome-based approach to the Climate-Friendly and Equitable Communities rules. Some of the proposed rules are completely unrelated to climate impacts, and unnecessarily limit the ability of communities to identify local solutions to address the local context, while achieving the desired outcomes.

The **Transportation Planning Rule** has long been recognized as an impediment to creating the denser, mixed-use neighborhoods that represent not only opportunities to reduce dependence on cars, but also create vibrant community gathering places that support job creation, cultural vibrancy, and a host of other public benefits.

Several aspects of the proposed transportation rules cause concern. With the limited time to review these draft rules, we want to highlight two aspects of the parking rules: Allowing property owners to redevelop any portion of on-street parking and allowing on-street parking to be allowed to meet parking mandates. We believe we understand the intent behind these proposals but believe that management of the on-street parking in the public right of way should remain under the control of the local jurisdiction, not property owners.

In Beaverton, our Downtown Parking Management and Action Plan, currently underway, aims to identify parking policies, procedures, and management strategies necessary to better understand and respond to current and future needs, especially for active transportation, small businesses, downtown residents, key destinations, and emissions reduction needs. The recognition that addressing the parking management needs in a growing downtown core is complex and has led to several interconnected parking projects. The proposed rulemaking has the potential to undo this work.

It is important to acknowledge that building Climate-Friendly and Equitable Communities will take *decades* of both public investment and private investment. While transportation planning is a publicly led activity, the plans and policies are implemented only through the two mechanisms of public and private investment. The big changes needed to meet our climate goals will rely on significant public investments to see mode shift, but the incremental building and rebuilding of infrastructure when development occurs is how much transportation policy is implemented.

Planning activities alone won't meet our goals. Local jurisdictions are barely maintaining the system we already have with limited resources. Capital funding to build new bike, ped and transit infrastructure is already very limited and overprogrammed within the region and across the state.

On the land use side, there are also a few aspects of the draft rules that are concerning: the prohibition on setbacks, blanket allowed building height of no less than 100-foot, and requirement that all development be reviewed through a non-discretionary process. Again, because of the very short timeframe to review these draft rules, this is not a comprehensive list of areas of concern.

That said, these three things alone would be enough to dismantle the brand-new Downtown Design District code that Beaverton adopted less than a year ago after a three-year planning project intended to remove impediments to dense, mixed-use development and create a vibrant downtown Beaverton. The city and Metro invested hundreds of thousands of dollars in this work, which included significant investment in time from local and community stakeholders, as well as city staff. The new code raised height limits, reduced parking requirements, streamlined development review, limited auto-oriented uses, and established a more coherent approach to historic review. You can read more about the Downtown Design Project and the development code update on our website: <https://www.beavertonoregon.gov/2028/Downtown-Design>

Please take this feedback seriously, as we share the goal of climate-friendly and equitable communities and want the outcome from this process to be both bold and implementable. Beaverton staff are prepared to provide further feedback and make constructive suggestions, if given the time and opportunity to do so.

From: O'DONNELL Heather M <HODonnell@eugene-or.gov>
Sent: Wednesday, September 1, 2021 2:26 PM
To: YOUNG Kevin * DLCD <Kevin.YOUNG@dlcd.oregon.gov>
Cc: INERFELD Rob <RInerfeld@eugene-or.gov>; CLINTON Chelsea D <CClinton@eugene-or.gov>
Subject: FW: CFEQ RAC packet 7, comments

Hi Kevin,

Thank you for meeting with us a few weeks ago, we appreciate your time.

Unfortunately due to the short review timeframe, out of office staff, and other work priorities we were not able to respond to the latest draft rules by last Friday as requested. In addition, we still have more comments that we'd like to provide. Rob will be following up with you regarding those additional comments. For similar reasons we weren't able to join the Q&A drop in with staff today but hopefully there will be more of those.

We included our initial thoughts in the comments function (not track changes) in the following documents. Please excuse the brevity, we were moving quickly.

- Initial, mostly land use-focused, comments on the TPR and parking rules. This is an initial review and given the complexity of the parking rules we definitely want our parking staff to review the draft rules which hasn't happened yet.
- Initial Division 8 comments –
- Also, I mentioned that we had been trying to understand all the CFEQ deadlines, as well as how they fit with other UGB analysis and housing production deadlines. I took a shot at it (for Eugene-specific deadlines) that is included here in case it's helpful to illustrate our concerns with timeline and workload. I didn't have time to capture all the new deadlines in the RAC packet 7 (like monitoring report deadlines) and it doesn't capture other transportation planning related deadlines. I understand that the next RAC packet will also include a timeline of the draft CFEQ deadlines, that's great! And I think it's important to see how those deadlines fall in the context of existing deadlines and requirements and where there's opportunity for those deadlines to combine.

Thank you for your consideration,
Heather

Heather O'Donnell

Senior Planner (she/her)

City of Eugene | Planning Division

541.682.5488

COVID-19 Update: *City of Eugene Planning & Development Department offices are operating. However, in order to protect the health and wellbeing of our community I am working remotely. Email is the best way to contact me, although I am checking voicemail as well.*

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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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1 **Updated Rules**

2 **Changes to Existing Rules**

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

4 0000: Updates to reflect changes across the division.

5 0005: Updates to reflect changes across the division.

6 0015: Changes to remove requirements specific to metropolitan areas.

7 0016: This rule only applies in metropolitan areas and is proposed to be deleted.

8 0035: Changes to remove requirements specific to metropolitan areas.

9 0045: Changes to remove requirements specific to metropolitan areas.

10 0060: Updates to reflect changes across the division.

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

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

14 **0000: Purpose**

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

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

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

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

34 (a) Provide for safe transportation for all Oregonians;

- 1 (b) Promote the development of transportation systems adequate to serve statewide, regional
2 and local transportation needs and the mobility and access needs of the transportation
3 disadvantaged;
- 4 (c) Provide for affordable, accessible and convenient transit, pedestrian, and bicycle access
5 and circulation, with improved connectivity to destinations people want to reach, such as
6 education facilities, work places, services, shopping, places of worship, parks, open
7 spaces, and community centers;
- 8 (d) Ensure Oregon meets its statutory and executive goals to reduce climate pollution by
9 reducing pollution from transportation;
- 10 (e) Recognize and remedy impacts of past practices such as redlining, displacement,
11 exclusionary zoning, and roadway and other public infrastructure siting that harmed
12 certain populations;
- 13 (f) Engage those populations in decision-making and prioritize investments serving those
14 communities;
- 15 (g) Facilitate the safe flow of freight and other goods and services within regions and
16 throughout the state through a variety of modes including road, air, rail and marine
17 transportation;
- 18 (h) Protect existing and planned transportation facilities, corridors and sites for their
19 identified functions;
- 20 (i) Provide for the construction and implementation of transportation facilities,
21 improvements and services necessary to support acknowledged comprehensive plans;
- 22 (j) Identify how transportation facilities are provided on rural lands consistent with the
23 goals;
- 24 (k) Ensure coordination among affected local governments and transportation service
25 providers and consistency between state, regional and local transportation plans; and
- 26 (l) Ensure changes to comprehensive plans are supported by adequate planned transportation
27 facilities for all modes.

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

- 34 (a) ~~Promote the development of transportation systems adequate to serve statewide, regional~~
35 ~~and local transportation needs and the mobility needs of the transportation disadvantaged;~~
- 36 (b) ~~Encourage and support the availability of a variety of transportation choices for moving~~
37 ~~people that balance vehicular use with other transportation modes, including walking,~~
38 ~~bicycling and transit in order to avoid principal reliance upon any one mode of~~
39 ~~transportation;~~
- 40 (c) ~~Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and~~
41 ~~circulation;~~
- 42 (d) ~~Facilitate the safe, efficient and economic flow of freight and other goods and services~~
43 ~~within regions and throughout the state through a variety of modes including road, air,~~
44 ~~rail and marine transportation;~~
- 45 (e) ~~Protect existing and planned transportation facilities, corridors and sites for their~~
46 ~~identified functions;~~

- 1 (f) Provide for the construction and implementation of transportation facilities;
2 improvements and services necessary to support acknowledged comprehensive plans;
3 (g) Identify how transportation facilities are provided on rural lands consistent with the
4 goals;
5 (h) Ensure coordination among affected local governments and transportation service
6 providers and consistency between state, regional and local transportation plans; and
7 (i) Ensure that changes to comprehensive plans are supported by adequate planned
8 transportation facilities.
9
- 10 (2) In meeting the purposes described in section (1), coordinated land use and transportation plans
11 should ensure the transportation system supports a pattern of travel and land use in urban areas
12 that will avoid ~~common~~ air pollution, ~~climate pollution~~, ~~inequity~~, ~~wasteful spending~~, ~~traffic~~ and
13 livability problems ~~faced by other large urban areas of the country~~, through measures designed to
14 increase transportation options ~~choices~~ and make more efficient use of the existing transportation
15 system.
- 16 (3) The extent of planning required by this division and the outcome of individual transportation
17 plans will vary depending on community size, needs and circumstances. Generally, larger and
18 faster growing communities and regions will need to prepare more comprehensive and detailed
19 plans, while smaller communities and rural areas will have more general plans. For all
20 communities, the mix of planned transportation facilities and services should be sufficient to
21 ensure economic, sustainable and environmentally sound mobility and accessibility for all
22 Oregonians. Coordinating land use and transportation planning will also complement efforts to
23 meet other state and local objectives, including containing urban development, reducing the cost
24 of public services, protecting farm and forest land, reducing air, water and noise pollution,
25 conserving energy and reducing ~~climate pollution~~ emissions of greenhouse gases that contribute
26 to ~~global climate change~~.
- 27 (a) In all urban areas, coordinated land use and transportation plans are intended to provide
28 safe transportation ~~convenient vehicular circulation~~ and to enhance, promote and
29 facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected
30 network of streets, sidewalks and trails, and supporting improvements for ~~all travel~~ non-
31 driving travel modes.
- 32 (b) In urban areas ~~that contain~~ with a population greater than 25,000 persons, coordinated
33 land use and transportation plans are intended to improve livability and accessibility by
34 promoting the provision of transit service and more efficient performance of existing
35 transportation facilities through transportation system management and demand
36 management measures.
- 37 (c) Within metropolitan areas, coordinated land use and transportation plans are intended to
38 improve livability and accessibility by promoting changes in the transportation system
39 and land use patterns. A key outcome of this effort is a reduction in ~~dependence~~ reliance
40 on single occupant automobile use, particularly during peak periods. To accomplish this
41 outcome, this division promotes increased planning for alternative non-driving modes
42 and street connectivity and encourages land use patterns throughout urban areas that
43 make it more convenient for people to walk, bicycle, use transit, use automobile travel
44 more efficiently, and drive less to meet their daily needs. The result of applying these
45 portions of the division will vary within metropolitan areas. Some parts of urban areas,
46 such as downtowns, pedestrian districts, transit-oriented developments, Climate-Friendly
47 Areas, and other mixed-use, pedestrian-friendly centers, will be highly convenient for a
48 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.

1 **New Rules 0011-0012: Applicability and Effective Dates**

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

6 **0011: Applicable Rules**

7 This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-
8 0100 and above. Local governments in other parts of the state will continue to use the existing rules,
9 although cities outside metropolitan areas may opt into using the updated rules if they wish.

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

11 OAR 660-012-0000, Purpose

12 OAR 660-012-0005, Definitions

13 OAR 660-012-0010, Transportation Planning

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

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

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

17 The latter two rules only apply to rural lands statewide.

- 18 (1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-
19 012-0012, OAR 660-012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide.
- 20 (2) OAR 660-012-0100 through OAR 660-012-0910 apply to the following local governments:
- 21 (a) Cities within metropolitan areas;
- 22 (b) Portions of counties within Urban Growth Boundaries of cities in metropolitan areas; and
- 23 (c) Metro.
- 24 (3) OAR 660-012-0010 through OAR 660-012-0055 apply to all local governments other than those
25 listed in section (2) of this rule, where this division is applicable.
- 26 (4) Cities that otherwise would be required to use rules as provided in section (3) of this rule, may
27 choose to instead adopt a Transportation System Plan meeting the rules that apply to jurisdictions
28 as provided in section (2) of this rule. Upon acknowledgement of such a Transportation System
29 Plan, the city shall continue to be subject to these rules in all respects.
- 30 (5) All cities are either subject to the rules in section (2) or section (3) of this rule, but not both.
- 31 (6) Counties may have different applicable rules in different parts of the county.

1 **0012: Effective Dates**

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

- 5 (1) The rules in this division adopted on [March XX, 2022], and amendments to rules in this division
6 adopted on that date, are effective April 26, 2022, except as provided in this rule.
- 7 (2) A city or county adopting, amending, or updating a Transportation System Plan that is required to
8 meet the requirements as provided in OAR 660-012-0100 may instead use existing requirements
9 as provided in OAR 660-012-0015 if the city or county has submitted notice of the proposed
10 change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later
11 than May 30, 2022.
- 12 (3) Planning areas as provided in OAR 660-012-0110 are for the entire urban growth boundary until
13 and unless a county acts to separate the planning area as provided in that rule. Inside the Portland
14 Metropolitan Area, cities, counties, and Metro shall designate planning areas within the urban
15 area no later than June 30, 2022.
- 16 (4) The standing land use and transportation planning advisory committee required to be established
17 as provided in OAR 660-012-0125 must be established and hold a first meeting no later than
18 October 1, 2022.
- 19 (5) The requirements of OAR 660-012-0170 limiting the use of motor vehicle congestion standards
20 take effect on January 1, 2023.
- 21 (6) Cities and Counties shall designate Climate-Friendly Areas as provided in OAR 660-012-0310 as
22 follows:
- 23 (a) A city or county outside a metropolitan service district with a population of 10,000 or
24 more within the urban growth boundary that is subject to the requirements of OAR 660-
25 012-0310(1) shall designate Climate-Friendly Areas as provided in OAR 660-012-0320
26 by March 31, 2023.
- 27 (b) A city or county outside a metropolitan service district with a population of more than
28 2,500 within the urban growth boundary that is subject to the requirements of OAR 660-
29 012-0310(1) shall designate Climate-Friendly Areas as provided in OAR 660-012-0320
30 by March 31, 2024.
- 31 (c) Within the urban growth boundary of a metropolitan service district, a county with
32 planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer,
33 stormwater, and transportation services; or a city shall meet the requirements of OAR
34 660-012-0310 by March 31, 2023.
- 35 (7) Cities and counties must adopt comprehensive plan amendments and land use regulations meeting
36 requirements as provided in OAR 660-012-0400 no later than December 31, 2022.
- 37 (8) Cities and counties choosing to report on the share of on-street parking spaces that are priced as
38 provided in OAR 660-012-0415(1)(a)(B) must, through an annual report required as provided in
39 OAR 660-012-0900:
- 40 (a) Demonstrate at least 5% of on-street parking spaces are priced by December 31, 2022;
41 and
- 42 (b) Demonstrate at least 10% of on-street parking spaces are priced by December 31, 2024.

Commented [OHM1]: deadline for adopting CFAs into comp plan and the accompanying land use amendments. Doesn't this make the 0015(2)(a)c December 2024 deadline moot and really just move it up a year? (Per DLCD staff sounds like yes, for at least the CFAs, comp plan and land use portion of the scenario plan requirements but then still have to adopt the scenario plan by 12/2024.

Why not align CFA adoption with scenario plan adoption, or align both with adoption of the HCAs instead of three sets of deadlines for the same work but slightly different with different deadlines within a few years of each other?

Commented [OHM2]: This is the parking changes deadline- If the last hearing on the rules is March 2022, that gives us 8 months to adopt the parking changes, 6 of which will be the formal adoption process (assuming no delays at all for this process), resulting in 2 months for code development and equitable communities outreach?

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

Commented [OHM3]: Is this just new development or retrofits for existing parking areas by this deadline- not enough time to confirm?
 Assuming just triggered for new parking, but if existing parking does this mean we need to do a tally of all parking spaces in the city to be able to prove we meet this?

14 **New Rules 0100-0299: General Provisions**

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

20 **0100: Urban Transportation System Plans**

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

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

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

Commented [OHM4]: Concerns about 3 years being not enough to get through even the adoption process.

Commented [OHM5]: Exactly 20 years?

1 **0105: Transportation System Plan Updates**

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

- 7 (1) Cities may adopt a major update to an urban Transportation System Plan as provided in section
8 (2), or a minor update as provided in section (3).
- 9 (2) A major update to an urban Transportation System Plan is any update that:
- 10 (a) Includes a change to the horizon year of the plan;
- 11 (b) Any update where the adoption date is fewer than five years prior to January 1 of the
12 planning horizon year of the acknowledged plan; or
- 13 (c) Is intended to include a Vehicle Miles Traveled-Increasing facility in the plan that has
14 been reviewed as provided in OAR 660-012-0830.
- 15 (3) A city making a major update to a Transportation System Plan must:
- 16 (a) Include an update to the core Transportation System Plan elements as provided in OAR
17 660-012-0100, and include all other applicable elements as provided in OAR 660-012-
18 0100.
- 19 (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the
20 major update to the transportation system plan.
- 21 (c) Complete the review of any Vehicle Miles Traveled-Increasing facilities in the plan as
22 provided in OAR 660-012-0830 prior to adoption in the Transportation System Plan.
- 23 (4) A minor update to an urban Transportation System Plan is any update which is not a major update
24 as provided in section (2) of this rule. A city making a minor update to a Transportation System
25 Plan must:
- 26 (a) Include, at minimum, an update to core Transportation System Plan elements as provided
27 in OAR 660-012-0100.
- 28 (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the
29 minor update to the Transportation System Plan.
- 30 (5) Notwithstanding any other provision in this rule, cities having an acknowledged Transportation
31 System Plan adopted as provided in OAR 660-012-0015 shall adopt a major update to the
32 Transportation System Plan. Cities may use any part of existing acknowledged plans to meet the
33 applicable requirements.
- 34 (6) Notwithstanding any other provision in this rule, cities that do not have an acknowledged
35 Transportation System Plan shall adopt a new plan in the manner of adopting a major update to a
36 Transportation System Plan. Cities may use any part of existing acknowledged plans to meet the
37 applicable requirements.

1 **0110: Transportation System Planning Area**

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

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

1 **0115: Transportation System Planning Engagement**

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

- 4 (1) Cities and counties must develop urban transportation system plans using methods of engaging
5 the public and making decisions consistent with the statewide planning goals and provisions of
6 the local comprehensive plan.
- 7 (2) Public engagement and decision making must place an increased emphasis on centering the
8 voices of Priority Populations as provided in OAR 660-012-0120.
- 9 (3) Cities or counties engaged in a major update of the transportation system plan as provided in
10 OAR 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-
11 012-0340, must make a special effort to ensure priority populations, as provided in OAR 660-
12 012-0120, are informed about the choices that need to be made in the planning process, given a
13 meaningful opportunity to inform the planning process, and to the extent possible, have an
14 equitable share of the decision-making power over key decisions.

15 **0120: Priority Populations**

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

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

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

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

10 **0125: Decision-Making with Priority Populations**

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

- 14 (1) Cities and counties must, as a part of an involvement program required as provided in OAR 660-
 15 015-0000(1), center the voices of priority populations in processes at all levels of decision-
 16 making under this division. Actions that may accomplish this include, but are not limited to:
 - 17 (a) Establish a standing advisory committee as provided by section (2);
 - 18 (b) Regularly reporting on progress made under this rule as provided by section (3);
 - 19 (c) Conducting equity analyses as provided in OAR 660-012-0130;
 - 20 (d) Engaging in additional outreach activities with priority populations and in areas with
 21 concentrations of priority populations. Such outreach activities shall include activities in
 22 languages and that formats the can be used by everyone, be accessible to people with
 23 disabilities, and be accessible to people without internet access, with limited
 24 transportation and child care options, and with schedule constraints around employment
 25 or other critical responsibilities;
 - 26 (e) Considering the effect on priority populations when developing plans, including land use
 27 plans and plans for public investment;
 - 28 (f) Developing decision-making factors that recognize historic and current inequities, and
 29 work to reduce them.
- 30 (2) Cities and counties must establish a standing land use and transportation planning advisory
 31 committee. The committee is advisory to local staff, the planning commission, and the local
 32 governing body on issues relating to local land use and transportation planning as required in this
 33 division.
 - 34 (a) The membership of the advisory committee must include members of the populations in
 35 respect to the categories in OAR 660-012-0120(2), in equal proportion as the city or
 36 county, to the extent practicable.
 - 37 (b) Cities and counties must give the advisory committee the opportunity to review and
 38 comment on the development and implementation of land use and transportation plans
 39 developed under this division, and related activities.

Commented [OHM6]: "Prioritize over others" would be more clear

Commented [OHM7]: Requirement to staff new committee

Commented [OHM8]: As written, they would have the same standing with City Council as the planning commission. They should be advisory to staff or allow bigger cities to use their planning commission; another committee is redundant to what the Planning Commission already does

Commented [OHM9]: Need to understand what all land use plans this covers- neighborhoods?

Commented [OHM10]: Broad, what is this?

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

30 **0130: Equity Analysis**

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

- 35 (1) Cities and counties must ensure that land use and transportation plans required in this division
 36 improve outcomes for priority populations by using an equity analysis. An equity analysis is
 37 intended to determine benefits and burdens on priority populations, as provided in OAR 660-012-
 38 0120.
- 39 (2) A city or county engaging in an equity analysis must:
- 40 (a) Engage with the advisory committee established as provided in OAR 660-012-0125 to
 41 develop key community outcomes;

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

13 **0140: Transportation System Refinement Plans**

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

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

1 **0150: Transportation System Inventories**

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

6 **0160: Transportation Planning Modeling and Vehicle Miles Traveled Reduction Targets**

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

10 **0165: Evaluation and Selection of Transportation System Alternatives**

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

13 **0170: Transportation Performance Standards**

14 This rule provides a framework for how decisions are made using transportation performance standards.
15 These include decisions made about transportation system planning, reviewing comprehensive plan and
16 land use regulation amendments, and in the local review of development proposals.
17 Currently many, but not all, decisions have relied heavily on performance standards related to motor
18 vehicle congestion. This rule ensures that decisions take all modes and a wider variety of values into
19 account. These values include equity, reducing climate pollution, safety, accessibility, reliability, and
20 mobility.

21 **0180: Transportation Prioritization Framework**

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

26 **0190: Temporary Projects**

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

1 **0200: Combined and Illustrative Project Lists**

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

7 **0205: Transportation System Financial Plan**

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

11 **0210: Financially-Constrained Project List**

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

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

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

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

25 **0300: Coordinated Land Use and Transportation System Planning**

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

- 28 (1) Cities and counties must ensure land use and transportation plans are coordinated.
29 (2) Cities and counties must, if applicable, adopt and implement Climate-Friendly Areas as provided
30 in OAR 660-012-0310.
31 (3) Cities and counties must adhere to the applicable land use requirements as provided in OAR 660-
32 012-0330.
33 (4) Cities and counties must, in the development of transportation plans, use the land use assumptions
34 described as provided in OAR 660-0340.
-

- 1 (5) Cities and counties must develop a list of key destinations, as provided in OAR 660-012-0360.
- 2 (6) Cities and counties must meet the parking management requirements as provided in OAR 660-
- 3 012-0400.

4 **0310: Designation of Climate-Friendly Areas**

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

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

Commented [OHM11]: Move to last sentence in this provision

Commented [OHM12]: Eugene

Commented [OHM13]: Inconsistent language 0320(1); current and future housing needs?

- 1 (7) A local government not subject to OAR 660-008-0045 shall maintain sufficient lands within
 2 Climate-Friendly Areas to accommodate at least 30 percent of the city's housing need. Cities
 3 shall take all necessary actions to maintain the sufficiency of Climate-Friendly Areas within one
 4 year of the release of final population forecasts as provided in OAR 660-032-0020(1) or (2), or
 5 concurrent with the adoption of a new housing capacity analysis, as provided in ORS
 6 197.296(10). Housing need estimates based on population forecast data shall determine housing
 7 needs for a twenty-year planning period, utilizing the methodology for converting population
 8 projections to housing unit needs from the most recent adopted and acknowledged housing
 9 capacity analysis. Amendment or expansion of Climate-Friendly Areas shall follow the process
 10 provided in OAR 660-012-0320.
- 11 (8) If a city, metropolitan service district, or county has not designated sufficient Climate-Friendly
 12 Areas as required in this rule, the commission may:
- 13 (a) Initiate periodic review for the subject local government to address the requirement; or
 14 (b) Issue an enforcement order to the local government, consistent with ORS 197.646

Commented [OHM14]: Every time there's a new forecast these cities have to redo their CFA analysis?

15 **0320: Process for Designation of Climate-Friendly Areas**

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

Commented [OHM15]: Does this mean current dwellings and new dwellings needed to meet a population forecast?

Commented [OHM16]: A draft worksheet would be good for this section, unclear how to implement as currently written

19 (1) Cities and counties subject to the requirements of OAR 660-012-0310 shall designate Climate-
 20 Friendly Areas sufficient to accommodate at least thirty percent of the total identified number of
 21 housing units necessary to accommodate all current and future housing needs over the planning
 22 period. A local government may designate one or multiple Climate-Friendly Areas.

Commented [OHM17]: Net zoned areas? What does net mean, zoned land without right-of-way?

Commented [OHM18]: Thought CFAs were not allowed to have setbacks?

23 (2) Cities and counties shall calculate the housing that can be accommodated in Climate-Friendly
 24 Areas by estimating the buildable square footage within Climate-Friendly Areas, based on net
 25 zoned area, allowed building heights, and setbacks established within the Climate-Friendly Area.
 26 Where the local government has not established a maximum building height, assumed building
 27 height shall be one hundred feet. Local governments may assume that residential dwellings will
 28 occupy thirty percent of the full buildable square footage within Climate-Friendly Areas. Local
 29 governments may assume an average dwelling unit size of nine hundred square feet in order to
 30 convert the estimated residential building area into an estimate of the number of dwelling units
 31 that may be accommodated in Climate-Friendly Areas.

Can we consider other requirements, like required open space?

Commented [OHM19]: Presumably existing building square footage plus future? In all zones? Residentially dominated buildings, or residentially zoned, or all buildings?

32 (3) Cities and counties shall adopt a Climate Friendly element to the comprehensive plan concurrent
 33 with the designation of Climate-Friendly Areas as provided in OAR 660-012-0012. The Climate
 34 Friendly element, and findings adopted in support of the element, shall include the items provided
 35 below in subsections a – e.

Commented [OHM20]: Per 0320(2)?

Commented [OHM21]: Does this mean we don't need to rerun the CFA analysis based on the most recent population projection, we can use our old/adopted 2012-2032 projections?

36 (a) Maps illustrating all Climate-Friendly Areas, as well as calculations of dwelling units that
 37 can be accommodated within the Climate-Friendly Areas as a percent of the city's
 38 housing needs, as identified in the most recent adopted and acknowledged housing
 39 capacity report.

Commented [OHM22]: In effect? Effective means that the development is happening and depending on the market conditions and the economy development may not be happening not because the development regulations aren't "effective". If "effective is the intent then maybe change wording to "and how they remove development barriers within designated CFA."

40 (b) Documentation that the land use and development requirements identified in OAR 660-
 41 012-0325 have been adopted and are effective within designated Climate-Friendly Areas.

42 (c) The number of existing dwelling units within Climate-Friendly Areas and the number of
 43 income-restricted dwelling units within Climate-Friendly Areas.

Commented [OHM23]: Need to ask other staff if we can get this, I believe we'd only have the dwellings that the city has been involved in, I don't think we have a full list.

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

Commented [OHM24]: This is a summary of the technical advisory committee and equity outreach, with CFAs due for adoption by March 2023, that leaves 1 year from the final rules to adoption to have the advisory committee up and running, the equity outreach, the technical analysis and the (6-9 month) adoption process. This is not feasible.

14 **0325: Land Use Requirements in Climate-Friendly Areas**

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

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

Commented [OHM25]: Does this mean no land use applications can be allowed in CFA unless they have a clear and objective path (e.g. no conditional use permits, no overlay zones requiring a land use application or they can be as long as they are C&O)? If so, reword.

Commented [OHM26]: Only applies if a residential development is proposed and just to the lot it is proposed on or is this intended to mean that the entire CFA is zoned to meet a 15 net density?

Commented [OHM27]: Get examples of meeting over 15 net density below 100' height?

Or if this is about max building height, change wording to "maximum building height, if applicable, shall be no less than 100."

This appears to not allow step down setback next to adjacent uses, like historic districts, lower zoned areas, natural areas, solar setbacks

Also, this height is inconsistent with the "neighborhood centers" called out as a CFA, particularly for non-Metro cities.

Consider a secondary track for non-Metro cities that has a lower minimum building height.

Commented [OHM28]: What about special setbacks for additional ROW?

We've seen issues with having residential (sleeping) on the ground floor w/no setback.

Get examples from recent commercial setbacks discussion.

Commented [OHM29]: Clarify issue could be FAR maximums? Minimums would seem ok.

More examples would be useful

- 1 (9) Within newly-developing Climate-Friendly Areas or for redevelopment within developed
2 Climate-Friendly Areas the length of any block face shall not exceed 250 feet. Pedestrian
3 accessways, trails, streets, or public alleys through a block may be used to meet the block face
4 standard.
- 5 (10) Local governments shall prioritize locating parks, open space areas, plazas, and similar public
6 amenities within Climate-Friendly Areas.
- 7 (11) Local governments shall address the following requirements in Climate-Friendly Areas:
- 8 (a) The land use requirements in OAR 660-012-0330;
- 9 (b) The applicable parking requirements in OAR 660-012-0410;
- 10 (c) The applicable pedestrian system planning requirements in OAR 660-012-0510 or OAR
11 660-012-0515;
- 12 (d) The applicable bicycle system planning requirements in OAR 660-012-0610 or OAR
13 660-012-0615;
- 14 (e) The applicable bicycle parking requirements in OAR 660-012-0630;
- 15 (f) The applicable public transportation system planning requirements in OAR 660-012-
16 0710 or OAR 660-012-0715; and
- 17 (g) The applicable street and highway system planning requirements in OAR 660-012-0810
18 or OAR 660-012-0815.
- 19 (12) Local governments within a metropolitan service district subject to the requirements of OAR 660-
20 012-0310 shall either:
- 21 (a) Adopt findings as provided in OAR 660-012-0320(3) that demonstrate that development
22 allowances within an adopted town or regional center are consistent with the
23 requirements of this rule, or
- 24 (b) Adopt findings demonstrating that development allowances within an adopted town or
25 regional center will achieve equal or better climate and equity outcomes in relation to the
26 requirements of this rule.

Commented [OHM30]: Including schools?

27 **0330: Land Use Requirements**

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

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

1 **0340: Land Use Assumptions**

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

7 **0350: Urban Growth Boundary Expansions**

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

13 **0360: Key Destinations**

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

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

Commented [OHM31]: Threshold?

1 **New Rules 0400-0499: Parking**

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

7 **0400: Parking Management**

8 This rule directs jurisdictions to implement the parking rules.

- 9 (1) Cities and counties shall amend their comprehensive plans and land use regulations to implement
10 provisions of OAR 660-012-0405, OAR 660-012-0410, and OAR 660-012-0415, and conform
11 with section (2).
- 12 (2) Cities and counties shall meet the bicycle parking requirements as provided in OAR 660-012-
13 0630.

14 **0405: Parking Regulation Improvements**

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

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

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

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

Commented [OHM32]: This is city wide?

- 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.**

Commented [OHM33]: Seems too low for how much it would add to the cost of a relatively small development (like a cottage cluster).

Commented [OHM34]: define

Commented [OHM35]: repurposed for what? Not clear and obj. to be required at time of building permit

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

17 **0410: Reduction of Parking Mandates**

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

Commented [OHM36]: Needs more time to be reviewed by land use planners as well as city parking manager.

25 (1) Cities and counties shall either repeal all parking mandates or meet the provisions of sections (2)
 26 through (5).

Commented [OHM37]: Define- presumably means a city cannot require a minimum number of spaces. But mandates could mean can't require minimum dimensions if parking is provided which presumably is not the intent.

27 (2) Cities and counties shall not:

Commented [OHM38]: Is this really a viable option? Very complicated and detailed, especially for the timeframe that this is required to be adopted by

28 (a) Require more than one parking space per unit in residential developments with more than
 29 one unit. Notwithstanding this requirement, cities must meet requirements as provided in
 30 OAR 660-046-0220;

31 (b) Require parking for the following development types:

32 (A) Facilities and homes designed to serve people with psychosocial, physical,
 33 intellectual or developmental disabilities, including but not limited to residential
 34 care facilities, residential training facilities, residential treatment facilities,
 35 residential training homes, residential treatment homes, and conversion facilities
 36 as defined in ORS 443.400;

37 (B) Child care facilities as defined under ORS 329A.250;

38 (C) Single-room occupancy housing;

39 (D) Residential units smaller than 750 square feet;

40 (E) Affordable housing units as defined in OAR 660-039-0010;

- 1 (F) Publicly-supported housing as defined in ORS 456.250;
- 2 (G) Emergency and transitional shelters for people experiencing homelessness; and
- 3 (H) Domestic violence shelters.
- 4 (3) Cities and counties shall reduce parking mandates in Climate-Friendly Areas. In each Climate-
- 5 Friendly Area, as provided in OAR 660-012-0305, cities and counties shall either:
- 6 (a) Not enforce any parking mandates within the Climate-Friendly Area and on parcels that
- 7 include land within ¼ mile distance of those areas; or
- 8 (b) Significantly manage parking, by:
- 9 (A) Adopting a parking benefit district with a majority of on-street parking spaces in
- 10 the Climate-Friendly Area metered at a cost of at least \$1 per hour for at least six
- 11 hours on weekdays. A majority of those meter revenues must be dedicated to
- 12 public improvements in the Climate-Friendly Area;
- 13 (B) Adopting land use amendments to require no more than one-half off-street
- 14 parking space per new housing unit in the Climate-Friendly Area; and
- 15 (C) Not enforcing parking mandates for commercial developments.
- 16 (4) Cities and counties shall reduce parking mandates along priority transit corridors. Cities and
- 17 counties shall not require parking spaces for developments within one-half mile walk of priority
- 18 transit corridors. Until cities and counties designate priority transit corridors under OAR 660-012-
- 19 0710, cities and counties may not require parking spaces for developments within one-half mile
- 20 walk of a transit corridor with busses or rail service arriving with a frequency of at least four
- 21 times an hour during peak service.
- 22 (5) Cities and counties shall select and implement either a market-based parking management
- 23 approach as provided in subsection (a) of this section, or a reduced regulation parking
- 24 management approach as provided in subsection (b) of this section. These provisions must be
- 25 implemented in the planning area by December 31, 2022.
- 26 (a) A market-based parking management approach shall include parking mandates for new
- 27 multifamily residential development no higher than 0.75 space per unit and at least three
- 28 of the following four provisions:
- 29 (A) A requirement that parking spaces for each unit in residential developments of
- 30 five or more leased or sold units on a lot or parcel be leased or sold separately
- 31 from the unit itself. That requirement must include a requirement for the parking
- 32 space(s) to be rented or sold at market rates for comparable local off-street
- 33 parking, and for the renter of the unit to be able to opt out of renting the parking
- 34 space(s);
- 35 (B) A requirement that parking spaces serving leased commercial developments be
- 36 leased or sold separately from the unit itself. That requirement must include a
- 37 requirement for the parking space(s) to be leased or sold at market rates for
- 38 comparable local off-street parking, and for the lessor or owner of the unit to be
- 39 able to opt out of leasing or owning the parking space(s);
- 40 (C) Requiring employers of 50 or more employees who provide free or subsidized
- 41 parking to their employees at the workplace to provide a flexible commute
- 42 benefit of at least \$50 per month to those employees eligible for that free or
- 43 subsidized parking who regularly commute via other modes instead of using that
- 44 parking; and

Commented [OHM39]: Not enforce makes it sound like there can be parking mandates but the city can't enforce them. Reword to "No minimum parking required for parking minimums within CFA"

Commented [OHM40]: 51%?

- 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.
-

1 **0415: Parking Management for More Populous Communities**

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

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

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

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

10 (1) Cities and counties with populations over 50,000 in the urban area, and cities with populations
11 over 25,000 within a metropolitan service district, shall require the installation of electric vehicle
12 charging infrastructure upon major remodel or renovation of certain buildings or parking lots.

13 (a) Requirements shall apply to existing parking garages or commercial buildings with more
14 than 40 parking spots, residential developments with five or more parking spaces on a lot
15 or parcel, and mixed-use buildings with five or more parking spaces on a lot or parcel.

16 (b) Vehicle charging infrastructure shall include at least Level 2 electric vehicle charging
17 stations rated at 6.6 kW or higher, dedicated electrical capacity, wiring and conduit.

18 (c) At least 20% of parking spots provided must have a charging station.

19 (d) For the purposes of this section, major remodel or renovation means the value of the
20 proposed alterations on the site is 20% or more of existing building or parking lot
21 valuation, or more than \$200,000.

22 (e) An exemption may be granted if the cost of the Level 2 charging installations exceeds
23 30% of the cost of the proposed alterations.

24 (2) Cities with populations over 100,000, counties with populations over 100,000 outside city limits
25 but within the urban growth boundary, and cities with populations over 25,000 within a
26 metropolitan service district, shall:

27 (a) Adopt one of the following options:

28 (A) Adopt land use regulation amendments to remove all mandates to provide
29 parking spaces, other than parking spaces reserved for people with disabilities,
30 parking required for electric vehicles when parking is provided, or parking for
31 carpools and vanpools; or

32 (B) Price at least the percentage of on-street parking spaces specified in OAR 660-
33 012-0012, and report the percentage of on-street parking spaces that are priced as
34 provided in OAR 660-012-0900. Residential parking permits priced at lower than
35 50 cents per day per space do not count towards this total.

36 (b) Study local conditions and set appropriate parking maximums to encourage development
37 in Climate-Friendly Areas and along priority transit corridors.

38 (3) Cities with populations over 150,000 shall, in addition to requirements as provided in section (1):

39 (a) Study parking use in areas with on-street priced parking at least every three years, and
40 adjust prices to ensure availability of at least 10% of on-street parking spaces within two
41 blocks of all locations at all hours;

Commented [OHM41]: Hmm, I see lots of development coming in at a value of \$199,999, but the 20% might resolve that issue.

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

Commented [OHM42]: define

12 **New Rules 0500-0599: Pedestrian System**

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

17 **0500: Pedestrian System Planning**

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

21 **0505: Pedestrian System Inventory**

22 This rule describes how cities must inventory their pedestrian system.

23 **0510: Default Pedestrian System Requirements**

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

26 **0520: Pedestrian System Projects**

27 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.

Commented [OHM43]: Only for large developments?
What is a 'range of devices?'

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.

1 **New Rules 0900-0999: Monitoring and Reporting**

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

6 **0900: Monitoring and Reporting**

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

- 11 (1) Cities and counties shall prepare a report annually on progress toward meeting goals.
- 12 (2) Cities and counties shall submit the report for review by the advisory committee established as
13 provided in OAR 660-012-0125. If the advisory committee approves the report, then the city or
14 county shall submit the report to the director. If the advisory committee does not approve the
15 report, then the city or county shall make necessary revisions and resubmit the report for review
16 by the advisory committee.
- 17 (3) Reports are due to the director no later than May 31 of each year for the report for the previous
18 calendar year. The director shall review reports as provided in OAR 660-012-0905.
- 19 (4) Cities and counites shall submit either a major report, as provided in section (5), or a minor
20 report, as provided in section (6), each year.
 - 21 (a) Major reports shall be submitted for each year in which the metropolitan planning
22 organization representing the city or county approved a regional transportation plan as
23 provided in 23 CFR 450.324.
 - 24 (b) Minor reports shall be submitted each year where a major report is not submitted.
- 25 (5) A major report must include the following information:
 - 26 (a) All information required in a minor report as provided in section (5);
 - 27 (b) An assessment of the regional and local performance measures as provided in OAR 660-
28 012-0910 and OAR 660-044-0110 or 660-044-0210, including:
 - 29 (A) Baseline data;
 - 30 (B) Baseline projections of expected outcomes from existing adopted plans for 2040-
31 2050;
 - 32 (C) Baseline performance measures targets for each major reporting year between the
33 base year and 2050;
 - 34 (D) An assessment that measures local implementation of the actions taken over the
35 reporting period; and
 - 36 (E) A proposal for the actions necessary to meet the performance targets in the next
37 reporting period.

Commented [OHM44]: Too frequent for this level of detail. Consider syncing up deadlines with other existing but related reporting requirements

- 1 (6) A minor report must include the following information:
- 2 (a) A narrative summary of the state of coordinated land use and transportation planning in
3 the planning area over the reporting year, including any relevant activities or projects
4 undertaken or planned by the city or county;
- 5 (b) A copy of the order approving the report from the previous reporting year as provided in
6 OAR 660-012-0905;
- 7 (c) The planning horizon date of the acknowledged Transportation System Plan, a summary
8 of any amendments made to the Transportation System Plan over the reporting year, and
9 an estimate of planning activities over the near future which may include amendments to
10 the Transportation System Plan;
- 11 (d) A report on the membership and activities of the standing land use and transportation
12 planning advisory committee, as provided in OAR 660-012-0125;
- 13 (e) Any temporary projects implemented as provided in OAR 660-012-0190;
- 14 (f) Any reviews of Vehicle Miles Traveled-Increasing facilities as provided in OAR 660-
15 012-0830 including those with consultations underway, suspended, or completed; and
- 16 (g) A description of what immediate actions the city or county has considered to be taken to
17 reduce greenhouse gas emissions as provided in ORS 184.899(2).
- 18 (h) A description of the consultations with the metropolitan planning organization on how
19 the regional transportation plan could be altered to reduce greenhouse gas emissions as
20 provided in ORS 184.899(2).
- 21 (7) The director may grant an exemption to a city or county from a requirement to include any
22 required element of a report when the director determines that collection and reporting of the
23 information would not be possible or would place an undue burden on the city or county. The city
24 or county must request an exemption in writing prior to the due date of the report.
- 25 (8) Counties need only report for those portions of the county within an Urban Growth Boundary
26 inside the metropolitan area. A county may jointly report with a city for the entire urban growth
27 area of the city.
- 28 (9) Reports as provided by this rule are not land use decisions.

Commented [OHH45]: Annual report requirement, too frequent and too much detail, needs to be tied to or align with existing regional reporting requirements

29 **0905: Orders Approving a Report**

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

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

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

28 **0910: Transportation System Performance Measures**

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

33

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 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.

Commented [OHM1]: How does this coordinate with 0320(3)(a)- it seems like one is indicating we can use our existing adopted numbers but the other is indicating you can only use older numbers if your HCA is in process.

Commented [OHM2]: Housing units is different than how it's referred to in the TPR amendments.

Commented [OHM3]: This seems to say that in 5 years 30 percent of (existing) housing units are located in CFA-given government is not the builder and can really only plan and incentivize, should that be the criteria instead? Demonstrate that you've planned for it and there's nothing that the city/county needs to do?

Commented [OHM4]: Capacity for or that it is actually happening? Since cities aren't developers...

660-008-0050

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.

Growth Management Timelines

| Deadline - | Item | Source |
|--|---|--|
| Reoccurring yearly 2/1/xx | HB 4006: Annual rent burden city housing permits report | HB 4006 |
| Reoccurring yearly 12/31/xx | HB 4006: Annual rent burden city housing meeting | OAR 813-112-0000 |
| 6/30/22 | HB 2001: Adopt land use code amendments or comprehensive plan amendments to implement HB 2001 | HB 2001 section 3 |
| (3/xx/22) | <i>(CFEC final public hearing on OARs)</i> | |
| 12/31/22 | <i>CFEC: adopt parking requirements- requires initial equity outreach and land use/transp advisory committee review</i> | RAC packet 7 |
| 12/31/22 | <i>CFEC: submit work plan for review to DLCD for Lane MPO scenario [scenario SOW, outreach plan, funding, timeline]</i> | DRAFT 3/29/21 RAC packet 5, 0015(2) & 0100 [deadlines, pdf pg 27] |
| 6/30/23 | CFEC: submit an interim report prior to an approved work plan [20 yr projections- pop/land uses/densities, transp projects] [Every 4-5 years until work plan approved] | DRAFT 3/29/21 RAC packet, 0015(2) & 0200 |
| 3/2023 | <i>CFEC: adopt CFA into comp plan and associated land use – requires initial equity outreach and land use/transp advisory committee review</i> | RAC packet 7 |
| 12/31/23 | <i>CFEC: submit land use & transp scenario to LCDC [20 yr projections- transp projects, housing for marginalized, pop/land uses/densities, 30% in CFA, regulation amendments to enable projections incl parking, GHG, perf measures, equity measures]</i> | DRAFT 3/29/21 RAC packet 5, 0015(2) & 0110 [pdf pg 39] |
| 12/31/24 | <i>CFEC: adopt local amendments from the work plan [comp plan, land use regs, TSPs to be consistent and implement the scenario] [Future comp/reg/TPS amendments must be consistent with scenario]</i> | DRAFT 3/29/21 RAC packet 5, 0015(2) & 0130 [pdf pg 27, 42] |
| Yearly? | <i>CFEC: submit progress report within six months of each reporting year specified in the scenario</i> | DRAFT 3/29/21 RAC packet, 0140 |
| 12/31/25 2 years before HPS is due | HB 2003: Pre-HPS survey Inventory of HPS | |
| 12/31/26, to be adopted at local level | HB 2003: Housing capacity analysis (HCA) defined as incorporated into a city's comprehensive plan by ordinance, that complies with the provisions of ORS 197.296. A Housing Capacity Analysis is an assessment of housing need and | HCA defn: OAR 660-008-0005 Deadline: OAR 660-008-0045 |

Commented [OM1]: 7/2021 ODOT staff said they didn't think Eugene had to do this

| | | |
|--|--|----------------------------------|
| | capacity that includes the inventory, determination, and analysis required under ORS 197.296(3) [ORS 197.296(3): inventory of land, determine housing capacity, determine the number of units and amount of land needed for each needed housing type for the next 20 years] | |
| 12/31/27, one year from when HCA is adopted | HB 2003: Housing production strategies report [list of specific actions including the adoption measures and policies to address the housing need, contextualized housing need, outreach process summary, equitable housing outcomes] | OAR 660-008-0050 |
| 20 days after HPSR is adopted | HB 2003: submit report to DLCD 20 days after adopted and send notice to interested parties | OAR 660-008-0055 |
| 12/31 three years after HPSR is adopted | HB 2003: Submit progress report to DLCD | OAR 660-008-0060 |
| Reoccurring 12/31 eight years after HCA is adopted | HB 2003: adopt next HCA | OAR 660-008-0045 |

Housing Needs Analysis (HNA) and Housing Production Strategy (HPS) Timeline

