

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



MEETING 10

TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **Meeting 10 Packet – Part 2 Cover Sheet**
DATE: December 6, 2021

This file includes the following items as Part 2 of the RAC 10 meeting packet:

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The first part of the RAC 10 packet and all other available materials are available on the [Climate-Friendly and Equitable Communities rulemaking website](#).

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 10



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Kevin Young and Bill Holmstrom, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 10 Item 13: RAC Meeting 9 Summary**
DATE: December 6, 2021

This memo includes a summary of the RAC 9 meeting on November 5th, 2021. The memo includes an overview of the meeting and breakout sessions.

Attendees

RAC Members

Aimee Okotie-Oyekan; Al Johnson; Alex Georgevitch; Ariel Nelson; Bill Graupp; Damian Syrnyk; Elisa Cheng; Emma Newman; Jana Jarvis; Jeremy Rogers; Jonathan Harker; Julie Warncke; Kari Schlosshauer; Ken Anderton; Lee Helfend; Lisa Anderson-Ogilvie; Mallorie Roberts; Margi Bradway; Mary Kyle McCurdy; Matt Brinkley; Michael Szporluk; Oriana Magnera; Paige West; Patricia Selinger; Paul Thompson; Rebecca Lewis; Rob Inerfeld; Sarah Adams-Schoen; Sara Wright; Scott Barrie; Shane Witham; Wade Elliot

Land Conservation and Development Commission (LCDC)

Commissioner Nick Lelack, Commissioner Stuart Warren, and Chair Robin McArthur

Department of Land Conservation and Development (DLCD):

Ingrid Caudel; Bill Holmstrom; Kevin Young; Cody Meyer; Matt Crall; Samuel De Perio Garcia; Evan Manvel; Casaria Taylor; Kirstin Greene; Ryan Marquardt

Oregon Department of Transportation (ODOT)

Amanda Pietz; Brian Hurley; Erik Havig; Michael Rock

Kearns and West

Sylvia Ciborowski and Bianca Valdez

Agenda

Welcome, Opening Remarks, and Agenda Review

Sylvia Ciborowski, facilitator, opened the meeting and welcomed the meeting participants.

LCDC Commissioner Stuart Warren provided opening remarks and welcomed participants to the meeting. He shared the focus of today's meeting is to discuss the remaining draft rules and revisions to

rules and for the RAC to put their attention to the areas of the draft rules where work is needed the most. The hope is to make the rules both bold and strong. He noted the Commission heard the RAC's request to extend the rulemaking timeline and responded by extending it to two months, moving the initial hearing of the rules to March 2022 and hoping for the final adoption of the rules by May 2022. Commissioner Warren noted that the project team has also heard the need for assistance regarding implementation of the new rules, and in response DLCD and ODOT plan to support implementation through guidance, technical assistance, funding, increasing staff capacity, and other resources. He emphasized that the adoption of the rules is the beginning, and there still is a lot to do to meet the climate and equity goals.

Sylvia provided an overview of the meeting agenda noting the key topics. The key topics included the review of the rulemaking schedule and implementation dates, transportation system performance standards, street and highway planning rules, revisions to rules for Climate Friendly Areas (CFAs), and revisions to rules for electric vehicle charging and reducing parking mandates. She then offered participation and meeting logistic tips as well as committee discussion guidelines to ensure the RAC operates in a collaborative fashion.

CFEC Rulemaking Schedule and Implementation Dates Summary

Kevin Young, DLCD, notified the RAC of the work session with LCDC on November 9th, 2021, and shared that it is the first time the Commission has done a work session. He noted the structure of the session is to learn about the draft rules and give the commissioners an opportunity to ask questions and better understand the rules. Kevin noted that there is no decision making or public testimony that will occur during this session, but shared members are able to view the work session and learn more if interested. Kevin also provided an update on the applicability within Portland Metro and shared DLCD is working with Metro staff, local governments, and other interested parties on a proposed approach on how the rules for CFAs would work in 2040 Town and Regional Centers in the Portland Metro region. He also shared there were a number of requests from RAC members for work groups on particular topics and that following the RAC meeting, DLCD will send an email to the RAC and alternate members soliciting interest in participation in topic-focused work groups. DLCD hopes to utilize the workgroups to further refine the rules.

Kevin presented the CFEC rulemaking schedule. DLCD will provide an update on CFA work to the commission on November 18th and as a part of that conversation there will be an interagency panel on the implementation of the rules, they will review the progress on draft rules, and discuss policy questions. The next RAC meeting is on December 17th, 2021, where the RAC will continue to look at revisions of the rules, including view an update to the scenario planning rules. The eleventh RAC meeting is scheduled in January and the RAC will review the final rules refinements and impact statement review. From February 3rd-4th, 2022 LCDC will review the draft rules and impact statements and from March 31st-April 1st will be the first public hearing. On May 19th-20th there will be the final public hearing.

Bill Holmstrom, DLCD, reviewed the schedule of implementation dates. He shared that the schedule is based on the draft rules in the packet, lists every metropolitan area, and lays out by year where DLCD expects different elements of the rulemaking to fall. He emphasized that as DLCD works with local governments, they want to hear how DLCD can help to make the schedule work. DLCD is trying to

balance the urgency of this work with the abilities of local governments for successful implementation of the rules.

Questions and Comments:

A RAC member inquired on the scheduling involving planning for pedestrian/bicycle transit infrastructure and asked how conferences and plans that need to take part of a Transportation System Plan (TSP) update will be identified and if they will be addressed when local governments have capacity when treating amendments to TSPs on their own schedule.

Response: DLCD responded they are thinking internally and talking to ODOT about balancing local jurisdiction TSP updates, considering there has been a number of jurisdictions that have recently updated their TSP. DLCD is open to discussion with local governments to discuss what makes sense there.

A RAC member inquired on whether non-RAC members are allowed to participate on the topic-focused work groups. They encouraged DLCD to make the functionality and structure of the work groups interactive and engaging.

Response: DLCD responded they want to keep the work groups relatively small but allowing non-RAC members participation is reasonable.

A RAC member noted they did not see the performance standards being effective January 1, 2023 in the timeline and inquired how the performance standards interplays with the TSP updates. The member inquired about balancing the timelines for major reports and TSP updates.

Response: DLCD responded when a rule becomes effective, it's reliant to a TSP update, so DLCD needs to think about whether that means an action occurs at the next TSP update or whether there is some action that needs to be taken prior to the TSP update date. DLCD is uncertain about performance standards, and it needs further discussion, which the work groups can help with, and DLCD is open to talk to local governments and ODOT on this.

A RAC member commented it is important to listen to the feedback of local governments regarding their capacity and ability to implement the rules when also working on implementing other rules. They added it is important to not take away focus on the other local housing efforts occurring, including cities housing production strategies which are required by HB 2023.

Transportation System Performance Standards

Bill, DLCD, presented on the Transportation System Performance Standards rules. He explained that transportation performance standards can be called mobility standards and are used to measure a transportation system and see how its performing and determine its success. There are different measures that are used for motor vehicle congestion, such as level of service or volume to capacity ratio, however these measures do not touch on other values that are important in a transportation system, such as connectivity, access to goods and services, or safety. Transportation system performance standards are used to make transportation plans, regulate plan amendments and zone changes, review development proposals, and implement and operate transportation systems and facilities. Bill then reviewed the new rule 660-012-0170 and explained that rule 0170 applies to plan amendments and zone changes when reviewed under existing rule 660-012-0060 and applies to the

review of development applications when locally required. Rule 0170 requires adoption of at least two performance standards, and at least one standard must not be related to motor vehicle congestion. This rule originally started off with no standards related to motor vehicle congestion, but after talking with local government and agency partners, DLCD noted it's important to measure this, and also incorporate other values into the rule as well. Bill then provided information on the new rule 660-012-0325. Rule 0325 applies to plan amendments and zone changes within a designated CFA. It includes the changes needed to initially implement the required land uses in a CFA. Bill noted that instead of a review under rule 0160, when implementing a new CFA, a local jurisdiction needs to either update the transportation system plan or complete a multimodal transportation gap summary. The multimodal transportation gap summary looks at transportation needs in the CFA and will focus on pedestrian and bicycle network gaps as well as include a highway impacts summary in some cases. Bill added that future amendments may need highway impact findings in some cases. Sylvia Ciborowski, facilitator, opened the meeting for discussion.

Questions and Comments:

A RAC member sought clarity on decision making when the two adopted standards are in conflict and out of the two standards, if capacity is left out entirely.

Response: DLCD explained that both standards must be met, however conflict is a possibility, and DLCD added that they need to add language in the rules to provide flexibility if a conflict arises. Regarding capacity, local government can make that choice.

Another RAC member inquired on whether the new rules would need to be co-adopted with the counties and if the two performance standards need to sync up with the city and the urban fringe area surrounding the city. The member also shared concern on the rulemaking timeline and noted that if the commission adopts the rules in May 2022 and the rules need to take effect January 2023, some city councils are on recess so a co-adoption process is not realistic; cities need a year total to get through a public hearing and process steps that are required. The member noted that given the urgency of the rulemaking, it may make sense to decouple this element from a major update for a TSP and performance standards can be achieved faster. They also inquired on whether the state would provide technical resources to cities to implement evaluation that is needed and if there are examples of different options provided.

Response: DLCD noted they need to be clear on what that timeline means. The transportation performance standards would be adopted at the next TSP amendment. Regarding TSPs in unincorporated areas within urban growth boundary areas, DLCD is hoping for a coordinated unified transportation plan, with the understanding that a county or city may not want to do that. DLCD is allowing a separate urban transportation plan for those places as an option, however it makes sense for an entire urban area to have single transportation plan, and the standards would go along with that. DLCD is not saying the same two standards should be applied everywhere and there can be different standards on different facilities. Regarding the question on technical resources, it depends on different standards that are chosen and some are not as resource intensive as others. DLCD is interested in supporting local jurisdictions as much as possible.

A RAC member shared appreciation for the clause in the purpose section of the rules which recognizes past practices that have been harmful for marginalized or disenfranchised communities. They inquired

how and whether DLCD can recognize public infrastructure does create barriers for people with disabilities and to be mindful on how to plan to remedy those and reduce remaining barriers in physical infrastructure. The member noted there are ways of addressing the issue which include removing existing barriers, prevent the new development of barriers in planning, and to ensure people with disabilities are involved in planning.

Response: DLCD shared there is a number of ways to tackle this issue. There are specific requirements in DLCD's modal plans, which are the rules that start in the 0500-0800s, that ensures barriers are being removed and an allocation of resources is provided in a way that moves in the right direction. Regarding performance standards themselves, DLCD noted the existing performance standards are a mixed bag and are hopeful that other performance standards can help with balancing bike/pedestrian/transit infrastructure. DLCD shared that part of the process requires local jurisdictions in planning to bring in people who represent underserved populations, which include those with disabilities to help make planning decisions.

A RAC member shared the rules are a step in the right direction. The noted technical assistance is important and encouraged DLCD to share more on what is occurring in Metro. Regarding multi-modal, they noted an amendment in a TSP would be challenging as some local jurisdictions do not have fine grained projects in a TSP but rather have higher order projects. The member inquired if the highway impact assessment would not need to be adopted or approved by ODOT, and if local jurisdictions need to have findings and notice ODOT?

Response: DLCD replied that is correct, the highway impact assessment would not need to be adopted or approved by ODOT.

A member shared a comment regarding multi modal planning and reducing VMT. They shared that the desire to put other forms of traffic is in conflict with freight needs, and a safety perspective is required especially when considering placing bike lanes close to freight. The member shared appreciation that congestion is still allowed to be a factor. They added that it is important to pay attention to the state highway system and keep CFAs accessible, especially considering the increased rate of home delivery during the pandemic.

Another RAC member agreed that the rules are on the right track but inquired on how Rules 0170 and 0325 relate to the 0910 and 0915 rules.

Response: DLCD explained when making a plan amendment for implementing rules 0170 and 0325, performance standards are set to determine impacts of a decision. Rules 0910 and 0915 are on performance measures. The performance standards are specific to impacts on a facility and the performance measures indicate broader progress towards goals.

A RAC member noted as the performance standards would apply to changes to zoning and potentially Transportation Impact Analysis (TIA) requirements, it requires a lot of work from developers. There are methodologies that are used that would help guide developers in their evaluation of impacts, however since there are presently no methodologies from DLCD on the topic, it is difficult to comment. The member inquired if DLCD has a list of options on what they mean for equity analyses or other analyses.

Response: DLCD replied they do not have a list of options presently, and they were attempting to provide more flexibility to local jurisdictions. DLCD may consider developing additional guidance and will

lean on previous work completed by Metro and ODOT and others nationwide and use those as examples.

Street and Highway Planning Rules

Bill, DLCD, presented on the Street and Highway Planning Rules 0800 to 0830. The purpose of these rules is to guide development of local transportation system plans. Bill reminded the RAC that these rules are supposed to work with coordinated planning with pedestrian, bicycles, and public transportation networks. Bill explained that to meet the goals of climate and equity, many trips must shift to other modes of transportation, or be shorter. Some trips will still rely on driving, and there is a need for a safe, connected street networks. Bill shared on the following rules, particularly on Rules 0810 and 0830:

- Rule 0800 - Overview of street and highway system planning
- Rule 0805 - Inventory the street and highway system
- Rule 0810 - Street and highway system requirements
- Rule 0820 - Street and highway system project list
- Rule 0830 - Authorizing facilities that increase capacity

Sylvia, facilitator, opened the meeting for discussion.

Questions and Comments:

A RAC member inquired if it is DLCD's intention for the vehicle capacity increasing facilities analysis be done for all projects within adopted TSP plans or for new proposals. A couple of RAC members commented that the analysis seems like a lot of work, and capacities of local jurisdictions differ.

Response: DLCD responded that local governments have existing acknowledged TSP plans and when doing a TSP update that meets updated standards, any project in that updated TSP will have to have gone through this process. Analysis will be done at a TSP update, both for existing projects that will be kept and for new ones. DLCD is attempting to define a public process of how capacity increases happen.

A RAC member commented on Rule 0810 and shared agreement that local streets can be smaller, but noted it is important for the means of evacuating people, therefore the member is concerned about limiting jurisdictions to 28ft for all local streets as it may not be enough space to get emergency vehicles into an area. They added that the rule is asking cities and counties to plan for freeways, however freeways are described in the rules as interstates managed by ODOT. The member sought clarification on whether local jurisdictions are responsible for state facilities, and if so, to communicate that to ODOT.

Response: DLCD clarified that ODOT is responsible for state facilities, and all agencies need to be consistent with local comprehensive plans. Regarding emergency access and local evacuation, that's one main reason the connectivity piece is crucial, so areas do not end up with disconnected or dead-end streets in neighborhoods. DLCD wrote the rule in a way that gives local governments flexibility on what 28 ft looks like.

A RAC member inquired how connected streets connect other modes of travel such as bike/pedestrian, and if the aspiration is to rely on more local streets for those trips. The member also inquired how DLCD will prevent conflicts or mitigate risks of arterials through CFA areas and ensure safe travel.

Response: DLCD reminded the member that the rules were designed together along with bike/pedestrian. The rules try to balance how they work together. DLCD noted their intention is to ensure every local street is accessible by those who are walking, and it may vary for CFAs, the areas may look different with different types of street and context and there is the possibility of no car access.

A RAC member noted that connectivity is more involved than one narrow path from one point to another point and the idea of narrowing streets and testing access may work under optimal conditions but to consider non-optimal conditions. The member expressed confusion on the goal of moving away from vehicles as they noted historically, transportation routes brought economic prosperity to regions and an aging population is less likely to bike.

Response: DLCD explained that when it comes to a network of local streets, there should be a connected network and not just one path. Shifting investments and how people will travel attempts to address the climate issue and reduce greenhouse gas emissions. Investment in transportation is critical for the economy, however investment transportation involves more than just vehicles on the road. Regarding the aging population, DLCD explained that the more options available to get people to participate in a community that is not in a car, the better.

A member shared appreciation to DLCD for the creation of topic-focused work groups. They shared a following comment that they have been communicating with partners and thinking about local planners in the region and duplication of potential application of standards and/or on duplicating work. Additionally, they have been thinking about who makes the decision regarding the TSP project list. They noted there is a lot of reference to highways, and it includes a lot of arterials. There are also highway projects that are typical and selected by ODOT which must be reflected in a TSP. In the Metro area, there are major projects underway, and those local projects are in local TSPs, therefore the member encourages DLCD to think about what the local jurisdiction's responsibility is in analyzing and monitoring a project and how are they responsible for large projects in TSPs.

Another RAC member shared support for narrower streets with reduced traffic. They inquired if cities and counties are the only entities planning for narrowing streets and for projects this covers, if only new streets qualify.

Response: DLCD explained that cities and counties are the entities doing the local TSPs. The rules will apply to new or rebuilt facilities and not so much to existing facilities being maintained. DLCD requires that local governments be consistent with local TSPs and existing large projects would also need to meet new standards.

A RAC member shared concern on the rule proposal and implementation. They commented that narrow streets can work and have benefit but needs to be part of parking management to address safety concerns. The member requested an exemption for roundabouts to be added to Rule 0830 where it discusses added capacity. On requiring mapping out the needs for a highway system, the member offered an example of the development of a conceptual local street network map and how it attracted a great amount of public comment and attention throughout the adoption process. They inquired to DLCD as things change over time, how would amendments be made and where is there flexibility to make changes to a plan.

Response: DLCD clarified that the rules do exempt a specific layout of local streets, just arterials and corridors for a future network.

Commissioner Lelack commented on evaluating existing projects on a TSP. He noted that TSP updates are comprehensive plan amendments that will address a range of issues, and if the update is appealed because of the evaluation of an existing project in a TSP, the TSP update will be appealed or denied. When it is denied, it returns to the current TSP with current projects just evaluated. He cautioned on the unintended consequences of a denied TSP update and subsequent inaction or achievement of the goals.

Response: DLCD noted that this is a potential issue they further need to think through.

A member shared that concern must be considered on emergency vehicle access and there are solutions that don't involve widening roads. The key is to reduce the number of private vehicles taking space on a road and manage on-street parking. They also highlighted the need for TSP updates and the existing incentive for local jurisdictions to delay a TSP update and continue with grandfathered-in projects; it's important to make sure 20 years do not go by before another TSP is updated. In response to comments on electrification and VMT reduction, the member shared appreciation for DLCD's point on analysis that it's urgent to reduce driving and electrify remaining miles driven. The member added that reducing driving has great co-benefits which have large equity payoffs.

A member commented there are better ways to manage how emergency vehicles get to point A to point B. The member suggested to ensure quality retrofitting designs from the beginning and apply principles of universal design with elements of accessibility.

Revisions to Rules for Climate Friendly Areas

Kevin, DLCD, provided information on the revisions made to Climate Friendly Areas. The revisions included:

- phased implementation requirements
- moved thresholds up to cities and counties over 5,000
- revised the approach of how standards would roll out in Portland Metro Region
- pared down land used requirements for CFAs
- developed alternative outcomes-based approach for land use requirements
- an alternative transportation system performance standards
- an alternative approach to urban growth boundary expansions.

Kevin went into further details on the changes made.

Sylvia, facilitator, opened the meeting for discussion and asked members to participate in the meeting's poll question, *Are the Climate Friendly Area rule revisions on the right track?* There were 18/27 RAC members that participated in the poll and the results were the following:

- Yes – the rules are sufficient (6%)
- Almost – the rules are almost there (39%)
- Not Quite – the rules need more work (56%)
- No – the rules are insufficient (0%)

Questions and Comments:

A RAC member inquired if the equity displacement requirement for CFAs applies in the Portland-Metro region and how are the density requirements sufficient.

Response: The equity displacement work analysis would not be required in the Portland-Metro area because the region has already developed the 2040 Growth Concept, Climate Smart Communities' program, and have embedded those considerations in the work they've done. Regarding density requirements, DLCD looked at different scenarios, and at a base minimum 15 dwelling units per acre is needed to support good transit service. Portland-Metro has established targeted densities for their Towns and Regional Centers and DLCD has looked at their standards as well. DLCD stated they are open to input and data on what standards should be.

A member sought clarification on the 30 percent of housing in a CFA is the total amount or future amount needed for housing.

Response: DLCD clarified that it is the total amount of housing, and the intention is to see 30 percent community housing within a CFA area. DLCD shared they will clarify the rule language on this.

A RAC member inquired what the process would look like if UGB expansion requires multiple needs or how employment lands would be factored into the CFA rules.

Response: DLCD replied the proposed framework would work either for residential only UGB expansion or for one that is looking at residential employment or public facility needs over time. The process looks at the identified residential needs and the need beyond what can be accommodated within the current UGB.

A RAC member inquired if there is a limit on the size of residential or employment areas and suggested for DLCD to clarify that section of the rule.

Response: DLCD replied that the rule is not specific to a limit and was thinking whatever portion of an area is in walkable distance would qualify.

A member sought rule language clarification on whether DLCD meant "identify" where the rule states "designate" CFA areas. They noted the minimum CFA widths and is trying to figure out what problems that is attempting to solve for.

Response: Regarding designation and governmental action associated with that, DLCD explained they would look for a local government decision on areas actively engaged. It is first identifying the area and then doing analysis of equitable housing outcomes that results with that. DLCD would be looking for some official local government decision, and the second action is the zone change and plan amendment that would follow. The width requirement gets to concerns that if the CFAs tend to focus just on narrow transit served corridors, the full benefits would not be received that would occur with wider areas. DLCD wants to see a critical mass of activity in these areas, and if they are overly linear, the activities are less likely to occur.

Breakout Room

Sylvia then invited RAC members to go into breakout rooms to further discuss the revisions to the rules for Climate Friendly Areas.

She shared the questions the RAC would be discussing in breakout groups, shown below:

1. What do you want to tell each other about the rules for climate friendly areas? (*i.e., do you think they're on the right track, what concerns do you have, or maybe they just still are not making much sense.*)
2. What does a Climate Friendly Area look like to you? Do you have a vision or example you've seen elsewhere?

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.

Breakout room 1

- The group shared consensus that the rules are on the right track, but DLCD must continue to think of the impacts or consequences and support cities in development standards.
- Concern was shared regarding the timeline and whether it reflects the urgency of the climate situation.
- Concern was shared on whether the rules are limiting consumer or developer choice that won't be reflective of market demands.
- The group shared a vision for CFAs where people feel safe walking and not being in car including for historically under-represented communities.
- The group suggested to evaluate CFAs over time in terms of affordability and displacement.

Breakout room 2

- Agreement was shared that CFAs need to have an equity focus.
- There is a need for public engagement, and it may require extension of timeframes for implementation to get it right.
- Concern was shared on whether the market supports the rules or not.

Breakout room 3

- Time is needed to look at how the rules apply to existing areas in cities, and group encourages DLCD to think through what changes are necessary to close the gap on what's been done to promote development in some areas.
- Discussed how cities will need to potentially work differently with ODOT to ensure safe travel in CFAs and recognize freight moves into areas as well.
- Achieving equity is central in the rules and must be kept in mind when talking about the rules.

Breakout room 4

- The group inquired why DLCD had not asked the RAC what CFAs should like earlier in the process.
- The group discussed what is and isn't a CFA and on what the rules might mean for tenure vs ownership. They discussed if the rules are encouraging rental stock and discouraging home owned housing; home ownership should be encouraged.

- There is a need to plan for decreasing vehicles miles traveled.

Breakout room 5

- Concern was shared about needing significant and timely public engagement.
- Concern was shared on the lack of a market study and if development in some areas is actually feasible.
- Concern was shared on funding and development of high-quality bike/pedestrian facilities in CFAs.

Kevin provided next steps and shared appreciation around the input. He asked members to share their interest in participating in work groups, and that it is possible to have one on CFAs on refining the requirements.

Revisions to Rules for Electric Vehicle Charging and Reducing Parking Mandates

Evan Manvel, DLCD, presented on the revised draft of the parking reform rules and electric vehicle charging. For parking reform, Evan noted there has been 27 changes and he presented on the largest changes. These changes included restructure for ease of reading/use; the timeline for action to be extended to three months; hope for more communities to be encouraged to take the easier “fair policy” track an easier process to track with multifamily of 0.5 or below to get a credit; and inserted specific parking maximum numbers for CFAs and priority transit corridors. He noted there is a placeholder for how the reform applies in the Portland-Metro area. Also, if retaining mandates, multi-family parking in CFAs and priority transit corridors must be unbundled. They also reduced some specificity in the rules. Evan reviewed the parking reform options and noted that the second track of fair parking polices is suggested; there are options that communities can choose. Evan shared that EV charging has been a challenge to dig into the specificity and understands where the work is needed and where DLCD’s authority lies. The big changes made includes a focus on electric capacity plus conduit; boosted residential to 50% of spaces; a reduced waiver on retrofit to >20% cost; and ongoing legal analysis with Building Codes Division.

Sylvia, facilitator, opened the meeting for discussion and asked members to participate in the meeting’s poll questions: *Are these rules on the right track on improving the parking management and electric vehicle charging, including which communities they should apply to?* There were 21/29 RAC members that participated in the poll and the results were the following:

- Yes – the rules are sufficient (10%)
- Almost – the rules are almost there (29%)
- Not Quite – the rules need more work (43%)
- No – the rules are insufficient (0%)
- Don’t know/not sure (24%)

Questions and Comments:

A RAC member shared appreciation to DLCD staff for the immense number of adjustments made. They inquired on the management of parking, and noted for the rules to be successful, parking is a key tool,

therefore what resources will the state provide to local jurisdictions to establish or expand existing programs, and who's working on the resourcing.

Response: The state has published manuals on how to do parking management and have funded transportation growth management grants assisting cities in thinking through parking management and will continue to have grants available. Parking management can be self-funding depending on how its designed. The goal is for communities to use management, which is more cost, space, and climate efficient. If there are specific resources or tools that are useful, DLCD would like to hear more about it.

Regarding rule 0410 on EV, a member noted the need to require a major remodel or renovation and inquired if there will be a forthcoming definition on what that means. Also, regarding HB 2180, the member asked for DLCD's approach on wanting to inform building officials so they are engaged with this work and can coordinate efforts

Response: DLCD explained the major remodel definition can be found in section 2. DLCD also explained that HB 2180 states that building codes are to be updated by June 30, 2022, and will require 20% of parking spaces to have conduit and space onsite to have capacity. There other nuanced differences and DLCD is trying to figure out whether the legislature's guidelines are firm.

A member sought clarification if and how the EV charging pieces are informed by ODOT's transportation infrastructure needs analysis recently published?

Response: DLCD replied that they worked to develop the rules in partnership with ODOT and the EV portions of the rules are very much informed.

A member had a clarifying question on Rule 0450 and asked how it relates to the 0420 options as it is for more populous communities. In some of the parking options there are non-land use items such as pricing tools, and the member inquired if these are items LCDC cannot require because they are non-land use things. They further asked will those will be monitored or implemented and relate to what the jurisdiction have to do to implement a parking district or income tax on parking revenue? The member shared concern about the no parking mandate as it doesn't establish making sure cities are not overbuilt or it doesn't address unbundling.

Response: DLCD explained that if people follow rule 0420, then rule 0450 doesn't apply. 0420 applies in the way that they already waived parking mandates so they do not have to price on-street parking. That's how those fit together. There is a parking maximums requirement in 0415 and everything before 0420 still applies to everyone. CFAs and unbundling is something DLCD does not have the authority to require, and if communities don't want to repeal parking mandates they can do that voluntarily as an option.

A RAC member shared their primary issue with parking is the time it would take to adopt the rules. They noted it would take 18 months to go through the process, and they encouraged DLCD staff to look at what are all the steps DLCD would need to go through to adopt.

Next steps and Wrap Up

LCDC Commissioner Nick Lelack offered closing remarks and thanked the RAC members for their engagement at the first four-hour long meeting and offered appreciation for the member's commitment to process. He noted that great questions were posed today as they raised critical issues. He shared that

staff is listening and continue to revise rules based on input. He concluded by providing thanks to the staff for their work.

Kevin provided next steps and asked RAC members to fill out the post-RAC 9 survey, noting that continued specific guidance and input is especially helpful to DLCDC. He noted the next RAC meeting is on Friday, December 17th, 2021. He also requested for the RAC members to look for an email regarding interest in workgroup participation. Kevin thanked the staff and RAC for their continued thoughtful input.

Meeting adjourned approximately at 12:00 noon P.T.

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



MEETING 9 KEY QUESTIONS RESPONSES – NOVEMBER 15, 2021

TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC Meeting 9** Key Question Responses and Additional Input from RAC Members and Alternates
DATE: November 15, 2021

Question 1

Transportation Performance Standards: The draft rule for transportation performance standards is intended to ensure cities and counties are reviewing a wider range of standards beyond just looking at motor vehicle congestion in certain circumstances. Do you think the rule accomplishes this goal? Do you see implementation challenges with any part of the rule?

1. Yes, it seems like a good approach.
2. Level of service and v/c were established as methodologies to measure performance before they were codified as standards. My concerns with the list presented in the draft rules is that there are not established methodologies to calculate the prescribed performance standards. When California implemented their CEQA standards that used VMT as the measure of impact, there was a lot of work that went into establishing a methodology to measure VMT and working out the details of implementation. It is not clear how these performance standards are supposed to be implemented in these rules. It seems like there is a lot of work to do on this point and that there is no time allocated to do that work. This leads me to believe that it will be up to local jurisdictions to figure out how to implement these new standards, which will lead to inconsistent implementation at best. Worst case scenario being that under resourced local jurisdictions will require minimal acknowledgement of these new standards leading to ineffective implementation. I think the state needs to provide much more detailed guidance on how we are supposed to implement these standards. The draft rule as currently written sounds like only the idea of what the standards should be. We need to figure out the details before we can say whether or not they will accomplish the goal. The barriers to participation by those inequitably impacted by climate change in planning and land use decision-making stem from institutional and structural racism. I do think that the rule 120 will help increase the civic engagement opportunities for underserved communities that are disproportionately impacted by climate change I am not sure if the many other techniques that could be adopted and used by local governments in their land use public participation plans can be done by this rule without changing the underlying structural systems. For land use participation this stems from the old and outdated state Plan Goal 1 – Citizen Participation that should be revised. I do wonder, though as other's raised, if those (and I would guess it is most) local government's that use their Planning Commission as the Goal 1 required participation committee if LCDC wouldn't have authority to address centering through that required element.
3. Before answering the question, I would like to suggest that staff develop a different nomenclature for describing and differentiating between actions that must be undertaken pursuant to the proposed rule (Performance Standards) and programmatic metrics

(Performance Measures and Targets). The similarity in currently proposed terminology is confusing. I do see significant challenges implementing the rule as currently written. This has primarily to do with the scope of its application, which would include “review [of] an application for development”. First, I understand an “application for development” to be applications for various types of land division, site plan review, building permits, and other development approvals required in order to actually construct improvements of one kind or another. The rule as proposed suggests that individual developments (an apartment complex or office building) would need to be evaluated against Performance Standards contemplated in 660-12-0170. Procedurally, communities that closely evaluate infrastructure adequacy (in this case transportation facilities) at the time of land division or site plan review may be able to accommodate such an evaluation.

In the case of Medford, however, such an approach is problematic because that analysis occurs through and at the time of 1) comprehensive planning and 2) zoning. Changing the moment when a land use is evaluated for consistency with Performance Standards would add a second test of infrastructure adequacy for development that has already been entitled. Requiring development projects to prove infrastructure adequacy a second time introduces the potential for moving goal posts, a practice that is facially unfair; increases uncertainty for developers; and introduces additional opportunities for frivolous but disruptive appeals of development projects. I am also concerned with how local communities would in practice resolve conflicts between competing performance standards. It is not difficult to conceive of development projects that might enhance network connectivity for all modes while negatively impacting equity (for example, a multimodal facility that improves connectivity that requires acquisition of land in a neighborhood where many lower income, renter households reside).

4. For the list of objectives (-0170(3)), does DLCD have “safe harbors” or other examples of how these might be measured? With mobility, we have standards such as v/c. What would a standard be for “Safety for all modes”? Or for “Equity”? Same with many of the other objectives listed. What does it mean that the effective date is Jan. 1, 2023? Does that mean that the performance standards have to be adopted by then? Or does it mean that if they are not adopted, you can’t apply 0060?
5. I assume this question refers to draft rule 0170. I don’t have much experience with this aspect of TSPs. However, when I read this draft rule it is not certain to me that it will accomplish the goal. First of all I not sure what language in rule directs the use of the performance standards in deciding on which projects e.g. transportation infrastructure will be funded. Second I am not sure what will be in a TSP or the analysis that will be needed to demonstrate that the performance standard chosen “support meeting the target fo performance measures provided in OAR 660-012-0910” — does it mean demonstrate meeting the targets for Metropolitan Greenhouse Reduction”. If so, I don’t language is very clear. Third, why only are adopting only two performance standards (3) proposed and how does this ensure that congestion won’t over power those two standards?
It is also seems that some of listed standards, especially e through (h) can be interpreted to mean different things. For example could efficiency be used as a proctor for “congestion” — a project is recommended because it keeps car traffic moving to be “efficient” which could be same affect as “to reduce congestion”. I also noted that it this section the term “greenhouse gas” pollution is used where in other parts of the draft rules the term “climate” pollution is used. To avoid confusion I would suggest using only one term if they are referring to the same phenomena. Does “accessibility” relate to persons with disabilities or something else?” What does mobility relate to — different than accessibility”. Perhaps this are standard terms that those in the TSP infrastructure business will know but it would be good for the rules to be certain of what is meant. It also be good to understand how 0170 relates to prioritizing non-auto modes. Also, shouldn’t equity be a given not a choice?
6. I think we still need clarity on how to actually do the measurements for the transportation performance standards. For example, how does one measure VMT per capita as it relates to one

road project? If we add a road project to our system and then re-run the regional model, it will probably not show any change at the regional level unless it's a really big (like, new freeway) type facility. Roads by themselves do not generate VMT, VMT is generated by households in our traditional modeling framework, and then it is dispersed through the system. If we look at much smaller geographic areas, our modeling tools will be less accurate and still may not show any significant change in VMT/capita. Additionally, while looking at VMT/capita and other metrics such as system connectivity are really useful at the system level, I struggle to see how we can use them at the project review phase (given data limitations) and specifically at the development review phase. If a development project is located near but not adjacent to a sidewalk gap, can we require the development to build an off-site improvement?

Generally, the answer is no, unless it is a very large development. What if that off-site improvement would require purchasing a lot due to impacts on a private residence or on driveway access? Rules of proportionality and nexus will always apply. Development sites are generally only going to fix their immediate frontage and impact area within the ROW. DLCD needs to immediately engage with transportation planners and engineers who actually conduct development review and ask them what they can reasonably request.

7. Congestion should continue to be a primary factor for additional investment in Oregon's road networks. Adding additional criteria may complicate the state's ability to respond to demographic changes and population growth.
8. Rules are getting more clear. Some potential examples or safe harbors would be useful here to provide ideas and guidance. Especially around connectivity. For example, recognizing that connectivity projects may connect roads for vehicular traffic and also provide connections to complete the network for pedestrian, bicycle travel. Also consider safety as a potential standard, e.g. in lieu of just a v/c standard being improved what does a project do to improve safety at an intersection? Crosswalks, flashing lights, special treatments that alert a driver they are approaching an intersection where people are crossing by foot or by bike. General –confirm that we can amend our TSP without kicking in the full update.
9. We are pleased to see new transportation performance standards being added as options that account for more than motor vehicle throughput measures (LOS, v/c ratio). To make implementation feasible, the due date needs to be extended. It will take at least 1 year total from LCDC adoption to local adoption, assuming this is a non-controversial, streamlined adoption that does not trigger other TSP update requirements and simply changes this one policy in local TSPs. This revised schedule would allow 4 months to develop draft amendments and 8 months to coordinate scheduling and complete the co-adoption process to amend the TSP with the county. Please extend the due date to at least June 1, 2023, assuming LCDC completes rule adoption near the end of May 2022. If this section triggers a major TSP update, then much more time would be needed. We would prefer for performance standard adoption to be a simple, stand alone item. What tools or technical resources are available to support the implementation and usage of each of the objectives? Will smaller jurisdictions have access to and/or capacity and technical expertise to be able to utilize the tools necessary to use the different objectives that are listed as options? Jurisdictions would likely need technical assistance to implement. Depending on procurement and the process for accessing technical assistance, the timeline may need further extension. It would be helpful to have more clarity about what (a) - (h) would involve and have examples. This could be a good topic for a webinar to explain Portland's work and describe what the options would entail from both an analysis and community engagement perspective. I wonder about developers' experiences. If a developer works in multiple different cities across Oregon, I imagine it would be beneficial to have consistency between the different jurisdictions. For instance, if two jurisdictions select "network connectivity for all modes," it would be efficient if a developer could apply the same methodology across the state for developments that are required

to use that performance standard objective instead of having to learn a new analysis methodology for each development that has variations on how "network connectivity for all modes" is defined. We appreciate the flexibility, but a clearer understanding of what implementation would consist of is needed in order to meaningfully comment on this draft rule.

10. Comments from Oregon REALTORS® below...
11. The draft language is still subjective. More importantly it neglects to consider phasing in of alternative modes over time. Municipalities should be given opportunity to identify financially constrained modernization and maintenance projects within existing TSP's to be built as planned. For example, by XX date or as part of the scenario plan adoption, cities will provide a list of projects they will construct. Don't forget, these street projects can be converted over time. Alongside this list, cities will begin using alternative standards and identify new multi modal street projects. Multi Modal Level of Service tools, that adequately project bicycle, pedestrian and transit needs, should be the state's first priority after rulemaking is complete. The modeling and planning tools need to be available for cities to plan a new list of bike/ped/transit projects, this is your main implementation challenge. The list of standards should be reduced to: • Reducing greenhouse gas pollution; • Safety for all modes; • Network connectivity for all modes; • Mobility The other standards are subjective and in the case of accessibility, required. Equity will be a lens but should not be a 'standard'. These four standards (GGH, safety, connectivity, mobility (distance & time to reach destination) should be required by all cities and the state should provide a standardized tool that cities will use similar to the TPAU travel demand model. By providing subjective analyses and allowing cities to choose, the state is not being direct, and confusion and delay will occur. The fastest process is to require a streamlined list and provide the tools for those standards. You're making this too complicated with a long list and picking and choosing across the state.
12. The proposed performance standards rule (-0170) is insufficient to ensure that the transportation plans, comprehensive plans, and land use regulation amendments decided upon using this rule will contribute at the scale needed to meet the regional GHG reduction target. So, in proposed -0170(3), every performance standard should be evaluated against how it will contribute sufficiently to reducing GHG pollution, plus at least two others of the listed objectives. In other words, meeting the GHG objective should be a threshold requirement.
13. Cities should have a deadline for updating their TSPs to ensure they meet the new rules and standards. Cities should have to review their TSPs to see if it needs to be updated within a certain time period (6 months? 1 year?) and then if not, another deadline to update them (2 years? 3 years?).
14. I understand that these standards are supposed to be folded into TSP updates when cities next update them. I think something should be added for a timeline of when that has to be. Cities might choose to put off updating their TSPs for years to avoid putting in these rules and standards. I suggest that after these rules are adopted, cities have six months to review their TSPs to see if they need updating to meet them, and if they don't, then they have two years to update them.
15. I'm not sure why there is so much leeway in terms of allowing jurisdictions to select different performance standards. I don't have an issue with the objectives (equity, accessibility, reducing greenhouse gas pollution, etc.), but it seems like letting the cities off the hook by saying you need to "evaluate at least two of the following list of objectives" (RAC9, part 1, page 18). so conceptually, I think we have a long way to go. Equity and accessibility (and the other objectives) should be absolute requirements, not something that a jurisdiction can evaluate or not. The purpose (part 1, p.48) statement on remedying impacts of past practices [para 1 (e)] should require consideration of barriers in the physical environment, including transport systems, and the lack of information in alternative accessible formats as practices that have harmed persons with disabilities in particular. As I mentioned on the call this should require plans to identify and remove existing barriers / gaps in services, AND also require adjustments in practices to ensure that no new barriers are

developed/constructed. I noticed in the definitions page (part 1, p.51) there's no definition of accessible. I would propose copying and pasting language from the Convention on the Rights of Persons with Disabilities (CRPD, article 9) for a definition of accessibility; and I would recommend use of other terms (CRPD, article 2) such as universal design, communication, reasonable accommodation, and discrimination on the basis of disability.

Question 2

Street and Highway Planning Rules: The draft rules for street and highway planning are intended to provide for a safe, connected network of streets and highways for motor vehicle travel. These rules are intended to work together with the rules for the pedestrian, bicycle, and public transportation systems to provide for a balanced transportation network. Over time, more trips in urban areas should be taken by other modes, and there should be fewer driving trips. Do you think the rules accomplish these goals? Do you see implementation challenges with any part of the rules?

1. Yes, for the most part. The following clause, however, is too burdensome as it may not make sense in many of the state urban areas especially since adding HOV lanes would require highway widening in many cases: "Cities and counties must plan for high-occupancy vehicle lanes, including transit lanes, and managed priced lanes on expressways." This feels like something that needs more study and discussion and more involvement from ODOT in this element of the rulemaking.
2. One implementation challenge is the language used throughout the various modal sections on providing safety data for "all reported incidents for at least 10 years prior to the transportation system plan base year" In 2021, the most recent crash data available from the state is from 2019. The language should say something like "the most recent data available in the year of adoption." I'm also concerned about the level of detail in the rule about planning for local streets. TSP's have always focused on higher order streets. Local street design is mostly done at the development level. I think it makes sense to plan key local street connections that link existing neighborhoods or are key to connectivity, but it will not be a good use of resources to try to plan out greenfield street patterns at the TSP level. One idea would be to have the rule require that local jurisdictions adopt development code requirements for connected street networks and maximum block lengths/perimeter lengths in lieu of putting that effort into the TSP. The elephant of implementation challenges is going to be section 0830 where developers have been planning things based on the current framework. This section is a sea change and it will create big challenges to projects that people have been working on. I understand why it's in there and I'm not saying it should be removed; just pointing out the challenge.
3. For communities that may not have updated their TSPs recently, the rule may push them in the direction of facilities that are more balanced in the favor of non-vehicular modes of transportation. We recently updated our TSP, and I believe made significant progress toward the goals identified in this section of the proposed rule. That said, I do have several questions and concerns. 1. I agree that cities should be planning local street networks more thoroughly. However, I am concerned about the level of design and engineering required by 12-0810(1). A TSP is a daunting and expensive endeavor as it is. The State should be mindful of the additional resources consumed by such plans and be prepared to support cities in their efforts to meet the requirements of the rule. And as someone who does long range planning, plans of this level of detail should really be driven by neighborhood needs and desires, and that involves a different kind of process than most TSP processes can accommodate. 2. At least in our particular case, much of our undeveloped land within our UGB and city limits consists of exception land and is already developed and occupied, albeit by lower, county-level densities. Local street network plans suggest where a future road might be constructed, and many times that impacts existing development. We have heard concerns from property owners, most of whom are individual homeowners, about the future of their homes and

the potential immediate impact of planned roads on property values. 3. I raised the issue of potential problems with the maximum width for local, residential streets prescribed in 12-0810(1)(b). Having witnessed firsthand the mass evacuation of several thousands of residents during the Alameda Fire in 2020, I understand the importance of having roads that can enable mass evacuations and access for first responders simultaneously. My comments, I felt, were summarily dismissed by DLCD staff and a representative from OEC without any real consideration. They need to understand that we're not talking about getting the occasional ambulance or fire engine into a neighborhood now and again. We are talking about evacuating entire neighborhoods with hundreds of families while enabling multiple fire engines to access a fire front. I am supportive of reducing residential (and other) road cross sections, but that needs to be balanced with very real public safety challenges. The rule as proposed does not allow local communities the ability to react to local conditions and protect their residents. Therefore, I absolutely cannot support this part of the rule as currently written. 4. 12-0810(4) requires cities to "plan for high-occupancy vehicle lanes [...] and managed priced lanes on expressways." This requirement is hollow insofar as local jurisdictions do not control these facilities, and DLCD staff know that. It is true that we consult with ODOT when we develop TSPs, but ODOT ultimately controls its facilities, and the rule should be reworded accordingly. 5. I have very significant concerns about 12-0830 having just completed a TSP in 2018. As I read the rule, it seemed to require an additional review process for any projects that would expand capacity. DLCD staff clarified during the RAC meeting that project in existing, acknowledged TSPs would not require such a review process but that is not apparent in the way the rule is currently worded. That needs to be clarified. The process described by this section would, I think, be very cumbersome—and that may be the intent of staff. 6. Oregon statutes allow cities to establish SDC charges. SDC's can only be used for capacity-adding improvements. Most cities' transportation SDC charges are calculated from the capacity adding projects identified in the TSP. Legal problems could arise if cities are collecting SDC charges for planned projects that require future authorization (and could theoretically not ever be constructed). Similar (perhaps bigger problems) could arise where communities create special purpose taxes or bonding for specific capacity adding projects in the TSP.

4. -0810(1)(b). Is the sentence about allowing 28-foot wide streets intended to be a requirement? It is written as permissive ("may allow"), but then subsection (f) implies that there is something "permitted" in this rule. • -0810(4). This should be a requirement of the State since I don't think that cities and counties control freeways. (4) talks about freeways. Subsections (a) and (b) reference "expressways." Are these being used interchangeably? • -0830 (1)(c). I think this is too broad. How are you defining an increase in capacity? I would suggest exempting projects where safety is the primary purpose of the project – which is often the case with adding turn lanes. Access management is another example of a project that increases capacity. I would suggest linking this to projects that increase SOV capacity equivalent to a general-purpose travel lane of at least ½ mile. This is what we are required to do for the MPO Congestion Management Process. • -0830. This process is overly prescriptive. I would suggest that this be aligned with the MPO Congestion Management Process.
5. Most TSPs in this state already plan for a multi-modal system. I do not see how these new rules advance this practice. The problem is that there is not sufficient funding to build the projects we have in our plans and fill the identified gaps. We can create updated plans that meet these system level requirements, but the gaps will still be there. There is no IMPLEMENTATION here at all.
6. It is difficult to understand the goal of reduced VMT within the context of development and promotion of ZEVs. Statements of reducing VMT 20% as well as moving ALL transportation to ZEV was stated as fact without any reference to supporting analysis. Not all roads can or should support all modes of travel - these modes should be prioritized in context and investments made accordingly.

7. Some more work needs to be done to clarify and/or confirm the goal or expectation that more local trips are made on pedestrian, bicycle, and transit systems. The state highways, arterials, and some collectors are designed to accommodate more auto and truck trips traveling at speeds of 35 or more mph. For these rules to work, cities need to look at creating routes from neighborhoods to schools, parks, and commercial areas that are accessible by foot, bike, or bus. And, consider those trips made by van for those people who are not mobile on foot or by bike. The rules need some additional text that clarify they apply at the next update of the transportation system plan. While not needed in the rule itself, a schedule for each city in an MPO that needs to address these rules would be helpful to coordinate that work with housing, parking, and additional transportation planning.
8. I am still trying to fully understand the proposed rules and how they would change this aspect of transportation planning. My overall sense is that the proposal would involve a LOT of work and staff capacity will likely be a barrier to implementation. With this level of analysis and work required, it could delay adoption of other elements of updated TSP documents that would have greater benefit to advancing climate and equity goals. This has likely gone a bit too far. Commissioner Lelack raised an important point about system development charges (SDC) that have already been collected for planned projects that have yet to be built that could then be removed by a future TSP update that implements these rules. The unintended consequences of a TSP update being appealed and denied due to a given project could further delay implementation of many of the other important rule elements. We rely on SDC revenue to cover the local match requirements for state and federal grants to build many of our active transportation enhancing projects. 0810(1)(b) 28-foot-wide minimum pavement width is good for streets with parking on one side but could present emergency access and evacuation route issues if on-street parking is provided on both sides of the street. If specific dimensions for local streets continue to be included, please use 20' for no on-street parking, 28' for parking on one side, and 36' for parking on both sides of the street. 0810(1)(c) can the state help local jurisdictions require traffic calming (bulb out curb extensions at local street intersections, speed cushions, etc.) along local neighborhood routes as part of development? We need to be able to meet clear and objective standards that fulfill the nexus and proportionality requirements in order to require developers to pay for the infrastructure. Our current local code language includes traffic calming but is not very enforceable as currently written. It should be clearer up front in this section that the complete street and highway system only applies to collectors and arterials, not local streets. 0810(1)(c) could be interpreted as needing a local street network map to "plan and design a complete and connected network of local streets" even though DLCDC staff said this was not required at the last RAC meeting. Staff cited 0810(1)(c). Please clarify to reduce confusion around local street planning requirements. How does 0810(3)(a) (A)-(C) work with or conflict with ODOT's Blueprint for Urban Design street design standards? Perhaps this section is adding more regulation than necessary, given the existing federal and state design guidance? What happens in retrofit situations when there is limited right-of-way and competing priorities for space? This will be the majority of locations given how built out cities are within UGBs already. How do these rules apply to ODOT? It seems as if sections, such as 0810(4) would mostly apply to ODOT and not local jurisdictions given that ODOT owns most freeways. Roundabouts and other safety elements should be exempt from 0830(1)(c) in order to help implement the safety and greenhouse gas reduction purpose of this rule. Roundabouts both improve safety for all modes and reduce idling and emissions.
9. The draft language neglects to consider phasing in of alternative modes over time. Municipalities should be given opportunity to identify financially constrained modernization and maintenance projects within existing TSP's to be built as planned. For example, by XX date or as part of the scenario plan adoption, cities will provide a list of projects they will construct. Don't forget, these street projects can be converted over time. Arterials should be designed with cross sections that can be converted to be more bike/ped friendly at some point. Transit lanes and freight routes need to

be on higher order streets. Consider a previous RAC discussion where several members advised allowing for single-mode streets in parallel with other single-mode streets. For example, high-capacity transit corridors do not mix well with bicycle boulevards. The current language seems to require ALL streets accommodate ALL modes simultaneously. This should be flexible and allow for a connected bicycle system separate from a connected transit system while still providing freight routes. Curb management is also part of the transportation planning for uber and shared mobility providers. These should also be separate from transit and bicycle streets.

10. On the specifics of whether proposed rule -0810 is sufficient to provide a safe, accessible network of streets integrated with other right-of-way users and modes, are truly multi-modal, and prioritize biking and walking over driving in CFAs and other key areas, we defer to the pedestrian, transit, and bicycling advocates and planners on the RAC. However, success of these rules depends on prioritizing transportation funding to transit, walking, and bicycling modes and networks. So, every local jurisdiction should have and use an updated and GHG-reducing prioritized TSP.
11. The rules should apply to anyone building streets, including private developers and should explicitly state they apply when resurfacing streets (not just building new streets). For streets with no infrastructure, there are no barriers to reallocating lane width, bike lanes, and pedestrian crossings when resurfacing.
12. I think the language should be changed in these rules to apply to anyone building streets, not just cities and counties. Furthermore, I think it should explicitly say that these rules need to apply when resurfacing streets in addition to building them. More and more these days the norm is moving to never fully building new streets and when a street is resurfaced, lane width, bike facilities, pedestrians' crossings, etc. can be allocated like new since there would be any existing structure on the street besides overall width.
13. The street and highway inventory (part 1, pp 129-130) should be used to identify infrastructure that is currently not up to the ADA standards. This means any sidewalks in disrepair, intersections where crosswalks need to be upgraded in some way (whether due to poor or no signaling, inaccessible pavement, etc.). If jurisdictions don't know what the barriers are, and they are under no obligation to remedy them, then persons with disabilities (and other populations - including older persons, parents of young children, etc) who rely on and benefit from accessibility improvements will continue to be disadvantaged. I think the question "what about emergency vehicles" as a call against changes to the rules is a bit disingenuous, especially the comment that roads in Roman times facilitated economic growth. Last time I checked; no Romans drove Ford trucks. Sarah made very a compelling and persuasive rebuttal to that, pointing out that other jurisdictions have figured out how to accommodate emergency vehicle movements without supersizing (my word, not hers) the street and highway network. Arterials are places where persons disproportionately low-income / low-wealth and underserved populations are more at risk of being injured or killed. If we care about equity, we need to reduce significantly the ways in which we put them in harm's way on a daily basis.

Question 3

Rules for Climate Friendly Areas: Do you have remaining concerns regarding the revised rules for climate friendly areas? If so, what are your specific suggestions to address those concerns?

1. Yes. (1) Change "designate" to "identify" to make it clear that this is not a formal land use process. (2) The minimum net density for cities of 100,000 or more people has increased from 15 to 30 units per acre. This is a huge change without any consultation with cities of this size. Consider allowing larger cities to have a two track approach where half of their CFA area could be met by 15 units/acre and half could have a higher density requirement.

2. I don't think we can limit the width to 1,000 feet as areas have constraints that might not meet that requirement (at least everywhere) but may still serve as a CFA. Also, still need clarification on the 30% number, is it the new need or overall housing within a City?
3. I still think the way we are being asked to designate CFAs is unnecessarily complicated and will lead to less than optimal results. There should be some way to incorporate recently updated HCAs into this process. It would provide for CFAs that are more likely to develop in the manner envisioned by the authors of the draft rules. That's because we would be relying on actual information and data and just staff opinion. I am very concerned about the increased minimum densities at which CFAs would have to develop. Previously, I was relatively comfortable with an average density of 10-15 units/net acre. That seemed realistic given our local housing market. The new standard would nearly double that for Medford (25 units/net acre). We do see development at that density, but not much. Having completed an HCA and a residential market study recently, I know that our housing market can't quite support that density over such a large area. And this is an issue where the rule collides with equity and the realities of the housing market here in Medford. In order to achieve more, higher density development, rents will need to be higher because higher density building forms are more expensive to build on a per unit basis (at least after you cross a certain construction type threshold). So we're essentially saying that higher density housing will be more expensive, and that punishes exactly the communities who would benefit from more, higher density housing. At the same time, the State has not made any sort of case for the numbers. So we know we'll run into equity issues, and/or the housing simply won't get built because the market doesn't support it, but we don't even know what the potential benefit will be if we increase minimum required densities. Additionally, I am curious about the numbers embedded in the CFAs. Why can communities only count 30% of total building area as residential capacity in a CFA? What is the basis for that? Finally, the "1,000" minimum "width" for a CFA does not make any sense. I do not see the justification for it. Local communities have to plan around constraints, especially environmental ones. Many of our CFAs will be centered around existing downtowns, which were built around rivers and other surface bodies of water. That may mean a downtown or a part of a downtown wouldn't qualify as a CFA. It would be silly to remove such areas from eligibility just because someone at DLCDC just kind of felt like a CFA should be wider.
4. 0315(1) Clarify that 30 % of housing in CFAs includes existing housing. • -0315(1) The 1,000 feet width seems arbitrary. I do not think there should be a minimum dimension, but instead allow for community context to inform designations. • -0315(2) How does the density bonus for affordable housing in CFAs relate to SB 8, which requires density bonuses (and additional height allowances) for affordable housing? • -0315(4) What is the process for the preliminary designation? Is it a land use decision? DLCDC should provide clarity on the exact process to adopt or else cities may end up at LUBA fighting over it. • -0315(5)(a) What if the equity analysis shows there will be displacement and harm but a city isn't adopting new land use regulations, just designating an existing area (like a downtown) as a CFA? What if the analysis shows harm but the only change we are making is adopting the 30 units per acre? • -0012(5)(b) – Are the references to -0310 and -0315 correct? Seems that some of the numbering may have changed and not been updated here. This section seems to set deadline for designation as
5. 6/30/2023 and adoption of land use requirements as 6/30/2024. It allows for concurrent adoption by 6/30/2024. We would like to propose that if a jurisdiction decides to do designation and adoption of land use requirements concurrently, they be given extra time – maybe 18 months? We think most cities won't designate the CFA prior to having the land use requirements drafted and that a two phase approach isn't that helpful. We propose that you keep it, since it might help some cities, and add another option for compliance, which allows 18 months, if a city designated a CFA and the land use requirements at the same time. •

-0320(4) seems to require updates to the TSPs to address ped, bike, transit, highway planning requirements in CFAs. -0325(2) seems to allow for either amending the TSP or preparing and adopting a multimodal transportation gap summary. The gap summary does not appear to fully meet the requirements for system planning referenced in -0320(4). Is the intention to allow the gap summary in lieu of TSP amendment? • -0320(5) and (6) How are you defining net acre? Can you clarify how you would calculate the density, including if you use the centerline of the ROW on the edges? Also, wouldn't it be easier to just use gross? • -0320(5)(d) This is quite high for a mixed-use project. Particularly one that is reusing existing buildings. We would suggest that true mixed-use development be exempt from this development standard, or provide a lower minimum for true mixed use development. We also suggest that cities not be required to adopt this density within a historic district in a CFA. • -0320(6) – o We do not control jobs per net acre. Not sure how this would be measured. Maybe the development area per acre devoted to employment? o The outcomes based approach seems much more difficult to achieve than the regular CFA path, which is calculated based on development potential and is not based on reality (or even the same assumptions of an HNA). Why can't the outcomes based approach be at the same density as the prescriptive standards (30 units per acre?) o Can you have a path for a City to mix and match the densities? Adopt an area with the 30-unit per acre and then demonstrate outcomes in another area?

6. Am not sure that these new rules significantly advance the state of the practice beyond the town center/regional center/downtown area planning the jurisdictions across Oregon are already conducting. Requirements around zoning and form are highly prescriptive and may be difficult to implement.
7. ODOT should be the agency developing guidelines over investment and development of Oregon's roadways. LCDC's transportation rule should be constrained by their agency authority.
8. Yes, several concerns that we'll outline here. First, there's a remaining question regarding planning for housing while also planning to reduce VMT and GHG emissions. While the rules require a reduction in VMT, Goal 10 and Divisions 7 and 8 also require that cities have supplies of buildable land for all types of needed housing. The proposed rules in Division 8 help clarify how to address UGB expansion. The concern here is what is a city to do if they have designated a CFA, examined the remaining residential land in the UGB, adopted additional efficiency measures to encourage the development of needed housing in the UGB, but then still find that additional land is needed to ensure a 20-year supply of buildable land? Designating a new CFA is a potential option. With respect to the CFAs themselves, one concern raised here is the potential for land in CFAs to be over-valued if buildings are allowed to be built higher and with reduced setbacks. This could create a dynamic where land is priced higher than it should be, and potentially inhibits development of housing in CFAs. Rules also need clarification regarding the types of housing allowed/encouraged in CFAs. Assuming a city chooses to follow an outcome based approach, designates, and zones land to allow up to 50 du/acre, this new standard assumes that the housing built will be multi-story, multiple unit per building housing. Allowing single unit detached and middle housing will likely reduce the overall density of housing. Has there been discussion between the project team and stakeholders as to whether CFAs should focus on allowing more attached, multi-story, multiple unit housing types to achieve the density and GHG reduction goals? - 330 – “front yard setbacks must be limited to zero” in residential districts – it seems too restrictive to require that everywhere in residential districts and conflicts with requirements for additional tree canopy; recommend the require that cities have a provision that allows in certain districts but does not require of all -Plan for enhanced tree canopy in areas of priority populations – if our existing tree requirements do not satisfy this, it will be an issue since to meet housing densities we are limiting landscaping areas and row landscaping is shrunk down to minimal that supports trees.
9. I have continuing concerns about encouraging continued and even increased concentration of lower-income households in areas of low opportunity and high health hazard rather than

encouraging them to improve access to areas of high opportunity and low health hazard in the many historically segregated single-family neighborhoods within Oregon's urban areas, as required by LCDC's statewide housing goal. My suggestions are on the record.

10. We have concerns about the proposed schedule and would like to propose that the schedule that would apply to Springfield be revised to the following: 1) Identify CFAs by June 30, 2024. 2) Adopt CFA zoning and comprehensive plan amendments in tandem with HNA by December 2025. This revised schedule is based on our need to adopt a parcel specific comp plan map by May 2023, which will provide the basis for the analysis for CFA identification. It also makes sense to synch up the CFA zoning and comp plan amendments with the HNA. Additionally, we'd like to see "designate" changed to "identify" to allow for flexibility to adjust in zoning land use action later, without requiring additional amendments and processes in order to make the schedule more efficient and less confusing. Does the Housing Production Strategy reporting go beyond or differ from the existing housing rule requirements and if so how? We are concerned that the capacity analysis proposed in these rules is quite different from the housing rules already adopted that cities are working to implement. We are looking into whether or not we have the ability to do the analysis described, that includes block level and square footage analysis. We would like to see the analysis required for these rules be consistent with the analysis required for the existing housing rules. Please remove the CFA minimum width requirements to make our community's most likely CFA locations eligible. We already have a designated multimodal mixed-use area in Glenwood, north of Franklin Blvd, that would not be eligible if this requirement continues to be included. High frequency transit corridors should be prioritized for, not deemed ineligible, for CFA locations. We appreciate the adjustments to the UGB expansion.
11. There remain several unanswered questions about the CFAs and in particular about the requirement that 30% of needed housing be included in CFAs. For example, is it realistic, based on market factors including the economics of housing producers AND the demand of residents (where they want to live, what type of housing they need to accommodate their family, what type of housing they can afford, etc.) that 30% of needed housing will be located in a CFA in many cities across Oregon? Is it realistic based on the existing layout, development patterns, infrastructure capacity and geographic constraints of each city over 10,000 in population that they will even be able to accommodate 30% of needed housing inside a CFA? Who (and how) will pay for the increase in infrastructure capacity (sewer, etc.) required to accommodate the 30% of people in CFAs? Finally, while we appreciate the alternative pathway option for cities to adopt code changes other than those prescribed by DLCD if the city can demonstrate that it will achieve equal or better outcomes, it begs the question: How can a city demonstrate that its own approach will work "better" than DLCDs when DLCD cannot demonstrate that its own approach will work? We would suggest in-depth meetings with developers, builders, city planners and others in at least a handful of diverse cities around the state to discuss the actual market and technical dynamics of implementing rules that could realistically achieve housing, climate and equity goals. In addition, we would recommend that DLCD contract with economic consultants who can assess the feasibility of various proposals and options to help the RAC adopt rules most likely to simultaneously achieve housing, climate and equity goals.
12. The minimum width requirements is confusing. Is this gross or net? Is the objective to identify several 'micro' CFA's? Zoning needs to accommodate light industrial within CFA's. Green space and public space is not addressed adequately to ensure there is sufficient space provided. Block lengths were discussed initially, and comments about being too narrow to allow for buildings and safety of increasing conflict points. Where did that land? I am very opposed to allowing for CFA to be designated in UGB expansions as early as 2027. Development on the outskirts of town will not meet our goals. Transit will likely find it difficult to extend high priority corridors out to the UGB CFA's. Perhaps allow for a smaller percentage of HH in CFA but must be within directly adjacent or within

1/10 of a mile to existing city limits and a further our date such as 2035. If this is all done correctly, why would we need a UGB expansion anyway?

13. Densities in proposed -0320 "Land Use Requirements in CFAs." The housing densities in (5) and the housing + employment densities in (6) do not seem dense enough. At a minimum it seems they need to be ground-truthed. For example, a reasonable building for many CFA types (such as a town center, fixed rail transit stop, etc...) in every MPO would be a 3-story apartment building type. At 50% building coverage, that's about 60 units/acre, which is more than proposed here. As another example, here is a link to the Minneapolis/St. Paul target densities for housing near various levels of transit and varying from an urban to suburban setting. These seem higher overall than what is proposed here:
<https://metro council.org/Handbook/Files/Resources/Fact-Sheet/LAND-USE/Density-and-Activity-Near-Transit.aspx>
 - Proposed rule -0310 and a few other places use vague, in-the-eye-of-the-beholder terms like "high quality" pedestrian or bicycle facilities. This is open to wildly inconsistent results on the ground and is likely to result in falling quite short of the robust walking and bicycling facilities needed to meet the STS and GHG targets. Because that is what is happening now in the bike & ped plans and TSPs of many jurisdictions. So, define what is meant by "high quality" as at a minimum safe, accessible, separated, connected, etc... The bicycle and pedestrian experts on the RAC can and have offered recommendations on how to make these terms more measurable.
14. Make sure that "high quality" pedestrian, bike, and transit services are clearly defined, e.g., what is set forth in rules sections 500, 600, and 700. It should be made clear that all systems in these sections need to be inventoried, not just in CFAs and within 1/4 of schools. The walk shed for the current transit guidelines is 1 mile so that should be made consistent. For bike facilities, each should be designated by the volume and speed of the street following NACTO standards or the City of Vancouver's all ages and abilities guide
<https://vancouver.ca/files/cov/design-guidelines-for-all-ages-and-abilities-cycling-routes.pdf> .
To that end, we should remove parked cars as an option for what constitutes a protected bike lane. They are not a permanent structure and they can also create user conflict with issues of dooring when they are present, and there is no protective barrier when they are not present. For 0510(2) - Need clarity about sidewalks on both sides of the street being in CFAs or the entire MPO. Cities should be given a deadline to build them, at the very least, in CFA designated areas. For 0610(3)(b) - should be physically protected.
15. The rules for the Climate Friendly Areas state that CFAs must have "high quality" pedestrian/bike/transit services. I believe that these services are what is defined in the Bike/Ped/Transit systems in rules 500/600/700 sections. In these sections regarding inventorying the current systems, it seems to indicate that the systems only need to be inventoried in CFAs and within ¼ mile of schools. Firstly I believe that the ¼ mile of schools should be increased to 1 mile as this represents the "walk shed" that is the current bus route guidelines. Secondly, why would you only inventory in the CFAs? Does this mean that no ped/bike/transit facilities are going to be built outside of CFAs? If this isn't true, don't they all need to be inventoried? For bike facilities section, each bike facility should be designated by the volume and speed of the street following NACTO or the city of Vancouver all ages and abilities guide. It should be more clear which facilities must be built on which streets. Furthermore, parked cars should be removed from the list of what constitutes a protected bike lane. Parked cars are not a permanent structure and if no cars are parked at the time a person is biking down the street then no protection is afforded. Rule specific questions: 0510 (2) – All streets must have sidewalks on both sides, is this all streets in CFAs? If streets don't have sidewalks, how long do cities have to build them? 0610 (3) (b) – should be physically protected.

16. My concern about the CFAs pertains to the issue of housing, and the need to rely not just on "affordability" as a criteria or proxy for "equity" for under-served populations. There is already a lack of accessible housing options for households that include persons with disabilities, and my concern is that if cities don't require the development of accessible housing, then developers won't build it (they've already shown they won't) so, households that include persons with disabilities might not be priced out, but they will be left out because the housing isn't usable for them. I've stated - several times in my communications with DLCD that you should consider the housing elements as defined by the UN in their CESC general comment 4. the CFAs do take into account some of the other UN elements (location, proximity to services, materials, facilities & infrastructure) but do not necessarily take into account others (cultural adequacy - which I note has been brought up by others as well though expressed slightly differently, accessibility, habitability, or security of tenure - which gets at the issue of gentrification to some degree). public transportation in climate friendly areas needs to be fully accessible for persons with mobility impairments, and information about the transportation system should be available in alternative formats.

Question 4

Climate Friendly Areas: The proposed rules for climate friendly areas require local governments to prioritize parks, open space, plazas, and similar public amenities in Climate Friendly Areas where they don't currently exist. Some have commented that more is needed regarding providing natural and open space areas in the urban environment. Do you feel that there should be more requirements in the rules, or would that be better accomplished through guidance and assistance to local governments? If you would like to see more required in the rules, what do you think should be included? (some examples might be street trees, green infrastructure, parks, or plaza requirements)

1. Leave it up to local governments. There are already a huge number of requirements as part of this rulemaking process. If anything will be required, street trees would be a good step.
2. Yes! Also how do we have CFA's with open space, lots of roads, and still meet the densities required? I think open space should be required but not included in the calculations or somehow credited differently.
3. The rule as currently drafted is acceptable to me, although I do think some accommodation needs to be made for existing, acknowledged parks and recreation plans. I know that in our case, great efforts were made to have a robust public process in order to produce that plan, and the rule should respect such efforts. Ideally, those plans would be addressed through the CFA designation process as we make findings regarding consistency between proposed CFAs and parks and recreation plans. These plans are important expressions of the amenities that local communities want, and they also form the basis for SDC analyses that enable municipalities to fund and deliver those amenities. Special needs to be taken, and that means allowances for local plans.
4. I think this should be accomplished through guidance and assistance to local governments. Guidance allows for consideration of context in the built environment.
5. I think it is late in the rulemaking process to add a significant element to what is expected of local governments to address. I do think that "green" is an important aspect of CFAs but that the how to do it needs to be flexible to be able to accommodate local conditions. Some CFAs may be primarily built out and others may have significant areas of vacant land or can easily incorporate natural areas. If you decide add additional rule language for this here are two principles from Gresham's 2018 Civic Neighborhood Design Manual (civic neighborhood is a regional center) that could be the kind of rule language you might want to use to provide direction: Integrate Public Amenities and Green Spaces: Integrate a wide variety of interconnected public areas, parks, plazas, green spaces, and other landscape features which connect to nearby streets and trails, create a sense of identity, support urban tree canopy, and serve as centers of activity and social interaction. ^[1] Utilize

Sustainable Development Practices: Developments utilize best practices to promote the efficient and equitable use of land and resources; conserve and protect mature trees, water, topography, and wildlife habitat; minimize energy usage and life cycle costs; support residents' health; and maximize a building's positive impact on the built and natural environment.

6. Public gathering spaces, green space, and tree canopy are all very desirable community amenities. While jurisdictions can certainly plan for areas to include these amenities and require them through zoning of parcels and through development code requirements, if there is no funding to purchase and develop parks, or improve streets with street trees, or develop plazas, then it isn't going to happen. Also these open spaces will be competing with density requirements for the CFAs.
7. Not all communities are equal or have the same needs and requirements. Local governments should maintain control over these issues.
8. Sorry for the repetition. See this comment repeated above under #3. - 330 – “front yard setbacks must be limited to zero” in residential districts – it seems too restrictive to require that everywhere in residential districts and conflicts with requirements for additional tree canopy; recommend the require that cities have a provision that allows in certain districts but does not require of all - Plan for enhanced tree canopy in areas of priority populations – if our existing tree requirements do not satisfy this, it will be an issue since to meet housing densities we are limiting landscaping areas and row landscaping is shrunk down to minimal that supports trees.
9. Considering the diverse local conditions of the areas that are required to designate CFAs, we believe that it would be better to have sufficient guidance and assistance to local governments than it would be to add specific regulations regarding the development of such outdoor public amenities.
10. Yes, agree there needs to be more direction on the size, type and placement of public space. Be mindful, that often developers build these spaces last as part of a PUD, perhaps require they be built as part of the first phase.
11. Parks, open spaces, plazas, and similar public should be prioritized in CFAs only if doing so leads to reducing driving and increasing walking, biking, and transit. For example, a park can be of a size and design that is actually reduces walking through it and congregating in it, and they can all reduce the land needed for housing and retail. So, these must be well-thought out and integrated – with the primary purpose of reducing GHG/VMT. However, street trees and other vegetation can and should be widely used in a variety of places and purposes, including reducing heat islands.
12. I can't recall if the rules include something about a walk or bike shed to parks, but if not, like schools, this is something the rules should address.
13. Yes, I think climate friendly areas should include green infrastructure and parks. It is important to reduce the urban heat island effect and recently there has been some studies showing that within a city, often the underserved populations live in neighborhoods that have the worst heat island effects because of lack of trees and parks.
14. Green spaces & street trees are essential and there should be minimum requirements in the rules. Otherwise, any new housing or multiple use developments may not give due consideration to open spaces and public amenities.

Question 5

Rules for Electric Vehicle Charging and Improving Parking Management: Any additional thoughts on improving the parking management and electric vehicle charging rules, including which communities they should apply to?

1. The required every three year study to ensure availability of on-street parking spaces is too prescriptive.
2. Not enough time to answer fully at this time.

3. I think that the parking management rules are generally moving in the right direction, although I feel like DLCD staff and other members of the RAC greatly underestimate the resistance that cities are likely to face when these rules are incorporated into local implementing policy. I am concerned about the economic impact of 12-0405(4) and would suggest that parking lots larger than 1 acre get some sort of allowance so that parking spaces occupying land in parking lots over 1 acre must have solar, rather than all of them. Otherwise, we just end up with a bunch of 0.99 acre parking lots. I do think the bicycle parking requirement is too much for multifamily, and unjustifiably adds cost to development of this very much needed housing type. In fact multifamily housing development is the only residential development type impacted by this requirement, thereby unfairly burdening that particular housing type. It also neglects the fact that many bicycle owners will not park bicycles in shared bicycle parking facilities, even if they are secured and covered. I would recommend reducing the requirement to 20% of all units. For EV charging, my only general concern is that local jurisdictions be able to develop a payment-in-lieu system so that EV charging stations can be provided in locations where they are most needed: for example residential neighborhoods, destination retail and service commercial operations, hospitality and entertainment venues, professional office, etc.
4. -0405(1)(b) This wording isn't clear "Property owners shall be allowed to redevelop any portion..." does this mean they can drop below the mandated minimum parking requirement in order to install these items? If so, can the language say that? Also, many businesses have parking lots that don't comply with current standards for setbacks, landscaping, on-site pedestrian paths, etc. Is this section implying that they are exempt from meeting those with this new development? If not, the language should be clarified, especially if it is just intended to say they can remove car spaces even if they fall below minimum. -0405(2) – Can you provide examples of what a policy that "encourages the conversion of existing underused parking areas to other uses" would look like? -0405(4) – Can you confirm that this is intended just for driveways that go directly from the street into a development and which do not have any parking on them? And that it does not apply to each drive aisle? -0410(2)(e) – Can you clarify who can determine valuation? Does a city get to decide? We allow our building official to decide valuation for non-conforming rebuilds, for example. Applicants often under value their work.
5. I have a number of details that I hope can be address in a parking work group. One small item. There are few places (definition, exceptions that reduce mandates) where the term "parking for people with disabilities" is used. This type of parking is considered "Accessible Parking" and is regulated in the Building Code, Chapter XI. Probably would be useful to use the same terminology at the Oregon Building Code and check to make sure that any draft rule is consistent with such. Also consider taking parking spaces such van and car pool, car share and electric vehicle parking spaces and allow them to count for any parking minimum standard while exempting them for counting for a maximum parking space as an incentive.
6. Again, DLCD needs to actively engage with development review planners from around the state to find out how electric vehicle charging will be implemented. It appears that it may be most appropriate to manage through building code, rather than plan review. I am unclear as to how planners will ensure that proper electrical wiring is installed as a part of a development. Remaining parking provisions regarding fair parking and parking pricing will be onerous and perhaps not possible to implement for many jurisdictions, who will likely choose to remove parking mandates in order to comply. DLCD staff said that they prefer local governments to choose 'Option 2.' If that is the case, then more support will be needed.
7. To support the widespread adoption of ZEVs, charging infrastructure should be available widely, and not limited to designated communities.
8. Yes, our parking manager raised the following question regarding -0450(1)(B). Instead of an "or" both (1)(a) and (1)(b) approaches may be needed together to manage on-street parking in the public

right of way. For example, if the City choose to not require parking, some of that demand for on-site parking will move to the public right of way. That then could create a situation where the City need to manage parking in the right of way based on hours or pricing if not all parking demand is met on site and not all of this same parking demand is reduced through people making trips without their car (e.g. walking, biking, taking transit).

9. Overall, these rules are much better than the previous version. Thanks for incorporating feedback! In order for implementation of these rules to be successful and not increase unsafe conditions, active parking management programs are going to be needed. What resources will the state provide to local jurisdictions to pay for parking management program establishment or expansion? Who is working on resourcing it and figuring out the logistics to support at the state level? 0425(1)(e) is still concerning. What if this is a situation with a large property and 100 feet from the property line could still be thousands of feet from a main entrance to a building? That would not be accessible and serving the equitable outcomes set out for this rulemaking. For 0425(1)(g), does this simply trade one spot for one spot, in which case it is still the same number of parking spaces total? Or does it reduce one and convert one? In a smaller community context, what if car share providers refuse to service an area due to small community size and it not being profitable? Is this intended to be a property specific administered, local car share program with one or two vehicles? How would it be managed and would this unintentionally create vacant parking spaces? 0445(1)(b)(K) repealing parking mandates for schools: Is there funding for parking management / school transportation management to accompany this? How do we weather the transition time period? This could possibly make school safety worse before it gets better by pushing parent driving, parking, and maneuvering behaviors to the neighborhoods directly surrounding the schools and make the walking and biking routes to school less safe. Some parents who may want their kids to walk or bike to school may be deterred to do so if it is pushed off campus and then not actively managed. It could also create more issues at more rural schools that are still within cities/UGBs. I'd be curious to see modern examples of schools that have been built in the last 10-20 years in the US with no required minimum parking. How many spaces did they end up building? I agree the current required parking at many schools is far too great. However, the uses are schools are also changing (i.e. regional sports events on school based athletic fields). I have not had time to review and comment on the parking rules in depth during this review period.
10. I am still not supportive of public dollars going into electric charging but it should be required as part of private development.
11. Need clarity around EV parking spots and whether or not they are designated solely for EVs, and if they are, then can EVs park there anytime or only while charging. With respect to requiring EV spots in new parking garages, add a rule about ensuring a way for EV users to know those spots are and if they are occupied.
12. Will electric vehicle parking spots be required to only allow for EVs? If so, will EVs need to be actively charging while parked in them? Or do the charging stations just need to be accessible from 20% of the spots and if that's the case, and not only EVs need to be parked in them, why not all of the spots? Also, if the requirements are to build them in new parking garages it seems impractical for EVs to know where the are. Are they supposed to just drive into new parking garages and hope that that is a garage with EV spots? I think it would be good to have some spots in on street locations that would be visible and known. Otherwise it seems that an EV would need a map showing where the spots were located.
13. No additional thoughts on this.

Question 6

Other Comments: Do you have any concerns or suggestions regarding other draft rules or other aspects of the rulemaking and implementation effort?

1. We appreciate the timeline provided by DLCDC staff but there is still a need for DLCDC staff to estimate how long it will take local governments to process each of these steps and add that information to the timeline. Consider things that cities will need to do for individual elements of this work (such as CFA designation or changing parking requirements) like technical analysis, meaningful community engagement, planning commission process, public hearings, etc...
2. I'm concerned about the minor amendment process and how much public participation will be required for something that is supposed to be "minor". It's hard enough to get people interested when the whole TSP is being updated. I also wonder how much work a city would need to do to make minor tweaks to a TSP like updating things that get published incorrectly. TSP's are big documents and it's hard to make them perfect... The pedestrian section calls for providing "wider and more protected sidewalks on arterials than collectors." I don't think this is the right metric and may not be needed or a good use of space. I get that we need to provide low stress sidewalks but if a community chooses to provide sidewalks that would be low stress for an arterial on a collector, do they really need to widen the right-of-way even more on an arterial? I'm concerned that the way this is written will discourage providing anything over the bare minimum on collectors so that communities can show they have widened sidewalks for arterials. I have a similar concern for this language being used to provide wider sidewalks in CFA's; it's the wrong metric. The way this is worded, it prevents communities from providing equally wide and protected sidewalks in the whole community to what they are providing in CFA's. Communities should be able to provide good street design throughout the whole jurisdiction. This also makes areas outside CFA "lesser" than inside CFA, which does not seem equitable. In the bike section, separated or protected facilities are described as "on-street." Separated facilities can also be separated behind a curb within the right-of-way. Suggest modifying the language to reflect this reality. In the bike section, some existing roads will not be wide enough to meet the requirements for minimum facility types on collectors and arterials. There needs to be some exclusions where it's not possible or not a good idea. Also, I'd recommend that an allowance be made to allow a parallel facility to meet the requirement. For example, in Medford Barnett Rd is built out to 5-lanes with no bike facility. It is a busy arterial, so we have planned a multi-use path that runs parallel to Barnett Rd as the bike facility for Barnett Rd. Parallel bicycle boulevards could serve the same function. Another example -do we really want to require bike facilities on Powell Blvd in Portland?
3. Concerning regional transportation planning and coordination, I'm not sure what led staff to assert that the coordination through MPOs has "not worked well [in practice]." That has not be my experience. I am much more concerned about requirements for coordination with our county. Our county decision makers are not supportive of this rulemaking process and its goals. I do not want to have to coordinate with our county to implement any long range plans or implementing policy promulgated under the new rule.
4. Please define how distances are going to be measured. Are the distances as a crow flies (straight line) or walking distance? There are many places in the rule where distances are used – mostly ¼ mile or ½ mile. For example, -0320(2), -0325(6)(a), -0435(1)(a), and more. 0160(2) (a) and (b) – I suggest deleting the last clause about including latent and induced travel of additional roadway capacity. This would be better included in guidance or best practices. There are questions about how well the regional travel demand model captures induced travel. We use the best tools available to us, but we want to avoid costly litigation tied to whether the projections adequately addressed this. 0160(5) and (6) need to clarify that achieving these targets is based on the all of the projects in the TSP (not just the fiscally constrained list). 0160, 0200, and elsewhere – I agree with

other comments that the term illustrative project list should be changed. The illustrative project list is something used in the RTSP and using the same term here could lead to confusion. 0200 – How does the “illustrative” project list relate to development requirements? If something is on the “illustrative” list, can we still collect TSDCs for that project? Can we still require setbacks to accommodate the future project? Do capacity increasing projects need additional review if on “illustrative list” vs. financially constrained list? Financial plan – 0205 – There should be a provision stipulating that anticipated timing and financing provisions in the transportation financing program not be considered land use decisions. This would mirror language in 660-012-0040(4) Pedestrian System -0510(4) – It seems that the Transportation System Plan should plan for enhanced crossings. I suggest amending this section as follows: “...Enhanced crossings must be provided planned, at minimum, in the following locations....” -0630(7) – Requiring at least as many bike parking spaces as car spaces seems arbitrary.

5. I note that in the coming months that staff will be using an editorial process. I notice throughout the draft rules several elements that use inconsistent language or unclear language or conflicting language. I hope the editorial work will clean that up.
6. DLCD has not sufficiently engaged with planners to learn how we work and what is possible given our timelines and processes. This work is very important and we are highly supportive of the outcomes, but these rules will create barriers to development, barriers to transportation planning for a complete and connected system, and will not tick the needle on our Climate Change goals. Please engage with local planners from around the state. Please reconsider the timeline for adopting these rules.
7. I am very concerned about the goals LCDC has with respect to transportation planning. The stated goal of reducing VMT would suggest a desire to limit individual citizen's mobility needs and also doesn't recognize the increased movement of freight and consumer goods.
8. Please see the following. More specific comments on new rules -0500 through -700s. Some additional comments on parking and ev charging I neglected to include above under #5. Timeline for compliance. Still concerned about timelines as proposed in this packet. Cities will need access to department staff, technical resources, grants to get this work done on time and successfully. Generally Bend has many of the ped/ bike items noted in the new rule for connected neighborhoods and ped bike/ facilities, the issue is do we have them to the extent required; then an we get credit and an extended timeline for a further enhancement (ie we just spent considerable funds getting our TSP done that gets us 80% , can we extend the timeline on when we have to do the update). Please consider an extension of a timeline for cities that just updated their TSP in the last 3 years. General – is planning reviewing counts to see if 30%in our estimated climate friendly boundary size works with reasonable building heights and transportation network or if that number needs to be adjusted? do we need to recommend any special provisions for bend? is 30% really feasible for the size of area we have?
 General –good language defining pedestrian and similar speed devices and bikes and similar speed devices/ vehicles to keep general with modes and mobility options, recommend that stays General comment – this proposes a number of new infrastructure elements and existing cities are not sufficiently funded to maintain existing infrastructure. Would like to see some addition of a requirement to develop a maintenance / replacement funding plan General comment – fastest way to see this go from plan to action is with additional state/federal funding. What will this rule provide? Concern that their improvements and equity requirements are competing, and they have not really proposed a solution. As as written likely to limit appropriate infrastructure –don’t have proposed language modification 410 – electric vehicles – too prescriptive, add option to allow cities option to designate alternate locations for parking besides just residential buildings (ie at gas stations, retail, and parks – not just all residential) 425 – not requiring parking for residential developments – this is likely to cause equity impacts as the lesser expensive houses are the ones

most likely that will not be built with garages and that population will be over impacted. Please consider allowing cities to set areas where no parking is required but not make it global 505 ped system and 605 bike system- requires extensive sidewalk inventory - width and condition, crossing details, and crash details (10 years). We have and are doing a basic inventory -will need funding to do this more detailed inventory and update crashes; doable just new city obligation that will need money and time Comment -we want this to gather pertinent info and be encouraging and useful not a barrier. Recommend change to read 3b Inventories of street crossings must include number of lanes crossed, type of enhancement, PLTS, curb ramp presence and compliance status, and a map of enhanced crossing locations to show separation distance, note request eliminate crossing distances -too onerous and its based on lanes so can level up the detail note curb ramps – clarify to note if not present or non compliant; not all agencies have an inventory like Bend so this may be a big deal distance between crossings – onerous to measure but readily shown on a map and that’s more important to see on map relative to zoning - 510 - Provide for sidewalks that are progressively wider - Our current standards do not meet this, but our pending street cross-section updates do this (6 ft local, 8 – 10 ft arterial), ok - 510-2bC Dedicate a substantial portion of public right of way in climate friendly areas to walking/ biking – this is an issue as they have not defined what substantial means and our street cross sections do not have a substantial portion for bikes and sidewalks (ie 2 x 8 ft bike plus 2 x 8 ft walk =32 ft of 80-100 ft); what will this mean? we have limited 3 lane roadways and narrower right of way; recommend this be clarified - 510- 4.

Enhanced crossings must be provided at a minimum o at off-street paths or trail crossings of any arterial or collector street – this is not always appropriate and recommend this be amended to also say “NEAR MAJOR off street paths or trail crossings” every path and trail crossing is not appropriate or necessarily safe - 520/620 –will require an update to prioritizing projects methods with specific listed factors, doable with time and money - 610 2b Bike boulevards , which are local streets with very little to no motorized traffic that are.... 1) bikes are now motorized and 2) many of our bike boulevard/ greenway streets are very functional at up to 1500 vpd, 3) we don’t always have alternate little to no volume routes that connect directly. recommend changed to “which are local streets with lower volumes of vehicle traffic” or streets with less than 1500 vpd and posted speeds of 20 mph or less. (those qualifiers are in the existing ors for greenway speeds) - 6103b – Cities and counties must plan for separated or protected bike facilities on arterials and collectors in climate friendly areas o we may be ok if shared use paths count; our row may limit separated options in some existing areas that may become climate friendly 630 bike parking - for any use cities must require as many bike/ mobility devices as parking spaces as off street vehicle spaces; also requires covered, secure spaces o planning – in what space where do you see this happening; very limited row in many areas can we require on private property? don’t see this as city maintained item; needs some implementation vetting as this will compete for limited onsite space after zero lot line buildings and maximizing density; consider requiring as on-site spaces; recommend adding some flexibility based on use so overall intent is achieved by block or zone versus by individual business - 0700 transit 3a - cities must allow transit providers to construct amenities with no or limited permits ; this must retain the word limited as it is mandatory that there be coordination with city operations and other city facilities to prevent conflicts - 0720 cities must develop list of projects to address gaps – this ok if remains as written because it clarifies “the TSP need not make provisions for funding operations of transit services” , as that is out of our control. - 0720 3 – seems a a concern that this rule puts the public engagement for transit on the city recommend that this be changed to coordinate with transit agency to develop prioritization factors and engage priority populations -750 tdm – this seems very sparse considering all the tdm options that are out there – adjusted work hours, remote working. seems like this could achieve some short term results; recommend they beef this up to enhance trip reduction programs.

9. Springfield's first major report needs to be moved from 2023 to 2026 to align with when our next RTP will need to be adopted and consistent with the description of intent in rule 0900. This would also give us time to complete our regional scenario plan and have it in place for a few years before starting to report on the performance measures and targets established by it.
Some sections of the rule, such as 0330(4)(a), are too detailed and prescriptive. I worry about over regulating/over planning and under funding of implementation. Please don't let perfect get in the way from moving from bad to good. I have not had time to fully review, digest, and provide meaningful comments on the revised set of rules in this packet. I know that other RAC members are also having a hard time reviewing, understanding, and commenting on the content of the rulemaking. I worry that we're scrambling to do a cursory review and not able to take the time to reflect on how and to what extent the rules will achieve the desired outcomes or not.
10. As we noted in our previous comments, there is a real risk that many of the newly developed units within CFAs will be built as rental units in order to meet the described density requirements. Considering that federal protected classes already have lower rates of homeownership than those who are not members of protected classes we believe it is critical to ensure that a reasonable proportion of housing units within CFAs are developed as owner-occupied units, as this will help decrease disparities in homeownership, which will help decrease disparities in wealth. While existing OAR 660-008-0050(4)(e) requires that cities describe their actions to promote affordable homeownership in their Housing Production Strategies Reports, we do not believe that this is sufficient to accomplish the goal of increasing homeownership among members of protected classes. Understanding how to increase homeownership opportunities inside of CFAs will require the rules to be developed with an understanding of the underlying economics of condominium production and addressing some of the barriers that currently limit the production and increase the cost of condominiums and similar homeownership products.
11. As the primary transit representative, it appears the most recent language surreptitiously requires cities to develop transit elements on behalf of transit providers. From previous discussions with both camps, neither cities nor transit providers would want this to be the way transit projects are developed. The transit providers should be the primary developers of the information for gaps and prioritizing projects. The most important language is 1 (d), " Cities and counties must align the public transportation system plan transit element with Transit Development Plans, goals, and other strategic planning documents developed by a transit service provider." Yet all the other draft rule language goes above and beyond this statement to require cities to do the planning work on behalf of transit providers. Perhaps an IGA should be required in the rule requiring transit providers develop what is needed for their TSP's. The Transportation Options element has weakened significantly. There is a requirement to identify current programs but there should also be a gaps analysis and plans for implementing additional services. The DEQ work will only apply to employees employed at large employers, that may or may not be in a CFA. This DLCD work should require that all residents and employees within a CFA be part of a TO program that is administered by the employer, school, HOA, resident services coordinator, etc. (the sponsor). Basic TO elements in this rule should require 'trip wallets' that provide reduced or free transit fare, incentives to not own or use a SOV and access to micromobility and car share services (which should also be provided by large employers and housing for employees and residents). The sponsor can then choose to use existing TO program services through the City, MPO, Transit provider or develop their own.
12. There must be a deadline, and soon, for every local jurisdiction to revise its TSP to conform to these rules, otherwise what are we really doing? This is about reducing GHG from the TRANSPORTATION sector through PLANNING. That is the core charge - there must be a deadline for the core work, especially since current transportation plans for the metropolitan regions – except Metro – indicate an actual and significant increase in VMT.

13. Ped/bike/transit planning rules should provide some guidance while still allowing for flexibility. Some suggestions: Pedestrian system 0500, 0505 inventory, suggest increasing the distance from schools to 1 mile, which is the state definition of the school walk zone (aka where kids don't get school buses) (would also apply to bicycle system) 0505 inventory, suggest adding 1/4 mile of all key destinations that were included in the new 0360 rules (would also apply to bicycle and transit systems) 0510 requirements, section (2)(b)(C), suggest putting a number on "substantial" portion of right-of-way in CFAs, e.g. at least 50% (inclusive of walking, biking, and transit) 0510 requirements, section (4), suggest maximums for enhanced crossings, e.g. suggestions: 500 feet along arterial streets (a); and 30 feet near transit stops (b) 0520 projects, section (3), wondering whether this is prioritization within pedestrian projects, or amongst all transportation projects? In other words, is there a modal hierarchy? (same question for bicycle and transit projects) Bicycle system 0600, 0610 requirements, suggest incorporating speed as well as volume, e.g. for a US-based standard is the NACTO guide for all ages & abilities bike facilities. Transit system 0700, 0700 planning, suggest something incorporated about planning for inter-regional transit service 0720 projects, section (2), concerned about focusing just on capital projects and explicitly excluding need to make provisions for funding transit operations - would want to know more about including language in 0700 planning calling out need to ensure adequate funding for transit operations.
14. I would like to see a smaller work group discussion on the bike/ped/transit rules as this section seems very off the mark.
15. Part 1 - page 65 of the packet: para 3(b)(B): sidewalks need to be accessible to standards of ADA para 3(b)(D): local governments should be obliged to consult end-users about preferences and approaches, including when it comes to questions around accessibility. part 1, p. 67: para 4(b)(C): information about the transportation system should be available at all stops in alternative formats (for persons who are blind) and any communications that are video / audio formats should have sign language / captioning available. p.142. 3(f)(A): this should look at budgeting - with a lens for universal design / accessible infrastructure from the get go, so more-expensive retrofitting is not required at a later date. p.145, para (e): not just affordable. see earlier comments about the need to think about more than just affordability. also bear in mind - households with persons with disabilities have higher expenses / costs than households without persons with disabilities. so are more likely to be living in poverty even if they are above the poverty line when just looking at income.

Question 7

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

1. I generally think the rules are too complex and much of what is included could be in the form of guidance. It is very difficult to track cross references to sections that are embedded throughout the rule. It seems that TSP guidelines would be best place for many of these items.
2. It would be helpful in staff reports to have explanations of why certain numerical standards are selected (for example why 86 foot height)? Also it would be helpful when an existing rule or redone but elements of it are moved to another section and thus shown as new to show which elements are new and which are just relocated.
3. We need more time to review the draft rules and consider how we will adopt into our local plans.
4. I would suggest we have an opportunity to challenge the underlying assumptions behind the questions we are asked.
5. Please reach out to RAC members who are interested and willing to serve in a work group. Thanks if you have already done so. Providing the meeting agenda and materials two weeks in advance was

much appreciated. Allowed for larger number of city staff to review and provide comments that are enclosed in this survey.

6. Please split the meetings into two 2-hr meetings to reduce screen fatigue and increase engagement. Please change to one packet with meeting times split over 2 days.
7. It would be helpful to know which topics are going to be discussed in what format on future meetings. Will they be in break out rooms? Sticky note format? It's hard to prepare notes and discussion points ahead of time if you do not know what format you will be discussing topics in. Also, it would be helpful if the Key Questions Worksheet had rule numbers in the questions that are meant to be discussed so it's clear exactly which rules the questions are pertaining to.
8. 4 hours is too long. I felt myself checking out completely after about 3 hours and 15 minutes - shorter meetings, smaller working groups to tackle specific issues / aspects - is strongly recommended.

Additional comments received from RAC member Samantha Bayer.

From: [Samantha Bayer](#)
To: [CAUDEL Ingrid * DLCD](#)
Cc: [HOLMSTROM Bill * DLCD](#); [YOUNG Kevin * DLCD](#)
Subject: Re: Survey reminder and RAC meeting schedule
Date: Monday, November 15, 2021 7:14:04 PM

Ingrid,

I apologize for the late email. With Legislative days, things got fairly hectic and I missed the deadline to get the Key Questions survey done. I did get the workgroup one completed and hopefully you received my responses there.

Because I have not been able to be on the RAC for a meeting yet, it may be better for me to just email over some preliminary high-level thoughts outside of the survey.

Based upon my review of the proposed rules, I have an overarching concern about implementation of some of the rules for smaller or even midsized cities. I also am concerned about the feasibility of accommodating 30% of needed housing in many areas. I am worried that if that requirement stands, it may be impossible for many cities, or force cities to build mostly vertical housing, which puts individuals in primarily a rental situation, as opposed to a home ownership situation. The state is doing a tremendous amount of work to create more housing and home ownership opportunities, especially for communities of color and middle income families. I am worried about how these rules may conflict with those efforts.

My proposed solution at this point is to hold a workgroup on this exact issue, and to let planners and stakeholders work through these concerns. I would like to see DLCD staff who is working on HB 2001/2003 work to be included in this RAC so that we make sure that we are working in harmony on these two important issues.

Again, my apologies for missing the 5pm deadline.

Samantha Bayer
Housing Program Director
Oregon Home Builders Association
(541) 261-9961
samantha@oregonhba.com

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 10



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 10 Item 15: Public Comments**
DATE: December 6, 2021

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

1. Cathy Clark, Salem-Keizer Area Transportation Study
2. Susan Crowley
3. Lucas Freeman
4. Jewel Nye
5. Ross Winsor
6. Gary Shaff
7. Rory Isbell, Central Oregon LandWatch
8. Joseph Edge
9. Gretchen Rowe & Rodney Toogood
10. David Anthes
11. Ted Labbe, Urban Greenspaces Institute
12. Jimmy MacLeod, Rogue Advocates
13. Michael Walker
14. Barbara Fryer, City of Cornelius
15. Alissa Hansen, Heather O'Donnell, City of Eugene
16. Matt Straite, City of Millersburg
17. Diane Hodiak, 350 Deschutes

COPY



SALEM-KEIZER AREA TRANSPORTATION STUDY

100 High St. SE, Suite 200 Salem, OR 97301 Phone (503) 588-6177 FAX (503) 588-6094

October 18, 2021

Amanda Pietz, ODOT Policy, Data, & Analysis Division Administrator
Oregon Department of Transportation
555 13th Street NE, Suite 2
Salem, OR 97301

Dear Amanda:

Thank you for coming to our September 26th SKATS Policy Committee to speak about an ODOT proposal related to the **Climate Friendly and Equitable Communities** rulemaking, which includes extensive changes to Oregon's Transportation Planning Rule (TPR). ODOT's proposal is to condition the programming of federal funds – including the federal funds that an MPO has discretion to award - on whether a local jurisdiction in a metropolitan area has self-certified that it complies with certain regulations in the TPR. Specifically, the jurisdiction will need to certify that its transportation system plan's illustrative list will reduce VMT to meet state targets for greenhouse gas emission reductions (OAR 660-044).

You said that ODOT and the Department of Land Conservation and Development (DLCD) started discussing ideas for this proposal earlier this summer. However, the SKATS Policy Committee did not become aware of this until late September. Therefore, this letter relays our initial comments about this proposal, and we may have other comments to share in the future. Primarily, we want to address some of the federal regulations associated with TMA planning and programming of funds and how ODOT's proposal could adversely affect that planning and programming.

We also include suggestions for collaboration in this letter. As always, our intent is to work cooperatively with ODOT and DLCD. As I said during the SKATS Policy Committee meeting discussion on this topic, I do not think we are adversaries in trying to achieve quality, complete systems for all transportation modes in our region.

1. **Federal Statute/Regulations give authority of Project Selection to the TMA Board.**

The Federal Surface Transportation Acts established MPOs with the requirement of developing regional transportation plans. It also gave the elected officials of MPO Boards the autonomy to

decide how the federal funds provided to the MPO – primarily the surface transportation block grant (STBG) funds -- will be used to implement these plans as part of the Metropolitan Transportation Improvement Program (MTIP).

While SKATS understands ODOT's and DLCD's urgency to adopt changes to the TPR to reduce greenhouse gases (per Executive Order 20-04), we assert that ODOT is not within their authority to unilaterally implement this proposal without explicit approval from the Transportation Management Areas (TMA), since federal statute and regulations state that the selection of projects in the TIP within TMA areas (such as SKATS) are decided by the TMA Board [see 23 USC § 134(k)(4)(A)]. Therefore, ODOT would need to further consult with the Oregon TMAs and get the TMAs' approval in the form of an agreement before implementing a proposal of this nature.

23USC § 134(k)(4)(A)

(4) Selection of projects.—

All Federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

See also this FHWA document: "Suballocation of Apportioned Funds Questions & Answers" (Question #4) (https://www.fhwa.dot.gov/cfo/suballocation_qa.cfm)

2. **Potential Impacts to required federal performance-based planning**

When Congress passed Moving Ahead for Progress in the 21st Century Act (MAP-21) in 2012, a significant addition was the **transition of federal transportation planning and investments to a performance and outcome-based program**. This meant that state DOTs, MPOs, and Transit Districts are required to **establish targets for the following federal performance measures**: pavement conditions and performance for the Interstate and NHS, bridge conditions, injuries and fatalities, traffic congestion, on-road mobile source emissions, and freight movement on the Interstate System. Most importantly, state and metropolitan plans and transportation improvement programs must describe how program and project selection will help to make progress for achieving the targets.

SKATS' adopted Metropolitan Transportation Plan and Metropolitan Transportation Improvement Program (MTIP) both include an analysis of how the plan and MTIP help to make progress toward achieving the targets. However, FHWA/FTA's 2021 Certification Review of the SKATS Planning program recommended that the SKATS TIP should "provide additional documentation to fully meet TIP development requirements, including prioritizing and documenting how SKATS will link investment priorities to target."

23 CFR 450.326(c), (d)

All TIPs approved or amended after May 27, 2018, shall be designed such that once implemented, it makes progress towards achieving the performance targets identified in the metropolitan transportation plan.

Depending on how it may be implemented, ODOT's proposal could jeopardize our ability for making progress toward achieving the performance measure targets adopted by ODOT and SKATS. For example, if ODOT limited the awards for a jurisdiction(s) that doesn't self-certify compliance to the TPR by requiring TMAs to deny funding projects that improved pavement and bridge conditions or improved traffic congestion, FHWA/FTA could determine -- at the next TMA Certification Review -- that the SKATS TIP is not complying with federal regulations on performance-based planning to achieve targets for pavement and bridge conditions and traffic congestion.

3. Federal Regulations require the development of a TMA Congestion Management Process

TMAs are required to have a Congestion Management Process (23 CFR § 450.322). This is a multi-step process to measure and analyze the cause of congestion, develop congestion management strategies and an implementation schedule, and evaluate the effectiveness of these strategies after they are implemented. The SKATS area uses a combination of strategies including funding of the regional traffic control center, signal upgrades and signal interconnects, transit service improvements (service frequency and convenience, transit priority, transit amenities); funding the travel demand management program; funding the expansion of sidewalk and bicycle facilities, selective capacity increases of the roadways¹, and other strategies. If ODOT were to limit projects of these types in the TIP (by limiting the jurisdictions eligible to receive such funds), SKATS would not be meeting the requirement of addressing congestion management that is federally mandated.

4. The majority of MPO funds are used for active transportation, transit, and demand management.

Compared to many larger MPOs in the U.S., an MPO of SKATS' size is allocated a relatively small amount of federal funds. In recent years, the amount of federal funds available for SKATS to

¹ It can be noted that the largest vehicle capacity expansion in the SKATS area over the last 25 years has been ODOT's widening of Interstate-5 through Salem.

award to projects is around \$7 million per year, or \$21 million total for a 3-year TIP cycle when funding decisions are made. From the \$7 million per year, SKATS uses about \$1.25 million per year for three regional programs: Transportation Options (rideshare and demand management), Regional Signal Control Center (signal timing and operations work) and Regional Planning work (to meet federal planning regulations).

The remaining \$5.75 million per year is available for all the other needs and priorities outlined in the SKATS transportation plan. As shown in the table below, over the last 20+ years the majority of MPO funds have been used for active transportation projects, transit projects (buses, shelters, system upgrades), transportation demand management, and safety projects. A smaller percentage has gone to intersection upgrades and only a few of these intersection projects included new lanes that added capacity².

Programming of MPO Funds in the MTIP (2003 – 2024)	
Approximately \$101 million total	
Categories³	Percent of total funds
Complete Street (mostly Bike/Ped)	30%
Bike/Ped only	6%
Transit (including Bus Replacements)	16%
Transportation Demand Management	4%
ITS – Intelligent Transp. Systems	8%
Intersection upgrades	18%
Bridge replacement	1%
Road Reconstruction	2%
Regional Planning, Corridor plans, transportation studies, travel surveys	16%
Total	100%

The information in this section results in these relevant conclusions:

- a. The federal planning regulations require “...the development of an integrated multimodal transportation system (including accessible pedestrian walkways and bicycle transportation facilities) to facilitate the safe and efficient movement of people and goods.”⁴ The mix of programs and projects in the SKATS TIP is achieving that objective.

² Examples of intersection projects where adding capacity was not the main purpose of the improvement include the signal added on Commercial St NE for the Union Street family friendly bike corridor; the Keizer roundabout (to improve safety) and turn lanes and intersection realignments whose primarily purpose is to reduce crashes.

³ A significant amount of MPO funded projects improve safety – such as adding signalized mid-block crossings, sidewalks, or turn lanes to reduce crashes – but they are categorized as Bike/Ped or Intersection.

⁴ 23 CFR § 450.324 Development and content of the metropolitan transportation plan

- b. SKATS uses most of its funds for projects to provide alternative options to private vehicle use, which is a key objective of the TPR and State Planning Goal 12.
- c. Most projects and programs funded in the SKATS TIP are the exact type of projects that the DLCD and ODOT supports to reduce greenhouse gases.
- d. Having only \$5.75 million per year available for programming limits the MPO on the number of projects it can fund, especially as project costs have escalated. We are not in the position to fund all the needs in the regional transportation system. If the state wants to move the needle on VMT reduction in metropolitan areas, more funds will be needed.

Working Cooperatively

In principle, the ODOT proposal is trying to affect many of the same outcomes that the MPO is also trying to achieve of a balanced, multi-modal system that encourages active transportation, transit, and strategies for travel demand management. The issues raised in this letter are meant to point out some likely unintended consequences if ODOT/DLCD develops this proposal.

The SKATS Policy Committee believes that more discussion is needed **to find ways that federal and state objectives and requirements can both be met without sacrificing either one.** This could include:

- Involving FHWA, FTA, ODOT, and the three TMAs in additional discussion on the use of federal funds and ODOT's proposal. This is the basis of cooperative and coordinated planning.
- Agreeing that projects that improve safety on the system – whether funded by state or federal funds - should continue without any hindrance.
- Agreeing that projects that reduce VMT by promoting active transportation and public transit should continue to be funded by MPOs, even if a local jurisdiction's TSP hasn't been found to meet the new state TPR, because they are in fact promoting a key objective of the TPR.
- Agreeing that ODOT has a strong interest for MPOs to obligate the funds in their MTIPs; disrupting projects already in the project development queue will jeopardize those obligations. Therefore, projects in the current TIP that use MPO federal funds need to go forward.
- Recognizing that TMAs are required by federal regulations to fund investments that address federal performance measures and targets, as well as the Congestion Management Process.
- ODOT should look for ways to provide "carrots and sticks" for how it allocates its discretionary state and federal funds to local jurisdiction based on their TPR compliance. For example, ODOT's Community Paths or Safe Routes to School programs can align project scoring and funding with the new requirements for bicycle and pedestrian facilities in the TPR.

We look forward to having future conversations with the ODOT, FHWA, and FTA staff, and the other two Oregon TMAs about these issues.

Sincerely,



Chair Cathy Clark, on behalf of the SKATS Policy Committee



Mike Jaffe, SKATS Transportation Planning Director

cc: Jim Rue, DLCD Director ✓
Phillip Ditzler, FHWA Division Administrator
Rachael Tupica, FHWA
Jeremy Borego, FTA
Dan Fricke, ODOT
Naomi Zwerdling, ODOT
Tom Kloster, Metro
Paul Thompson, Central Lane COG

From: [CAUDEL Ingrid * DLCDC](#)
To: [CAUDEL Ingrid * DLCDC](#)
Subject: FW: Memo re Climate-Friendly and Equitable Communities Rulemaking
Date: Thursday, October 28, 2021 2:58:28 PM
Attachments: [Susan Crowley, Comments on Response to Executive Order 20-04, 10-28-21.pdf](#)

From: Susan Crowley <crowley.susan.g@gmail.com>
Sent: Thursday, October 28, 2021 2:36 PM
To: MANVEL Evan * DLCDC <Evan.MANVEL@dlcd.oregon.gov>
Subject: Re: Memo re Climate-Friendly and Equitable Communities Rulemaking

Thank you, Evan. A forward to the RAC and LCDC would be most appreciated. I did ask Ingrid if she would forward the updated memo to Jim Rue, Palmer Mason, and Chair McArthur also, since they're on the recipient list, just FYI. If you have contact information for Theresa Huang and Fran Warren, who also mentioned their concern for these issues, I would also appreciate a forward to them as well. I've attached the PDF again below for ease of reference.

It might be useful when deciding what emphasis to give green infrastructure to recall that the governor in her order explicitly "directed" DLCDC to "prioritize actions that will help vulnerable populations and impacted communities adapt to climate change impacts." I mention this in the memo, but it's an important point that all too easily gets lost in the mix, as we see.

I appreciate the divergent and often competing pressures the staff must face in balancing so many factors. Particularly with this in mind, I very much appreciate your help and interest.

Very best,

Susan

Susan Crowley
crowley.susan.g@gmail.com
PO Box 963, Hood River, OR 97031
541-386-2686 (text and phone)

Susan Garrett Crowley
POB 963, Hood River, OR 97031
crowley.susan.g@gmail.com; 541-386-2686 (text and phone)

October 28, 2021

To: Jim Rue, DLCD Director
Palmer Mason, Senior Policy Advisor
Robin McArthur, LCDC Chair
Kirsten Greene
Evan Manvel

Re: Response to Executive Order 20-04 (climate change impacts)
Parks, green infrastructure and the Urban Heat Island Effect

On June 18, 2020, I submitted written comments on this initiative that included the following points:

* * * [T]he Governor’s order [20-04] * * * covered more than just reducing GHG emissions. That directive states, in relevant part:

“ . . . [A]gencies are directed to

(2) Prioritize actions that will help vulnerable populations and impacted communities adapt to climate change impacts . . .”

* * * * *

My concern is that DLCD’s response memo almost completely ignored possible actions to “help” vulnerable populations and impacted communities “adapt” to increasing threats from the well-documented Urban Heat Island (UHI) effect. UHI impacts from climate warming result in misery and sometimes death for urban populations, particularly those in our most vulnerable neighborhoods. * * *

There is considerable research to indicate that urban greenspace, parks and street tree canopy can help urban populations more comfortably adapt to inevitable climate warming impacts – and can also save lives.

During last summer’s heat wave, we saw many lives lost as a result of just that. We all remember the shock and horror of hearing of those deaths. And this is only the beginning.

Yet, as of today the draft rules and materials appear to barely mention the importance of maintaining and adding parks and green infrastructure to help communities adapt to potentially deadly heat impacts. I found only one such provision, and that contains a loophole big enough to drive a large, gas-guzzling

truck through.

Draft OAR 660-012-0320(3) provides in part that cities “shall prioritize locating parks [and] open space” “in or near” climate friendly areas “that do not contain sufficient parks [and] open space * * *.”

“Sufficient” does not appear to be defined and is certainly not quantified. Resource-strapped communities, particularly smaller ones without Portland’s resources for park development, will simply insert boilerplate language into their ordinances that “sufficient” parks exist “near,” and move on to requiring more hardscape.

Language for new green infrastructure to accompany urban growth needs to be mandatory, with no escape hatches. To give it teeth and actually result in life-saving green infrastructure, the language should be changed to something more specific, such as this:

“Local governments * * * shall prioritize locating parks, open space, plazas, and similar public green infrastructure on a minimum of ___ percent of the land area of each climate friendly area.”

“Green infrastructure” should be particularly defined, and a meaningful percentage developed. There are experts available who can assist with formulating a meaningful definition, including Prof. Vivek Shandas of PSU who has previously offered advice and support to this effort.

This is not a minor matter. State policy makers and DLCD continue to push covering our cities with hardscape while they ignore balancing this with green infrastructure. Unless this changes, they and DLCD will bear some responsibility for future heat-related deaths like those suffered this past summer.

Thank you for your attention and openness to public input.

From: [Lucas Freeman](#)
To: [CFEC DLCD * DLCD](#)
Subject: public comment - draft DLCD transpo and land use rules
Date: Friday, October 29, 2021 3:32:31 PM

Hey DLCD folks!

Hope this note finds you well. I'd like to enter the following public comment towards the draft DLCD transpo and land use rules you all have released.

It's my sense that Bend Community and Cit of Bend staffers will need the resources to meet the ambitious goals that the DLCD's Climate Friendly and Equitable Communities Rulemaking Advisory Committee draft transportation and land use rules anticipate. Short of support, we will just end up with aspirational goals gathering dust on a shelf. As a 20+ year resident of Central Oregon, I've seen a fair share of great plans that haven't been implemented. Significant funding (maybe redirect some \$\$ already allocated to ODOT) is needed for project scoping/planning for non-car travel modes (transit, walking and rolling), as well as for technical assistance to better track and measure outcomes.

Thanks for the time!

Lucas Freeman
Bend, Oregon

From: [Jewel Nye](#)
To: [CFEC DLCD * DLCD](#)
Subject: Resourcing DLCD Draft Rules
Date: Friday, October 29, 2021 12:02:02 PM

Communities and City staff need the resources to meet the ambitious goals that the DLCD's Climate Friendly and Equitable Communities Rulemaking Advisory Committee draft transportation and land use rules anticipate or we will just end up with aspirational goals that we continue to fail to meet. That includes significant funding (which we think could come from ODOT) to support local planning, for needed walking and biking infrastructure investments in communities, and for technical assistance with respect to the models and tools City staff will need to use to measure outcomes.

From: [Ross Winsor](#)
To: [CFEC DLCD * DLCD](#)
Subject: Public Comment to DLCD RAC
Date: Saturday, October 30, 2021 5:06:40 PM

Communities and City staff need the resources to meet the ambitious goals that the DLCD's Climate Friendly and Equitable Communities Rulemaking Advisory Committee draft transportation and land use rules anticipate or we will just end up with aspirational goals that we continue to fail to meet. That includes significant funding (which should come from ODOT) to support local planning, for needed walking and biking infrastructure investments in communities, and for technical assistance with respect to the models and tools City staff will need to use to measure outcomes. Please provide dedicated funding to implement these goals and help make our communities safer and more climate friendly.

Thank you,

Ross

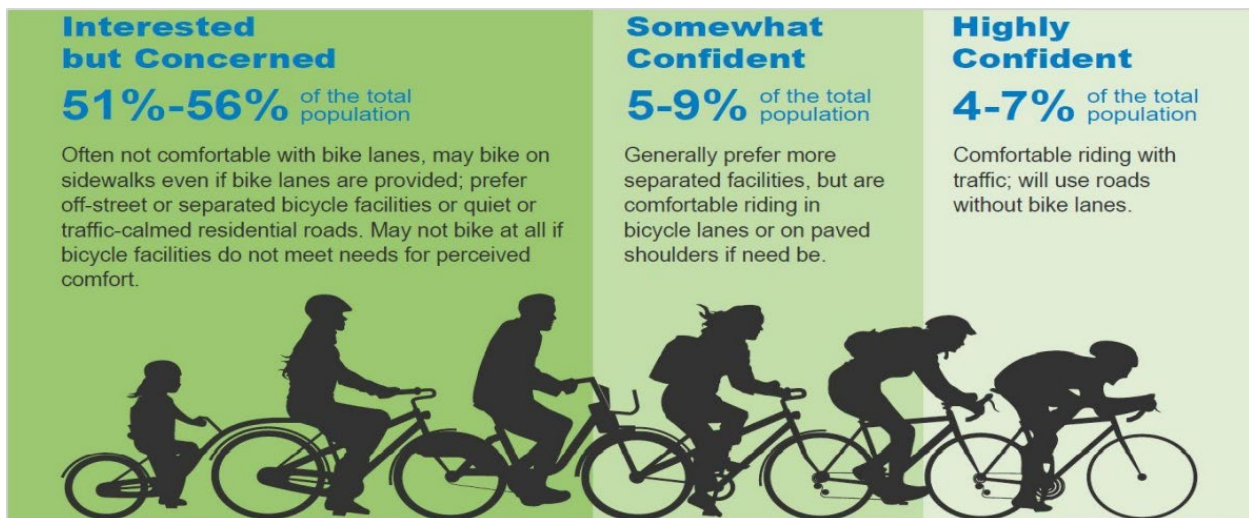
To the Commission, RAC, and DLCD staff:

The current draft of the Climate Friendly Transportation Planning Rule will not serve to full-fill an essential purpose of the 1991 Transportation Planning Rule (TPR): “provide for safe and convenient ... bicycle access and circulation. (OAR 660-12-0000(1)(c) & 3(a)). The draft rules, as written, will also fail to satisfy a key action specified in the Commission’s rulemaking charge: “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.” ([Climate-Friendly and Equitable Communities Rulemaking Charge](#), page 3).

The existing TPR mandates “bikeways ... along arterials and major collectors” (OAR 660-12-0045(3)b(B)). The term “bikeways” is not defined in the TPR but the Oregon Department of Transportation, Design Manual, Chapter 13 states that “on-roadway bikeway includes shoulder bike lane, buffered bike lane and shared lane.” On arterial and collector roads, these bikeway designs are not safe and convenient – at least for most Oregonians. Existing bikeways (mostly bike lanes) serve an estimate nine to 16 percent of Oregonians (highly confident and somewhat confident – see Figure 1).

The majority of urban residents (51 – 56%) would like to use a bicycle for more of their trips but are afraid to share the road with cars and trucks. Designing and building protected bikeways on collector and arterial streets is essential to provide the level of safety necessary for the “interested but concerned” to bicycle. Creating safe conditions for this group is essential to achieve the required emission reductions from the transportation sector.

Figure 1.



Source: Dill, J., McNeil, N. (2012). Four Types of Cyclists? Examining a Typology to Better Understand Bicycling Behavior and Potential.

The draft language, regarding bicycle facilities, will not serve to create a bicycle network suitable for all ages and abilities. Draft TPR, 660-12-0610(3) includes the following mandate:

“b) Cities and counties must plan for separated or protected bicycle facilities on arterials and collectors in climate friendly areas.

“c) Cities and counties must plan a minimum of a buffered bicycle lane on arterials or collectors where separated or protected bicycle facilities are not otherwise planned.”

Making bicycling travel practical, safe, and convenient for everyday travel for everyone (all ages and abilities) on arterial and collector streets throughout urban areas is key to reducing emissions from the transportation sector. Arterials and collectors must include protected bikeways. The draft rule, as written, is less than a half measure because arterial and collector street mileage within designated climate friendly areas will be a very small fraction of the total mileage within Oregon’s metropolitan areas. Thus, leaving 90 percent or more of the urban area with bike infrastructure unsuitable for the majority of residents and little changed from the present.

A buffered bike lane in Medford is pictured in Figure 2. The bike lane, including the buffer, is a little more than five feet wide. Crater Lake Highway, OR62, at this location, has a 45 MPH speed limit and an average daily traffic volume (ADT) of almost 34,000 vehicles. I have never observed anyone riding in this buffered bikeway. People who I have seen riding a bicycle here, ride on the sidewalk.

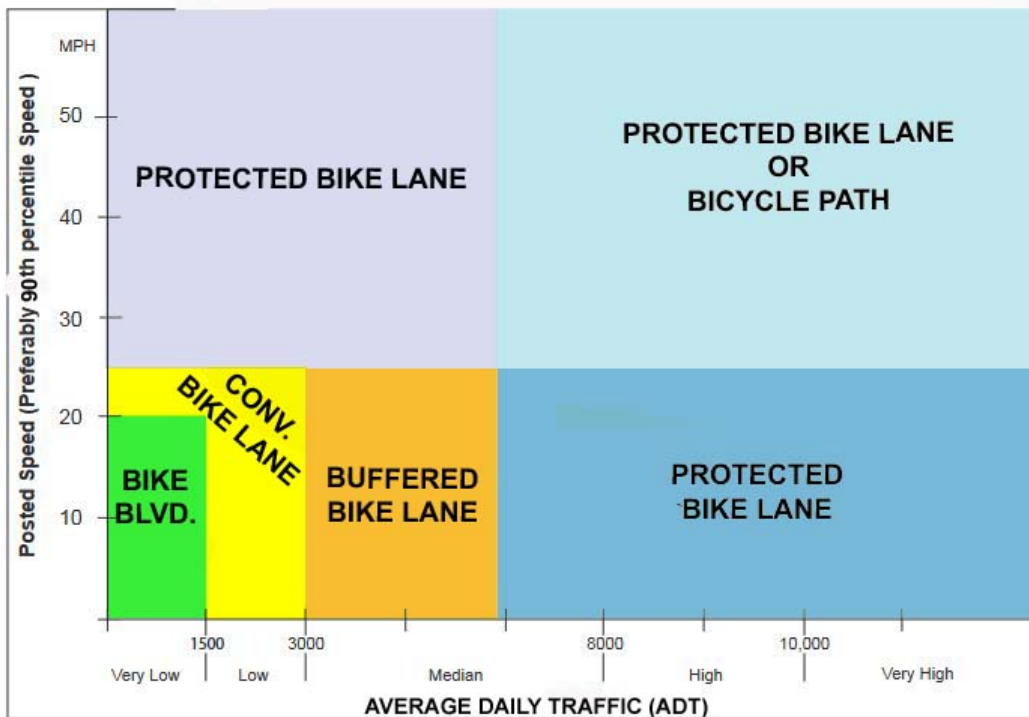
Figure 2.



Buffered bike lanes are not suitable for all ages and abilities except under very specific circumstances (see Figure 3). Buffered bikeways are only appropriate where almost all cars/trucks (90th percentile speeds) are traveling at, or less than 25 MPH (a rarity except where maximum speeds are posted at 20 MPH). I am not aware of any arterial and collector street in the State that have volumes and speeds suitable for a conventional or buffered bike lane. These bike facility designs are only appropriate for all ages and abilities on relatively low volume, traffic calmed streets.

Figure 3.

NACTO Contextual Guidance for Selecting All Ages & Abilities Bikeways



National Association of City Transportation Officials, NACTO, [Designing for All Ages and Abilities](#), 2020 – Graphical summary of Table on page 4

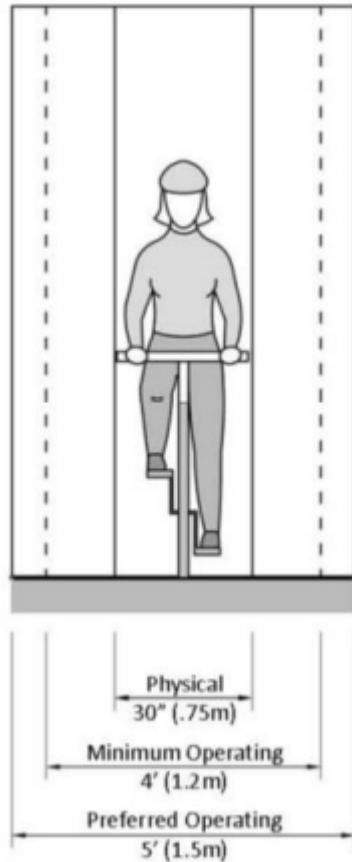
The Commission should ensure that the final rule requires protected bike facilities on arterial and collector streets within urban growth/containment boundaries and between urban areas when separated by a distance of six or fewer miles (equal to an 18-minute e-bike ride when operated at 20 MPH).

The Commission should also set a performance standard for protected bikeways that ensures sufficient width to allow one bicyclist to overtake and pass another slower bicyclist (see Figure 4). Users of protected bike lanes travel at a wide range of speeds. E-bikes commonly can travel at a maximum speed of 20 MPH. That is contrasted with pedal bicycles which are typically operated at speeds of 12 MPH and a scooter around 7.5 MPH. A protected bikeway without sufficient width to allow passing would not be

convenient or safe. In practical terms, that means that protected bikeways should be a minimum of seven feet wide and a recommended width of eight.

Figure 4.

Bicyclist – Operating Characteristics



Source: FHWA, Bike Guide, 2012

Sincerely,

Gary Shaff

Ashland, OR.

From: [Rory Isbell](#)
To: [CFEC DLCD * DLCD](#)
Cc: [HOLMSTROM Bill * DLCD](#); [YOUNG Kevin * DLCD](#); [TAYLOR Casaria * DLCD](#)
Subject: Comments for CFEC RAC meeting #9 November 5, 2021
Date: Tuesday, November 2, 2021 5:04:10 PM
Attachments: [COLW CFEC 11.2.21.pdf](#)

Hello,

Please find attached comments from Central Oregon LandWatch on the Climate Friendly and Equitable Communities RAC meeting #9 packet. Please respond confirming that these comments have been received and distributed to the RAC members.

Thank you,

Rory Isbell

Rory Isbell (he/him)
Staff Attorney
Central Oregon LandWatch
2843 NW Lolo Drive, Suite 200
Bend, Oregon 97703
541-647-2930 x804



November 2, 2021

sent via: DLCD.CFEC@dlcd.oregon.gov

Climate Friendly and Equitable Communities Rulemaking Advisory Committee
Oregon Department of Land Conservation and Development
Attn: Bill Holstrom, Kevin Young, Casaria Taylor
635 Capitol Street NE Suite 150
Salem, OR 97301

**Re: Climate Friendly and Equitable Communities Rulemaking Advisory Committee
November 5, 2021 meeting**

Dear Rulemaking Advisory Committee members and DLCD staff:

Central Oregon LandWatch (“LandWatch”) submits these comments on the ongoing Climate Friendly and Equitable Communities rulemaking (“CFEC”). In these comments we address the new and amended draft rules included in the packet for the November 5, 2021 meeting, and also make some more general comments and recommendations on the rulemaking.

Overall, LandWatch is highly supportive of the CFEC rulemaking effort to date. The changes to OAR Chapter 660, Division 12 and Division 8 proposed in this rulemaking are overdue and fundamental to the transformation of Oregon cities into sustainable and equitable places. We thank the RAC and DLCD for devoting substantial time and energy to crafting these new land use and transportation rules. Our Oregon communities, and our world, stand much to gain from these efforts.

I. Background

Based in Bend, Central Oregon LandWatch’s mission is to defend and plan for Central Oregon’s livable future. For over 35 years, LandWatch has advocated for the region’s sustainable growth by focusing on minimizing sprawl onto our farmlands, forests, and open space and providing complete communities within urban growth boundaries.

Over the past 15 years, we have participated in several land use and transportation planning processes in Central Oregon and particularly in the City of Bend. We successfully opposed the City of Bend’s 2008 UGB amendment proposal and then participated in the subsequent remand process that led to the uncontested 2016 UGB expansion and comprehensive plan update. One of the 2016 UGB key strategies for accommodating housing and employment growth was the development of “opportunity areas” or areas inside the UGB planned for higher density land use and multimodal transportation. Since 2016, we have championed in particular the Bend Central District opportunity area, a neighborhood adjacent to downtown Bend where several key



transportation corridors converge. We also participated in the development of the City's new (2020) Transportation System Plan and advocated for safe, abundant, high-quality pedestrian, bicycle, and transit facilities.

Thus the overall strategy of the CFEC – designating Climate Friendly Areas (CFAs) where driving is not necessary and where reducing car dependency city-wide results in drastic GHG reductions – is not unfamiliar to us or to the Bend community. We hope we can offer constructive feedback to the RAC based on our history of advocating for climate-friendly land use planning.

II. Changes made to previous draft rules

a. UGBs

The November 8, 2021 RAC packet includes revisions to the draft rules at OAR 660-008-0010 pertaining to urban growth boundaries (UGBs).

The previous version of the rules provided that a city that does not accommodate 30% of planned housing growth in CFAs is precluded from expanding its UGB to accommodate a residential need. LandWatch was supportive of this rule because it provided an important backstop and significant incentive to be in compliance with the proposed CFA designation and development standards. Pursuant to Goal 10, cities must accommodate projected residential growth. A major strategy of the CFEC rules is to accommodate a significant portion of that growth in CFAs. Precluding sprawling UGB expansions, on the edges of cities and almost always far removed from vital public facilities and community services, would ensure that cities make every effort to redirect significant growth into CFAs and into existing UGBs.

The November 8, 2021 rules remove this requirement, and replace it with a revised restriction on UGB expansions. Draft OAR 660-008-0010(3) requires that a local government seeking to expand its UGB in order to meet a residential land need after June 30, 2027 must designate and zone additional CFAs. Those additional CFAs must accommodate one-half of the housing units that cannot be accommodated in the existing UGB, and the additional CFAs may be located in UGB expansion areas.

We have several concerns with this proposal. First, the starting date of June 30, 2027 is unreasonably late, and will effectively and unnecessarily delay full implementation of CFAs by five years. This delay will occur because the draft rule allows cities to expand UGBs to accommodate residential land needs, without the requirement of designating additional CFAs, until 2027. This five-year delay may create a rush amongst Oregon cities to expand their UGBs, likely to accommodate low-density, climate-harming residential development on the urban edge, prior to 2027. The other deadlines for designation and zoning of CFAs specified in the draft rules run by June 30, 2024. **The timeline for draft OAR 660-008-0010(3)'s requirement for creation of additional CFAs when a UGB expansion is sought should also begin on June 30, 2024.** This will provide for more efficient CFA planning by requiring cities to designate and zone CFAs sufficiently large enough to accommodate 30% of housing need all at once, rather

than limited initial CFA designations followed by UGB expansion proposals before June 30, 2027.

We are also concerned that allowing unlimited designation of CFAs in UGB expansion areas could result in a majority of CFAs located on the outskirts of cities, far removed from existing public facilities and community services. We recognize that development of multiple new, mixed-use, walkable, complete communities is needed in order to make our cities climate-friendly. Indeed, Bend's 2016 UGB expansion requires that new development in expansion areas provide a mix of uses and multimodal transportation systems. But we are concerned that, because greenfield development is often viewed as simpler and cheaper than urban infill redevelopment, too many CFAs will be designated on the edges of Oregon cities. **We recommend putting limits on the percentage of a city's total CFA acres that may be designated in UGB expansion areas, or alternatively, require that at least 50% of CFA acres be located within a city's current (2021) UGB in perpetuity.**

b. Implementation timelines

The November 8, 2021 RAC packet provides, at draft OAR 660-012-0012, amended effective dates for various provisions of the new Division 12 rules. The "Implementation Dates by Jurisdiction" chart at packet page 13 summarizes these effective dates. We appreciate the compromise that this timeline represents, both recognizing the urgency for GHG reductions from land use and transportation and also that in order to implement the rules effectively, local governments need sufficient time and resources.

This rulemaking process needs to be both timely and effective. Please keep acting with urgency and strive to keep this amended timeline in place with no further delay.

It remains unclear, however, when and how all of the new CFEC rules will apply to cities with acknowledged TSPs. The draft OAR 660-012-0012 timeline concerns CFA designation, parking, zoning CFAs, and updating Housing Needs Analyses (HNAs) in accordance with the new rules. What are the implementation timelines for the many other new and amended rules in Division 12? The draft rules differentiate between major and minor TSP amendments at draft OAR 660-012-0105(1)-(4). But draft OAR 660-012-0105(5) states that "Notwithstanding any other provision in this rule, cities having an acknowledged transportation system plan adopted as provided in OAR 660-012-0015 shall adopt a major update to the transportation system plan. Cities may use any part of existing acknowledged plans to meet the applicable requirements." **By when is this mandatory major update to an acknowledged TSP required?**

Bend adopted a new TSP in 2020. That TSP makes major strides towards planning for abundant high-quality pedestrian, bicycle, and transit facilities, and, if fully implemented, perhaps modestly reducing VMT per capita. However, Bend's TSP falls far short of the planning requirements, use of alternative mobility standards, prioritization of bicycle, pedestrian, and transit projects to meet GHG reduction targets, critical considerations for roadway and freeway projects, and VMT reductions, etc., that the draft CFEC rules would impose. The VMT



reductions proportional with GHG reduction goals found at draft OAR 660-012-0160 are particularly urgent, but Bend’s acknowledged TSP will not result in significant VMT reductions.

We request that **the draft rules be amended to specify a deadline by which existing acknowledged TSPs must be amended to comply with the full suite of Division 12 CFEC rules.** Allowing Bend and other cities to wait 20 years before amending their TSPs to comply with the CFEC rules would be counter to many of the purposes of Division 12, and especially the purpose to “[e]nsure Oregon meets its statutory and executive goals to reduce climate pollution by reducing pollution from transportation.” Draft OAR 660-012-0000(1)(d).

c. Prescriptive versus outcome-based rules

LCDC received feedback from local governments arguing that prior versions of the rules were too prescriptive. In response, the draft rules were amended to remove many specific development standards for CFAs and to provide two tracks for compliance of CFAs. One track, at draft OAR 660-012-0320(5), would require cities of varying sizes to allow certain minimum densities and building heights in CFAs. The other track, at OAR 660-012-0320(6), is more outcome-based, and instead would require cities to adopt their own development standards that facilitate gross densities of homes and jobs per acre.

To implement these rules successfully, cities need straightforward, well-defined paths to follow. We are tentatively supportive of this balance between prescriptiveness and an outcome-based approach. Prescriptive development standards ensure uniformity and predictability in CFAs across the state using land use strategies proven to result in reduced reliance on the automobile. Outcome-based development standards, including draft OAR 660-012-0320(6), can also be effective in achieving the goal of reduced reliance on the automobile and GHG reductions. In order to do so, however, **both prescriptive and outcome-based approaches must be tied to accountability and enforcement mechanisms.** The CFEC rules should create clear consequences for local governments that fail to meet the outcomes. What will be the consequence, for example, if a city of at least 100,000 population fails to facilitate at least 50 homes and jobs per net acre in a CFA under draft OAR 660-012-0320(6)(d)?

III. Other comments

In addition to the above comments on the changes made to the draft CFEC rules in the November 8, 2021 packet, we offer the following comments on other aspects of the rules.

a. Percentage and type of housing capacity to be accommodated in CFAs

The draft CFEC rules call for 30% of housing needs to be accommodated in CFAs. We understand that the 30% value originates in the Statewide Transportation Strategy. To meet the urgency of the climate emergency and achieve a swifter reduction in GHG emissions from transportation, **we recommend requiring 40% of housing needs be accommodated in CFAs.** Planning for only 30% of housing needs in CFAs means planning for 70% of housing needs outside of CFAs, where reliance on the automobile will continue. The urgency of the

climate crises requires planning for more housing needs in CFAs, providing the opportunity to live climate friendly lifestyles to more Oregon residents. Let's strive for more housing in climate friendly areas.

b. Centering equity

We are highly supportive of the draft rules' provisions to center equity for priority underserved populations in land use and transportation planning. We are especially supportive of the equity analysis provisions at draft OAR 660-012-0130 which, for the first time, require local governments to engage, analyze, and report back on their efforts to improve outcomes for underserved populations. These communities are already experiencing the brunt of climate impacts. Our local governments have a responsibility to reverse that trend by preventing further displacement and other inequitable outcomes, and prioritizing spending on transportation infrastructure to benefit underserved populations. LandWatch is hopeful that the framework proposed in the draft CFEC rules will accomplish these goals.

c. Accountability and enforcement

The draft rules require monitoring and reporting, but those are only the first steps in ensuring our reductions to VMT and associated GHG emissions through land use and transportation. There also needs to be accountability and enforcement provisions that impose real consequences for failing to implement the CFEC rules and meet GHG reduction targets.

We appreciate the draft rule at OAR 660-012-0310(4) provides that LCDC may initiate periodic review or an enforcement order proceeding for a local government that fails to designate sufficient climate friendly areas. **We recommend this rule be amended to state that the commission "shall," as opposed to "may," either initiate periodic review or issue an enforcement order. We also recommend that the CFEC rules include similar provisions for other sections of the new and amended Division 12 rules.**

To further encourage implementation of the CFEC rules, **we recommend that the RAC explore tying compliance and implementation of the CFEC rules to receipt of state transportation funding.** This tie could come in the form of incentives, where state transportation funding is prioritized to cities that have implemented the full suite of CFEC rules.

d. Scenario planning

We understand that only the Eugene-Springfield and Salem-Keizer MPOs have been scheduled to complete scenario planning. We also understand that scenario planning to reduce GHG emissions from transportation and land use is a time- and staff-intensive process. Nevertheless, in order to expedite and streamline all Oregon MPOs' CFEC implementation and adoption of additional transportation and land use regulations necessary to meet GHG reduction goals, we recommend that **all eight Oregon MPOs should be scheduled to complete scenario planning by 2030.**

e. Performance standards and VMT reductions

One of the most exciting and transformative rule changes proposed in the draft CFEC rules is the limitation on use of vehicle congestion as a performance standard in transportation planning. Draft OAR 660-012-0170. We have seen first-hand in Bend how roadway projects, including new roads, road widenings, road extensions, and intersection expansions, are often forced into local TSPs because vehicle congestion performance standards predict that road segments or intersections will “fail” without them. This outdated method of planning runs counter to the decades of evidence showing that increasing roadway capacity only leads to more traffic congestion (induced demand.)

It is unclear how the new performance standards will apply to a local government’s review of development proposals or post-acknowledgment plan amendments (PAPAs) when the new rule “does not apply directly to performance standards used in the development a TSP.” November 8, 2021 RAC packet at 18. We reiterate our earlier recommendation that **the draft rules be amended to specify a deadline by which existing acknowledged TSPs must be amended to comply with the full suite of Division 12 CFEC rules.** This would ensure that, along with the CFEC rules’ many other substantive changes, alternative performance standards will be used to evaluate development proposals and PAPAs prior to the sunset of existing acknowledged TSPs.

We are also supportive of the draft rules’ requirement for actual VMT per capita reductions tailored to meet GHG reduction targets found at draft OAR 660-012-0160(5)-(6). However, it appears that the provision at OAR 660-012-0160(4), which requires a TSP to have a lower projected VMT per capita at the horizon year than the base year, seems to conflict with the more stringent requirement for VMT reductions that track GHG reduction targets at OAR 660-012-0160(5)-(6).

In the same vein as our comments about accountability and enforcement above, we recommend that **both the alternative performance standards and VMT reductions need to be accompanied by clear consequences for failing to implement the rules or meet the targets.** It is one thing to require measuring the performance of our transportation systems using alternatives to vehicular congestion. But it is quite another, much more consequential thing to require that our transportation systems are meeting alternative mobility targets resulting in VMT reductions, real safety improvements, increased mode split, or other performance targets - and even better if meeting those reductions is tied to receiving state funding.

f. Provide resources for compliance and implementation of CFEC rules

Local governments need the resources to implement the transformative changes that the CFEC rules anticipate and on the proposed timeline - or we will just end up with aspirational goals that we continue to fail to meet. This includes significant funding to support local planning, for needed walking and biking infrastructure investments in communities, and for technical assistance with respect to the models and tools City staff will need to use to measure results and report outcomes. We recommend that Oregon cities be provided financial resources and capacity support from the state to help achieve the CFEC rules’ new paradigm.



IV. Conclusion

Thank you for all your work and your consideration of these comments. We look forward to continuing to work with you and our community to ensure this CFEC rulemaking process “transforms Oregon’s communities to be safe, equitable, sociable, and pleasant places where driving is not required, and the amount of driving is reduced.” We need visionary, urgent action to help our Oregon communities become vibrant, climate-smart, healthy, and inclusive places.

Sincerely,



Rory Isbell
Staff Attorney
Central Oregon LandWatch
2843 NW Lolo Drive, Suite 200
Bend, Oregon 97703
rory@colw.org
(541) 647-2930 x804

Cc: Bill Holstrom
Kevin Young
Casaria Taylor



DEFENDING OUR NATURAL ENVIRONMENT *BUILDING HEALTHY COMMUNITIES FOR THE FUTURE*

From: [Joseph Edge](#)
To: [CFEC DLCD * DLCD](#)
Subject: Comments for CFEC RAC Meeting #9
Date: Thursday, November 4, 2021 12:09:13 PM
Attachments: [CFEC RAC Comments 11_5.pdf](#)

Hello and thank you for accepting the attached comments and passing them to the CFEC RAC members for their review at the meeting scheduled for November 5th.

Please let me know if you have any questions.

Thank you,

Joseph

November 5th, 2021

To: CFEC RAC, LCDC, and DLCD staff

Re: Climate Friendly and Equitable Communities Rulemaking

To whom it may concern:

Thank you for the opportunity to comment on this rulemaking process. Over the last several years, I have volunteered for my urban community in several capacities, including as the chair of my neighborhood's Goal 1 community involvement organization, as a member of a mid-size city's planning commission, as a member of my county's pedestrian and bicycle advisory committee, and as a board member and chair for my local watersheds council. In all of this time, in all of these capacities, I've never been more heartened and excited about a state rulemaking process than I am about the Climate Friendly and Equitable Communities rules.

DCLD staff should be commended for the proposed rules they've put forth for your review and consideration. Overall, the proposed rules help implement state policy that cities and Metro counties have been reluctant to embrace, despite these measures being rooted in best practices and supported by the best available science. The results of this rulemaking process may be the most impactful state-level land use policy implemented since the state first required urban growth boundaries for cities. Unfortunately, that's exactly the kind of response we need at a minimum to adapt to the changing climate. We need to make sure these rules will be effective at being transformative. I offer the following comments to help fine-tune the proposed rules to better ensure outcomes consistent with the charge of this committee.

High-Capacity Transit system plans and Metro Region 2040 Station Communities

Throughout the division, references are made to "rail transit," in one case specifically "light rail transit" and in another case, the less-specific "rail transit station." Rather than bind land use regulations to a specific modality of mass-transit, the regulations should refer instead to "high-capacity transit," which is an accepted term for a variety of transit modes that can move larger numbers of people than a regular bus. Metro has adopted a High-Capacity Transit Plan, which includes a combination of light- and heavy-rail and bus rapid transit. All of these modes perform similarly in terms of moving people and no policy objective is advanced by isolating "rail transit" from other modes of high capacity transit service.

Under most circumstances, when a jurisdiction has adopted a high-capacity transit plan, it should be required to designate Climate Friendly Areas around each of the stations for existing and planned and funded high-capacity transit lines. Perhaps exceptions should be allowed for jurisdictions with a significant number of high-capacity transit stations outside of areas already designated as centers. However, Station Communities offer the greatest opportunities for a wide distribution of equitable low-car supportive development in suburban areas. Jurisdictions should be required to adopt CFAs and associated land use regulations around all high-capacity transit

stations to leverage those capital investments and provide the greatest opportunity for complete communities and climate-friendly living. The Climate Friendly Area designation seems a more effective instrument for accomplishing this objective than the site design standards in rule 660-012-0330. This would also present less of a burden on jurisdictions than requiring CFAs around all “major transit stops” even though that also seems appropriate.

Priority Transit Corridors and Metro Region 2040 Corridors

The division defines rules to implement policy objectives along streets with relatively frequent transit service by defining these as Priority Transit Corridors and associating specific rules to areas proximal to these designated corridors. The Metro Region 2040 Urban Growth Concept has defined a typology named Corridors, which are similarly intended to align with relatively frequent transit service in areas outside of designated Centers. Jurisdictions should be required to designate Region 2040 Corridors as Priority Transit Corridors for purposes of this Division.

Some Region 2040 Corridors are car-dominated landscapes and drafting these rules will require particular care in order to protect pedestrian, bicycle, and transit facilities as land uses slowly transition over time with new development. Automobile dealerships present a unique challenge in this landscape and site design must be carefully regulated to ensure compatibility with a pedestrian-prioritized district. The parking and display of vehicles that are merchandise is a land use reality that could persist for some time. General practice for these businesses is to place their merchandise front-and-center, regardless of applicable regulations. Vehicles-for-sale are regularly displayed on pedestrian accessways, sidewalks, bicycle lanes, in driveways, fire and egress lanes, landscaped areas, street tree planters, parked off-site in abutting neighborhoods, and parked in so tightly as to constitute a fire hazard. Site design standards in 660-012-0330 must respond very deliberately to the unique and specific impacts of these commercial land uses in the current policy context, especially given that many jurisdictions lack the resources to adequately enforce violations of land use permits after initial inspection. Site design must be required to unequivocally protect spaces not intended for vehicles from people operating vehicles and businesses that display vehicles for sale, and jurisdictions must have leverage to remedy violations, and communities must have leverage to hold jurisdictions accountable for enforcement. Perhaps vehicle sales businesses should need to be approved under a Conditional Use Permit.

DLCD assistance for local governments

While I can appreciate the direction the rules are going to avoid being too prescriptive about Climate Friendly Areas, earlier, “prescriptive” versions of the draft rules were amazingly well-crafted and should be available as a resource for jurisdictions in the form of a model code for CFAs. Other elements that should be included in the model code is the requirement for a “shadow plat” of parking areas to show possible future development. This may seem onerous, but it is essential to disrupting the pattern of so tightly integrating parking into developments that it is completely inextricable. Buildings constructed today should be expected to last 30 years, and in that time we should expect to see a completely different paradigm for mobility. Parking built today will prove wasteful before the end of the associated development’s lifespan.

Accordingly, rule 660-012-0330 should require that no parking should be allowed that is integral to the design of a development. All parking should be clustered into easily repurposable areas and site design should intentionally facilitate future redevelopment or conversion of all parking areas. While this may not be a practical requirement for single-unit detached dwellings, it should be required for residential neighborhoods in CFAs.

DLCD should offer planning grants to assist jurisdictions in taking the necessary steps to succeed at implementing this policy. In that spirit, I would like to specifically request that DLCDC make grants available to cities and counties to transition county planning authority to a city for urban unincorporated areas, particularly already-urbanized areas in metropolitan service districts. Funding should be available to assist cities and counties in drafting updated intergovernmental agreements required by rule 660-012-0110(4) to transition planning authority to a city for already-urbanized unincorporated areas not presently covered by an urban services agreement between a city and a county. Additional incentives should be offered to counties to pursue such transitions of authority and to focus county resources on planning coordination of urbanizable areas.

Comments on specific draft rules

660-012-0005

Section (15) should be amended to not be light rail-specific. Should capture existing and planned stations and stops for bus rapid transit or other designated high-capacity transit services, regardless of mode. Connect with Priority Transit Corridors required by other rules in this Division.

660-012-0012

Section (5)(c)

Jurisdictions must adopt Region 2040 Station Communities and land use regulations for all HCT stations and Corridors.

660-012-0060

Section (8)(a)(B) should include Metro Region 2040 Station Communities and Corridors

660-012-0110

Consider rule language and financial assistance opportunities for counties to transition transportation planning authority to cities for adjacent urban unincorporated areas already within an urban growth boundary, including areas not yet included in an existing intergovernmental agreement used to comply with Section (4).

660-012-0160

Emissions reduction targets typically refer to 1990 levels throughout the ORS and OAR. In the absence of data suggesting a better base year for VMT, because VMT is being used as a proxy for greenhouse gas emissions then the base year target VMT should also be 1990. Additionally, VMT per capita is useful for near term, project-scale forecasts, but longer term greenhouse gas mitigation policy targets should be Total VMT in 1990, just like emissions.

660-012-0170

Section (3)

The interrelated nature of these objectives calls for reorganization. Several objectives are attributes of or causal to other objectives. Equity and greenhouse gas pollution are overarching; other objectives are features of equitable and greenhouse gas pollution reducing transportation systems. All objectives should be measured and tracked.

DLCD should provide standards for determining equitable allocation of right of way, and thresholds for context to accept inequitable outcomes. This would be helpful in a model code.

660-012-0320

DLCD should draft a model code for CFAs in lieu of prescriptive standards.

Applicable provisions of Section (5) and (6) should be determined by population of metropolitan service district or UGB. (*Local governments in a metropolitan service district or urban growth boundary with a population of...*). The context of a city of 20,000 in a metro area of two million is different from a city of the same population that is relatively isolated.

General support for outcomes based and performance standards in Section (6). It would be helpful to understand the rationale of the target densities for the different population ranges of cities to ensure these standards result in a diverse mix of architecture and building massing in the various contexts of differently sized cities. Design and development standards should be established based on performance targets that hit the intersection of the policy mandates and the economic capacity of the market to deliver such projects in affected jurisdictions. Also, 30 dwellings and 30 jobs per acre, or 30 dwellings and/or jobs per acre?

660-012-0325

General support for alternate transportation impact review procedure.

660-012-0330

In Section (3) add or clarify that (b) applies to vehicles displayed for sale, including at vehicle dealerships. Specify that vehicles are prohibited everywhere not explicitly marked for vehicular access, including landscaped areas and planters, and pedestrian accessways and sidewalks. Every vehicle parked on a site must be in a location that meets the design standards for a

parking space. Every vehicle for sale at a vehicle dealership must be parked on site in a parking space or indoor showroom. Jurisdictions that prescribe alternate site design standards per Section (5)(c) of this rule shall not amend these proposed rules that apply to vehicle dealerships.

In (c) clarify that pedestrian accessways must be protected from vehicular parking, circulation, access, and loading, including vehicles displayed for sale at vehicle dealerships. Add that standards for protection of pedestrian and bicycle facilities in areas impacted by construction zones are mandatory, including for both public works and private development adjacent to the right of way.

660-012-0400

Section (3) These parking rules should apply extra to Metro jurisdictions because of the large population, the widely available, high quality transit service, the presence of a substantially developed bicycle and pedestrian system, etc. Ensure that there are means of guaranteeing that smaller jurisdictions in Metro cannot opt-out of the parking requirements.

660-012-0405

Section (2) should have the word "underused" removed.

Important to enabling future conversion of parking is the concept of prohibiting surface parking that is integral to the design of a development. All surface parking should be located in areas that can be redeveloped or converted to other uses without impacting the building it was designed to serve.

660-012-0410

Section (2) Support for applying this Section to cities over 10,000 in a metropolitan service district.

660-012-0415

Section (1) Support for applying this Section to cities over 10,000 in a metropolitan service district.

660-012-0435

Section (1)(a)

If a city or county (jurisdiction "A") designates a CFA where portions are within one quarter mile from its jurisdictional boundary, must the neighboring city or county (jurisdiction "B") adopt these rules for the portion of its jurisdiction within one quarter mile of the aforementioned CFA? Also consider the case where jurisdiction "B" is a county but the affected area is not currently

included in the urban services area/growth boundary of jurisdiction "A", although it is included in the Metro UGB?

660-012-0440

Whole urban area / priority transit corridors

Section (2)(a) Change rail transit to high capacity transit.

Section (2)(b) Add "or designated by the transit provider as a frequent service route"

660-008-0050

Section (4)(a)

Support for linking 2040 centers to HPS

Thank you again for this opportunity. Please feel free to contact me with any clarifying questions.

Very sincerely,

Joseph P. Edge
Oak Grove resident

From: rowtoo@comcast.net
To: [CFEC DLCD * DLCD](#)
Subject: Resources to meet goals
Date: Friday, November 5, 2021 8:25:57 PM

Communities and City staff need the resources to meet the ambitious goals that the [DLCD's Climate Friendly and Equitable Communities Rulemaking Advisory Committee draft transportation and land use rules](#) anticipate or we will just end up with aspirational goals that we continue to fail to meet. That includes significant funding (which we think could come from ODOT) to support local planning, for needed walking and biking infrastructure investments in communities, and for technical assistance with respect to the models and tools City staff will need to use to measure outcomes.

Please do what you can to get needed resources to communities and City Staff.

Thank you

Gretchen Rowe & Rodney Toogood

Bend

From: [David Anthes](#)
To: [CFEC DLCD * DLCD](#)
Subject: Resourcing DLCD Draft Rules
Date: Sunday, November 7, 2021 5:38:53 PM

I'm writing with a comment about the Department of Land Conservation

Communities and City staff need the resources to meet the ambitious goals that the DLCD's Climate Friendly and Equitable Communities Rulemaking Advisory Committee draft transportation and land use rules anticipate or we will just end up with aspirational goals that we continue to fail to meet. That includes significant funding (which we think could come from ODOT) to support local planning, for needed walking and biking infrastructure investments in communities, and for technical assistance with respect to the models and tools City staff will need to use to measure outcomes.

Basically, I'm asking you to consider prioritizing some alternative ways of getting around, mostly cycling and walking, that needs infrastructure improvements to be more viable.

Thanks for considering,

David Anthes
Bend

From: [Ted Labbe](#)
To: [CFEC DLCD * DLCD](#)
Cc: [Michael Andersen](#); [Noelle Studer-Spevak](#); [Bruce Nelson](#); [Nicole Johnson](#); [Owen Wozniak](#); [Theresa Huang](#); [Derron Coles](#); [Kathleen Brennan-Hunter](#); [MANVEL Evan * DLCD](#); [BUHL Laura * DLCD](#)
Subject: Urban Greenspaces Institute comments on DLCD climate friendly and equitable rulemaking
Date: Wednesday, November 10, 2021 10:18:37 AM
Attachments: [UGI comments on DLCD CFEC rule 10nov2021.pdf](#)

Dear DLCD staff and Climate Friendly and Equitable Communities Rule Advisory Committee:

Please see the attached comments from the Urban Greenspaces Institute regarding your ongoing climate friendly and equitable communities rulemaking. Please reach out if you have any questions for us.

Thanks,

Ted Labbe



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[Follow us on Facebook](#)



STAFF
Ted Labbe
Executive Director

Theresa Huang
Partnerships and
Planning Manager

Mike Houck
Emeritus Director

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Lorena Nascimento
Jim Rapp
Luz Reyna

November 10, 2021

Department of Land Conservation and Development
Climate Friendly and Equitable Communities
Rulemaking Advisory Committee
DLCD.CFEC@dlcd.oregon.gov

Dear Climate Friendly and Equitable Communities Rulemaking Advisory Committee:

Thank you for the opportunity to provide comments on the draft Climate Friendly and Equitable Communities (CFEC) Rules under development. The Urban Greenspaces Institute advocates for and leads collaborative urban greenspaces conservation across the Portland metropolitan region. We work to safeguard and reclaim greenspaces as places for people and nature, and to address the climate crisis. In all our work we seek to redress social and environmental injustice, to create healthy, connected and resilient communities.

The CFEC is an important opportunity for Oregon communities to integrate green infrastructure and nature-based solutions into land use and transportation plans and projects. I appreciate that most of your conversation has been on climate emissions reduction. This is appropriate focus given the linkages between land use and transportation, and rising emissions from transportation. However, climate change is upon us. Droughts and wildfires are becoming more frequent and widespread, stream flows and water supplies are diminished, and winter storms more challenging to withstand. Without measures that facilitate *climate adaptation*, Oregon cities will be unprepared for climate changes that are already 'baked in.'

My comments are to support what measures have already been proposed, and to encourage you to go farther to require Oregon cities to do more with *climate adaptation* using proven green infrastructure and nature-based solutions. As climate changes unfold, Oregon cities need to accelerate investments and programs in urban forestry, green stormwater infrastructure, ecoroofs, and other techniques.

Greenspaces must be better integrated with the built environment where people live, not relegated to the periphery of urban growth areas. Parks, urban trees, ecoroofs, and other greenspaces need to be woven into the fabric of our communities. Parks and other greenspaces represent crucial low-energy cooling systems and social gathering spaces as our communities grow more dense and diverse. The only effective way to make this happen is to integrate these requirements into DLCD's CFEC requirements and local land use and

In Livable Cities is Preservation of the Wild

transportation plans. To date, it has not proven effective to relegate these concerns to local utilities and parks departments.

Alongside greenhouse gas emissions reduction targets, Oregon cities need requirements and targets for green infrastructure, and these requirements need to be embedded within local land use and transportation plans. Every city in Oregon should have a tree preservation code, as well as a plan for their trees and parks at a minimum, with a minimum level of public investment for green infrastructure. Urban street right-of-ways must not just optimize for human mobility and safety – they must also make space for street trees to cool thoroughfares for the pedestrians, bicyclists, and transit riders we want to encourage; capture pollutants; manage stormwater; and calm automobile traffic. Larger cities should have more requirements, with a focus on equitable access to neighborhood-scale greenspaces.

Equitable access to parks and nature is key. The [Trust for Public Land \(TPL\) ParkScore Index](#) gives *overall* high marks for Portland, owing mostly to its scores for park access, acreage, amenities, and investment. But Portland gets only a middling score for park equity. Neighborhoods where people of color predominate have 24% less park space per capita as compared to the City-wide median, and 61% less than neighborhoods where Whites predominate. Low-income neighborhoods have 26% less park space per capita than the City-wide median and 60% less than those in high-income neighborhoods. For certain park amenities Portland has low to middling scores, like those for basketball (53rd percentile), playgrounds (31st percentile), and recreation/senior centers (24th percentile).

The [TPL ParkServe data](#) and the Oregon State Parks [Parkland Map Application](#) is available for all Oregon communities, and this story of inequitable access to parks and nature is replicated elsewhere within the State. We encourage you to make use of and draw on these rich data sources to hold communities accountable on their climate adaptation programs and investments.

Please see our specific comments below.

Chapter 660 LCDC – Division 44 Metropolitan Greenhouse Gas Reduction Targets

These new rules create greenhouse gas emissions reduction targets for major metropolitan areas in Oregon. But there are no corresponding targets for climate adaptation in urban communities. Please consider other green infrastructure quantifiable targets, which could include: percentage urban tree canopy cover, access to parks and/or public cooling centers by different race groups, etc.

The rules on preferred scenario planning highlight the need for Oregon Metro to consult with local governments, representatives of marginalized communities, the Port of Portland, TriMet, and Oregon Department of Transportation. Please also include other agencies and programs with urban green infrastructure expertise, such as Oregon Department of Forestry's Urban and Community Forestry Program, Oregon State Parks, and Oregon Metro's own Parks and Nature

UGI comments on Climate Friendly and Equitable Communities Rulemaking

program staff. In our professional experience, there is not good integration and communication within Oregon Metro, especially between the planning, and parks and nature programs.

The DLCD rules specify that Metro shall develop and apply evaluation criteria that assess how alternative land use and transportation scenarios compare with the reference case in achieving important regional goals or outcomes. The rule provides suggested evaluation criteria and performance measures, including: public health, air quality, access to parks and open space, equity, and others. The DLCD rules do not establish or require particular performance measures or targets, but rather suggests options, like: transit service, mode share, population per acre, percent of workforce participating in employee commute options, and percent of households and jobs within ¼ mile of transit. Please add the following performance measures: percent urban tree canopy, and percent of households within ¼ mile of parks/natural areas.

Chapter 660 LCDC – Division 8 Housing Rules Amendments

The rule specifies how local governments must allocate sufficient lands to accommodate a at least 30% of their identified needed housing within ‘climate friendly areas’ well-served by transit and other similar low-carbon urban services. Beginning in July 2027, a local government proposing to expand an UGB to meet an identified residential land need shall designate and zone additional climate friendly area(s) concurrent with the UGB expansion. This new climate friendly area shall be sized to accommodate one half of the additional housing units that cannot be accommodated within the current UGB. We encourage DLCD to raise this threshold and to use a higher minimum threshold like 60% or even 75% within climate friendly areas, which communities may choose to go beyond. Please do not limit them to just one half of new housing units within climate friendly areas.

Chapter 660 LCDC – Division 12 Transportation Planning Rules Amendments

The proposed amendments are intended to counter the systematic bias in past investments that favored automobile infrastructure, by placing emphasis on building neighborhoods where it is not necessary to own and operate a motor vehicle. The rule:

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

The new rules focus on areas where Oregon transportation is deemed deficient, such as with traffic safety, mode parity (de-emphasizing automobiles), pollution, and lack of consideration for marginalized populations. Missing from the purpose statement at 000(1) is a consideration for how Oregon’s transportation infrastructure fragment and degrade natural systems. Please add this purpose statement:

- Protect and restore safe passage for fish and wildlife, flood waters, and other natural system functions at roadway crossings of waterbodies as well as other native habitat corridors.

The draft rule talks about “increasing transportation options to make more efficient use of the existing transportation system” but it does not state what measures of efficiency are being optimized. Nor does it state a goal to increase the convenience and access of low-carbon transportation options. Often non-automobile options are available, but they are not convenient. Please add language to call on Oregon communities to increase the convenience, accessibility, and efficiency of non-automobile-dependent transportation options.

In the definitions section at 0005(6): The definition of “climate friendly area” calls out areas with “abundant tree canopy and vegetation to provide shade, cooling, and other amenities.” However, nowhere in the rule is there guidance on how communities are to achieve abundant tree canopy and vegetation, or how those things are to be assessed. Please correct this omission.

0045 Implementation of the Transportation System Plan – There are requirements for bike plans, bike parking, bikeways, transit routes and facilities, pedestrian connections, etc. But there is no mention of green infrastructure requirements like tree codes, urban forestry management plans, etc. Please address these omissions to ensure that Oregon communities are properly planning for and investing in urban green infrastructure.

0100 Urban Transportation Systems Plan – Missing from the list of elements is an urban forestry element. Street trees and other green infrastructure are essential elements of public right-of-ways, and it is important that State guidance to local governments include explicit requirements that local governments have and fund local urban forest management plans.

0170 Transportation Performance Standards / 0180 Transportation Prioritization Framework – Please consider adding performance measures that evaluate urban canopy cover, fish and wildlife connectivity, and other green infrastructure considerations. Also, please consider adding prioritization factors for these public benefits that go beyond narrowly-defined human mobility factors.

0320 Land Use Requirements in Climate Friendly Areas – The new rule specifies at 0320(3) that: “local governments shall prioritize locating government facilities that serve the public within climate friendly areas and shall prioritize locating parks, open space, plazas, and similar public amenities in or near climate friendly areas that do not contain sufficient parks, open space, plazas, or similar public amenities.” This is a great requirement, but the rule can and should specify what level of services are deemed sufficient. Please see our earlier comments on existing tools from TPL and Oregon State Parks that can help communities identify and address park access needs and inequities.

UGI comments on Climate Friendly and Equitable Communities Rulemaking

At 0320(3) local governments should also be required to address urban tree canopy in climate friendly areas.

This section also specifies minimum residential density requirements and maximum building height allowances to encourage denser, mixed use development in climate friendly areas. The next section, 0330 Land Use Requirements, also requires that neighborhoods must be designed with a connected network of low traffic-stress streets, paths and other pedestrian and bike-friendly routes, and it limits front- and side-yard setbacks to provide for efficient land use patterns. However, nowhere in these two sections are there any minimum tree canopy cover requirements.

New rules 0400-0499 Parking – This section provides for guidance on the use of parking mandates and parking minimums by local governments. At 0405 Parking Regulation Improvements – We are encouraged to see explicit requirements for tree canopy coverage. However, the thresholds for these requirements on new development are set too high. Most new developments will fall under the one acre of surface parking threshold. Please lower this threshold to at least one quarter-acre or 10,890 sf. Why is it that only here in the rule, and nowhere else, are there any other requirements for urban tree conservation. Please see our comments above for other places in the rule where guidance on local government urban tree conservation and management is needed.

0410 Electric Vehicle Charging – Please give parity to ebikes and don't prioritize electric cars over other lighter-duty electric vehicles. Access to ebike charging is as great a challenge as access for electric cars, but gets little or no attention. We are in the midst of a surge of interest and sales in ebikes. Ebikes are far more affordable, and have a lower entry cost and lower energy footprint for urban residents as compared to electric cars.

0415 Parking Maximums and Evaluation in More Populous Communities – We are encouraged to see the addition of this new section, and we support all of the recommended language. Please consider a lower city size threshold on where these new requirements would apply. We favor the suggested requirement that all cities with populations over 25,000 within metropolitan service districts be required to comply with the recommended parking reform measures.

New rule sections 0500-0599, 0600-0699, and 0700-0799 cover pedestrian, bicycle, and transit systems, respectively. We respectfully suggest that an urban green infrastructure system section should be developed for the climate friendly communities rule-making. Cities are required to identify gaps and deficiencies in these systems and then produce a plan to remedy these gaps. There is a corresponding need for gap analysis and strategizing around urban tree canopy.

0910 Land Use and Transportation Performance Measures – We suggest that DLCD add a performance measure for urban tree canopy, including progress made by local governments toward adopted urban forest management goals and urban canopy, broadly across the whole

of the jurisdiction and also more narrowly with neighborhoods with high numbers of vulnerable populations.

Thank you for the opportunity to provide comments on the DLCDC Climate Friendly and Equitable Rulemaking. We look forward to staying engaged with this process as it moves through the adoption and implementation phases.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Labbe". The signature is fluid and cursive, with the first name "Ted" being the most prominent.

Ted Labbe, Executive Director
Urban Greenspaces Institute

From: [CAUDEL Ingrid * DLCDC](#)
To: [CAUDEL Ingrid * DLCDC](#)
Subject: Some comments and questions as follow up to the zoom mtg. on Climate Friendly and Equitable Communities rulemaking
Date: Monday, November 15, 2021 8:54:45 AM

From: Jimmy MacLeod <Jimmy@rogueadvocates.org>
Sent: Monday, November 15, 2021 8:12 AM
To: YOUNG Kevin * DLCDC <Kevin.YOUNG@dlcd.oregon.gov>; HOLMSTROM Bill * DLCDC <Bill.HOLMSTROM@dlcd.oregon.gov>
Subject: Some comments and questions as follow up to the zoom mtg. on Climate Friendly and Equitable Communities rulemaking

Hi Kevin and Bill,

Thank you for your efforts in this rulemaking process. The following are comments and questions that build on the comments I made during the recent zoom meeting for Southern Oregon.

First, I'd like to make the following general comment. It is acknowledged that Oregon has failed to meet its previous GHG reduction goals by roughly 25%. It makes sense that Oregon should learn from this and aim for approximately 25% less GHG's than its proposed targets for 2035 and 2050 if it wants to achieve those goals.

I have been unable to find anything in the available literature that shows any metrics that factor in this situation and establish a clear reason to believe that the proposed policies can achieve the stated goals and not repeat the past overshoot. I think this is a critically important issue to consider when setting goals since we have, globally and locally speaking, squandered the time we had by fooling around and now we must get it right.

To give context to my comments to follow on the Climate Friendly and Equitable Communities Rulemaking effort, I wish to make the following points:

The graph in the zoom meeting presentation shows the GHG reduction targets for 2035 at 32 M MT CO2 equivalent and 14 M MT for 2050. The science coming out of the Glasgow Summit states that a 5% per year global reduction rate is needed to have a 50% chance of staying below 1.5C and double this rate to achieve a 2/3 chance of success. A 5% per year reduction rate from Oregon's current level of @ 65 M MT would yield a level of @ 20 M MT/yr. by 2035. This works out to a planned yearly reduction of @ 3.5%.

Barring other factors that would argue for Oregon not applying a 5% reduction rate as an absolute minimum, the clear conclusion based on this math is that Oregon is now planning for

a far smaller than 50% probability- something like a 1/3 probability- that it will succeed to keep Oregon's contribution to the GHG crisis within the 1.5 C limit. Also, Oregon's calculation is based on the heretofore proven erroneous assumption that it can achieve its own targets by aiming directly at them so to speak.

It is important to remember that what we do in Oregon does not happen in a vacuum. The fact that China, second biggest GHG producer on the planet, is avoiding responsibility for its share of the carbon belt tightening needed to hold to a global 1.5C, Oregon and all other states in the U.S. should be planning on doing the maximum not the minimum since the U.S. is the next biggest GHG producer on the planet. This fact added to the fact that any reasonable plan should aim well above the minimum since we tend to fall short of our goals, adds up to that we should at the very least be aiming at a 10%/yr. GHG reduction rate in this State. This would mean basically tripling the proposed GHG reduction rate.

While 10% is likely perceived by the powers that be as too extreme (the right side of the state leg. wants to scuttle even modest efforts) the longer we delay making the needed annual reductions the more extreme the required course change will become. Simply put do what's needed now or pay the piper down the road.

While such reductions as 10%/yr. and increasing CFA's to 50% -70% will undoubtedly bring up political issues here at home we also have an obligation as the second largest GHG producer to other nations that are literally losing their homes and homelands to inundation now. As a state we should assume that our Federal Gov't will more than likely not take adequate steps to fully compensate these nations for this country's share in causing their loss. Though Oregon is not responsible for the lack of political will at the Federal level this does not exempt us from doing our full part.

With these thoughts in mind could you please explain:

1. How the 30% CFA's number was arrived at?
2. Are there any metrics that have yielded this number such that the public can have confidence that this apparent low bar for smart growth will get the belly fat off of hyper CO2 producing urban sprawl sufficient to meet the the land use component of Oregon's stated GHG reduction goals.?

As I understand the plan this 30% includes all development within the UGB including current development that would qualify for the CFA metrics. This means that new growth could be something less than 30% smart growth for most cities in Oregon. My gut instinct says that this is far below what is really needed if we are going to do Oregon's share of holding to 1.5C.

Aiming above 1.7C is simply irresponsible policy since this will almost certainly result in hitting 2 C given all the variables involved. At this late date we need to hit the brakes hard not just ease up on the gas.

I am happy to see that this rulemaking process is grappling with these knotty problems and proposing solutions. But if the public is going to bank on smart growth policies like CFA's to get us out of the climate crisis, we also need to get out of the business of publicly subsidizing "dumb growth". I mentioned this in my comments in the zoom meeting and said the state needs to revisit and update its System Development Charges rules to stop subsidizing sprawl. I was told that this was not being handled by DLCD but by another agency.

3. Could you please direct me to that agency so I can find out what is being done in this regard.
4. Is DLCD in communication with the agency tasked with working on SDC's. To my thinking this work should be done by DLCD as it is a land use issue. So at the very least DLCD should be in close communication on such a project.

In conclusion, I am excited to see that we as a state are finally admitting that the Climate Change emperor has no clothes. However, I am concerned that, politics being what they are, the suit of clothes we make may be threadbare from the start. If the math I have presented here is wrong, I would be most happy to be corrected as that means things are less bleak than they appear, and we don't have to make more drastic change than is being proposed. However, if the math says we are aiming way to low as I believe we are, now is not the time to play politics. Because if we let status quo vested interest make the call the consequences are truly frightening.

Because of this I ask that DLCD staff please resist politically driven agendas that will undoubtedly wish to keep seeing clothes on the emperor despite all evidence to the contrary. Please just give the public and LCDC the unvarnished facts of what we are facing. If the current proposed land use rules are lowballing what we need to do to successfully meet this challenge, then please make that clear to the LCDC and the public. The public funds DLCD to craft reality-based policy and this is what we all need right now, not later if we are going to weather this crisis and pass on a livable planet for all those that follow.

Sincerely,
Jimmy MacLeod

Jimmy MacLeod

President
Rogue Advocates
POB 624 Ashland, OR 97520
541-846-1083
www.rogueadvocates.org

From: Michael Walker <mcwcllc@msn.com>
Sent: Monday, November 22, 2021 1:18 PM
To: TAYLOR Casaria * DLCD <Casaria.TAYLOR@dlcd.oregon.gov>
Cc: YOUNG Kevin * DLCD <Kevin.YOUNG@dlcd.oregon.gov>
Subject: Rulemaking public comment

Ms. Taylor,

Please find attached a public comment letter. I have conveyed the memorandum directly to Nick Lelack, Damain Syrnyk and Kevin Young. Please forward this memorandum to Director Rue.

Thanks,

Mike Walker
Bend Resident

To: Jim Rue, DLCD Director
Nick Lelack, LCDC Commissioner
Kevin Young, DLCD Senior Planner

Cc: Damian Syrnyk, City of Bend Senior Planner

From: Mike Walker, City of Bend Resident

Subject: Climate-Friendly Areas and Equitable Community Rulemaking

Date: November 22, 2021

Introduction –

This memorandum is intended to provide some observations of the ongoing rulemaking. I have been researching the rulemaking effort on behalf of the neighborhood associations since the local newspaper published an editorial on this subject on September 19, 2021. As Director Rue has stated in the November 18th LCDC meeting, a **milestone has been reached** with the posting of a complete set of rules. I also appreciated Director Rue’s other opening statement, **“rulemaking needs to work on the ground.”** I have spent over forty years in the development industry which often included attempting to implement a planner’s plan. Hopefully, the following observations is of value to the process.

Community Engagement (Statewide Goal #1) –

- The process seems to have stumbled in several areas. For example,
 - The community of Bend first heard of the effort nearly one year after the LCDC authorized DLCD to begin.
 - RAC #9’s 145 pages, including the complete set of draft rules, was not posted until the end of the Friday before the scheduled community engagement opportunities early the beginning of the following week.
 - In the engagement meeting I participated in, the allocated time allowed for only about 7 questions (and answers).
- The participants in the process seem to be primarily city staff and advocates. Where is the input from the “marketplace?”
- Commissioner Lelack stated that the rulemaking needs to be **“setting up cities for success.”** I am concerned the narrow perspective used in drafting the rules will have unintended results.

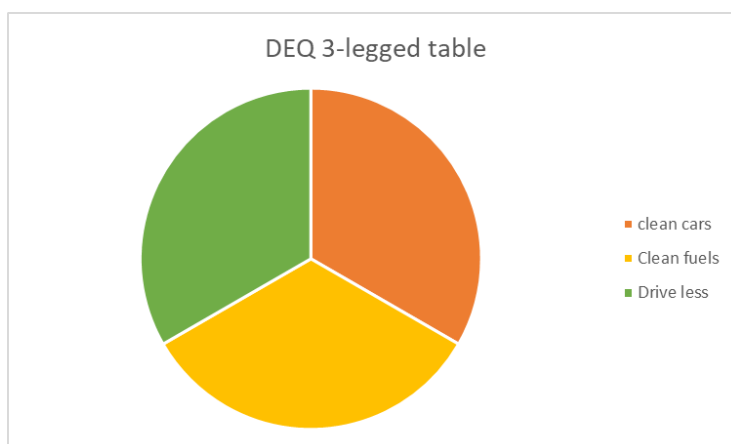
- **Recommended action.** DLCD needs to quickly provide clarity on the next engagement opportunities discussed in the November 18th meeting. Some place in these mentioned meetings needs to be the opportunity for the give and take of a discussion with representatives of development industry and not just another seven questions.
 - “regional practitioner(?)” meetings?
 - “work group meetings on specific topics?” (RAC members only?)
 - “meet with others (developers?)”

Factual Basis for Decisions (State Goal #2)-

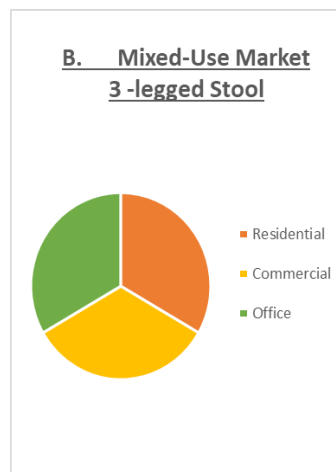
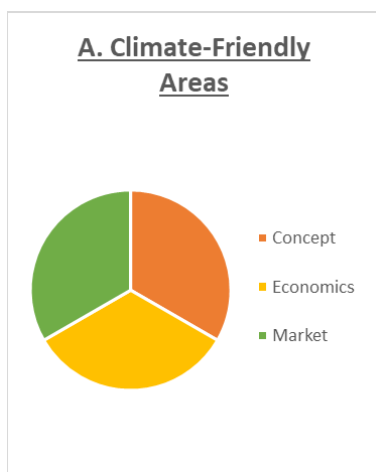
- A scan of the many materials posted over the last year has almost no mention of any basis for decisions.
- The observation was confirmed with Mr. Young’s admission that there was no analysis performed from a development perspective.
- The references to McMinnville used in the recent community engagement for CFAs was puzzling.
 - The photograph of McMinnville’s downtown is not a good example of the density and standards called for in the CFA rules.
 - McMinnville has no “urban core.”
- Mr. Young gave a lack of funding and time as the reasons for no analysis. This answer is troubling for several reasons. Essentially, there is a huge probability that the response to Mr. Young’s statement from the October 26th breakout session (“*hope the market will respond*”) will be the market place won’t respond as desired.
- **Recommended Action** - Do your homework! Provide a factual basis for the decisions.
 - Please don’t take a short cut and rely solely on consultants.
 - In 2015-16, the City of Bend complete their “Central Westside Plan” which is a good example of a planner’s vision of a compact, walkable neighborhood composed of tall mixed-use buildings. A consultant contributed 3 pages to the final document which concluded about 100 parcels feasible for development/redevelopment, achieving the plan’s goal. Five years after

adopting the necessary zoning and development code, one tall vertical mixed-use building was finally constructed (only because the roof of vacant grocery store had collapsed in a major snow event.) The ground floor is vacant except for a small coffee shop.

- Please seek input from the “practitioners” in the marketplace.
- The Director of the Department of Environmental Quality used the analogy of a three-legged table.



- The work to date is missing two other three-legged tables of analysis as represented below:



Urgency-

- Everyone keeps saying, “go fast.”
- My observation is that any process involving land use always ends up being best described as **“hurry up and wait.”**

- Step one – Draft rules and adopt (without a factual basis?)
 - Step two – Cities amends their comprehensive plan and development code.
 - Step three – Implementation drags slowing if at all because the marketplace drives development, not planning. History has multiple examples of the marketplace not responding to the planners’ hope. Few, if any, examples exist where planning relying on social engineering happening as quick as the planners “hope.”
- **Recommended Action.** Take the time to do your homework including input from the practitioners in the marketplace. Please have realistic expectations.

Achieving the Executive Order’s goal is possible. However, the actions that are simple and direct will have the most impact. DEQ and ODOT actions are both simple and direct. DLCD has the disadvantage with land use actions being more complex and indirect by relying on a heavy dose of social change in the marketplace. The marketplace will resist change as long as it has an option. Reducing or eliminating parking mandates in new developments leads to parking overflowing into the adjacent neighborhoods. Ignoring congestion on arterials/collectors leads to aggressive driving and unsafe cut-through traffic through a neighborhood’s local streets. Requiring (expensive) vertical housing leads to more work force commuting from neighboring communities.

My last recommendation is to be open to alternative methods or be prepared for a marketplace that resists change and leads to unpopular consequences (parking shortages and congestion) without the offsetting benefit, a reduction in VMT.

From: Barbara Fryer <Barbara.Fryer@corneliusor.gov>
Sent: Wednesday, November 24, 2021 11:21 AM
To: RUE Jim * DLCD <Jim.RUE@dlcd.oregon.gov>; JOHNSON Esther * DLCD <Esther.JOHNSON@dlcd.oregon.gov>
Cc: Rob Drake <rob.drake@corneliusor.gov>; Jeffrey Dalin <jeffrey.dalin@corneliusor.gov>; juancarlos.gonzalez@oregonmetro.gov; SEN Riley <Sen.ChuckRiley@oregonlegislature.gov>; REP McLain <Rep.SusanMcLain@oregonlegislature.gov>; Kirstin.green@dlcd.oregon.gov; HOLMSTROM Bill * DLCD <Bill.HOLMSTROM@dlcd.oregon.gov>; YOUNG Kevin * DLCD <Kevin.YOUNG@dlcd.oregon.gov>; DEBBAUT Anne * DLCD <Anne.DEBBAUT@dlcd.oregon.gov>; margi.bradway@oregonmetro.gov; Kim Ellis <Kim.Ellis@oregonmetro.gov>; Tim.O'Brien@oregonmetro.gov; Terry Keyes <terry.keyes@corneliusor.gov>; Tim Franz <Tim.Franz@corneliusor.gov>
Subject: CFEC Comment Letter Cornelius.pdf

Good morning,

I have reviewed the proposed Climate-Friendly and Equitable Communities proposed rulemaking and have a number of technical comments. They are attached in the letter.

I understand Covid-19 safety measures. However, I urge the Department to allow DLCD staff to visit Cornelius to see our evolution in street design, the residential fabric of the city, and the lack of reliable transit services. There is an open invitation extended to staff working on the Climate-Friendly and Equitable Communities rulemaking to come to Cornelius. I have conducted tours with staff from ODOT, Business Oregon, and Metro.

Please consider my comments and the challenges the existing framework poses for a city of our size.

Regards,

Barbara

Barbara Fryer, AICP
Director
Community Development Department
City of Cornelius

Office: 503.357.3011
Cell: 503.713.3778

Physical Location: 1300 S. Kodiak Circle
Mailing Address: 1355 N. Barlow Street, Cornelius, OR 97113

Barbara.Fryer@CorneliusOR.GOV
www.ci.cornelius.or.us

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November 24, 2021

Jim Rue, Director
Department of Land Conservation and Development
635 Capitol Street NE Suite 150
Salem, OR 97301

Robin McArthur, Chair
Land Conservation and Development Commission
635 Capitol Street NE Suite 150
Salem, OR 97301

RE: Concerns about technical issues regarding the Climate-Friendly and Equitable Communities Rulemaking Draft materials for RAC Meeting 9

Dear Mr. Rue and Ms. MacArthur:

First, the climate crisis is serious and demands action by all levels of government, business and residents. Second, I want to thank Director Rue and his staff for taking the time with Metro staff to consider how the region's Climate Smart, 2040 Growth Concept, and Urban Growth Goals and Objectives bring the Portland metropolitan region closer to the state greenhouse gas emission reduction targets. Third, painting all jurisdictions in Oregon or the Portland metropolitan region with the same brush affects jurisdictions disproportionately. Finally, complying with various legislative measures has taken staff time and resources (thankfully with funding assistance from DLCD). However, compliance has been piecemeal and has resulted, thus far, in a disjointed Comprehensive Plan. Our jurisdiction could use a pause or more time to comply with the new rules to make sure that we can holistically and thoughtfully update our Comprehensive Plan.

The following is a review of the technical difficulties Cornelius would experience complying with the draft rules as distributed for RAC Meeting 9.

Beginning with Item 12: Draft Transportation Planning Rules Amendments

1. Line 25 page 37 of 101 (overall packet page 79 of 145); New OAR 660-012-0011(4) The requirements of OAR 660-012-0170 limiting the sole use of motor vehicle congestion standards take effect on January 1, 2023.

This requirement would affect how cities and counties address transportation system planning, review comprehensive plan amendments and land use regulation amendments, and review of development applications. It is not clear if these requirements apply to all jurisdictions or only those outside the Portland Metropolitan Region.

2. Lines 32 and 33, page 38 of 101 (overall packet page 80 of 145); New OAR 660-012-0011(6) require comprehensive plan amendments by March 31, 2023.

This requirement adds to the full plate of all of the Oregon planning agencies by requiring implementation by 2023.

3. Lines 38 and 39, page 38 of 101 (overall packet page 80 of 145); New OAR 660-012-0011(8) requires implementation of the EV charging requirements by January 1, 2023.

Implementation dates need to be synced so that they can be batched in one amendment process. One year, or less than one year, to implement is not realistic for most jurisdictions.

4. Lines 41 and 42, page 38 of 101 (overall packet page 80 of 145); New OAR 660-012-011(9) the first reporting period is 2022 with reports due by May 31, 2023.

This is unrealistic. Most jurisdictions cannot implement the requirements by May of 2023, let alone report on progress.

5. Lines 5 and 6, page 43 of 101 (overall packet page 85 of 145); New OAR 660-012-0105(2) A major update to an urban transportation system plan is any update that (c) is intended to include a Vehicle Miles Traveled-Increasing facility in the plan that has been reviewed as provided in OAR 660-012-0830. Review is required in OAR 660-012-105(3) that includes existing requirements and the requirement to engage a broad segment of the population (without specifics as noted in the next point, could result in legal challenges), and the review procedures of OAR 660-012-0830.

This section is problematic in that 0830(1) identifies a facility that increases driving and capacity as, “(a) a new or extended arterial street highway or freeway, (b) new or expanded interchanges; or (c) an increase in capacity for any existing collector or arterial street or highway, or freeway, but not including reallocation of right-of-way to provide more space for pedestrian, bicycle, transit, or high-occupancy vehicle facilities.’ When an area comes into the UGB, that area comes in with the intent to develop – existing facilities (water, storm, sewer, and TRANSPORTATION) are insufficient for the new development, by definition of location outside the UGB. This analysis should be exempt for infrastructure, including transportation, deemed necessary to accommodate the planned development of areas that come into the UGB for urban development.

6. Lines 21 to 25, page 46 of 101 (overall packet page 88 of 145); New OAR 660-012-0125(2) Cities and counties must identify those recognized sovereign tribes whose ancestral lands include the area now within the city or county....

According to the Legislative Policy and Research Office, the federal government recognizes 567 tribes and villages in the United States, nine of which are in Oregon. Please clarify the language in this section of the regulations. What is meant by recognized sovereign tribes? Is it the nine federally recognized tribes? Please add a definition so that it is clear what is meant, otherwise it will be resolved through court decisions.

7. Lines 22 through 33, page 49 of 101 (overall packet page 91 of 145); New OAR 660-012-0160 Cities, counties and Metro are required to prepare separate projections using two different lists of future projects: (a) a projection that estimates changes in VMT/capita from the base year that would result

from projects on the financially constrained list, and (b) a projection of changes in VMT/capita from the base year that would result from projects on the illustrative project list.

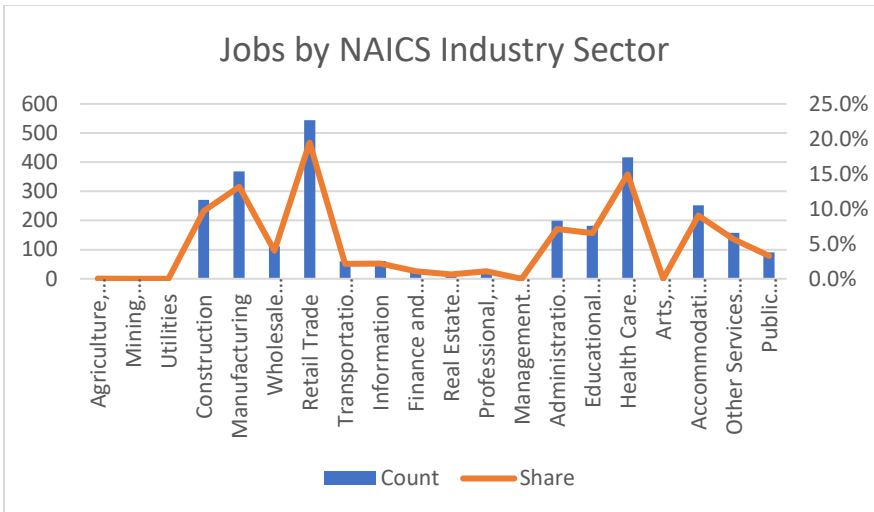
Requiring cities, counties and Metro to conduct the dual analysis seems redundant and wasteful of public funds. Conducting the dual analysis will more than double the costs of a TSP and it seems difficult to accurately predict future VMT/capita as transportation patterns are changing – the rise of Amazon has eliminated many shopping trips but increased delivery trips, the growth in home schooling has eliminated many trips to and from schools, and the work from home movement fomented by the pandemic had changed commuting patterns. It is unpredictable how long these trends will continue, thereby, making predicting the future number of VMT/capita difficult.

8. Lines 9 through 10, page 50 of 101, (overall packet page 92 of 145); New OAR 660-012-160(4) cities, counties and Metro may only adopt a TSP if they project a reduction in VMT/capita at the horizon year using the financially constrained project list is lower than estimated VMT/capita in the base year.

In order to assess VMT/capita and the other variables in the same manner, will the Oregon Department of Transportation develop a standard transportation forecasting model that must be used?

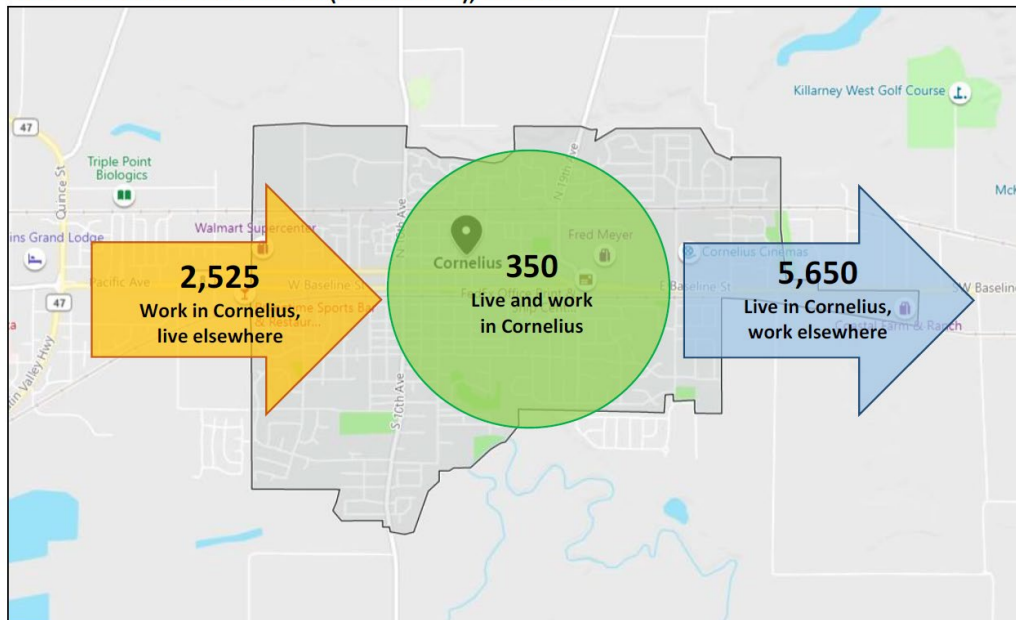
9. Lines 32 through 38, page 52 of 101, (overall packet page 94 of 145); New OAR 660-012-180(2) “Cities, counties and Metro shall use the following factors to prioritize transportation facilities and services. Transportation facilities and services supporting each of these factors must be prioritized.”

Does this section mean that the transportation facilities and services shall support each factor and only those facilities and services that support each factor can be prioritized? The key item that is missing from this planning is requiring more investment in transit. Yes, we can improve the pedestrian experience, the cycling experience, and spend more funds in areas currently underserved. However, creating the reductions in VMT/capita desired is a SIGNIFICANT investment in transit – increased access, increased routes, increased destinations – not just service to and from Portland. Alternatively, changing the jobs to housing ratio by increasing significantly the number of jobs in each city. In 2019, Cornelius had a total of 2,794 jobs. PSU certified Census figure for April 1, 2020 Cornelius population is 12,694, with 9,117 people age 18 or older. With a total of 2,794 jobs and a population of 9,117 aged 18 or older, employers can only employ 30% of our potential workers. This results in a minimum of 6,323 of our residents that must commute to a job.



The Cornelius HNA identified the following commuting patterns:

FIGURE 2.9: COMMUTING PATTERNS (PRIMARY JOBS), CORNELIUS



Source: US Census Longitudinal Employer-Household Dynamics

- Lines 3 and 4, page 53 of 101, (overall packet page 95 of 145); New OAR 660-012-180(2)(b) prioritization of transportation facilities and services shall improve equitable outcomes for underserved populations, and (e) improving access to destinations, and (g) supporting the economy of the community.

The best way to address these priorities is through the use of vehicles in Cornelius. Members of the *underserved populations* will not be able to access the same number of jobs and destinations as wealthier people by relying on public transit. The time required to get places on public transit puts most jobs in the metro area out of reach for the underserved populations. Also, reliable transit service is necessary for most non-office jobs as arriving late frequently results in a loss of a job. The

luxury of working at home is limited to wealthier white-collar jobs, which is not representative of Cornelius and many other jurisdictions.

11. Lines 25 through 30, page 53 of 101, (overall packet page 95 of 145); New OAR 660-012-180(4) (b) Projects must address historic marginalization and rectify previous harms inflicted.

The city of Cornelius is a historic gathering place for many indigenous peoples. Reviewing Pacific University information, the Takelman-Kalapuyan people used the region for inhabited this area. More specifically, the Tualatin Kalapuyas or *Atfalati* lived throughout the Tualatin River watershed to the west of Portland, Oregon. This area was a trading opportunity for many tribes in Oregon. Would all the tribes need to be consulted to update the TSP or just the Takelman-Kalapuyan peoples, or the Tualatin Kalapuyas? Identified harms include displacement. Immigrants brought epidemics in the 1830s and by the 1850s, only about 70 people of at least 1,000 people remained. The Tualatin territory was noted in the Champoege Treaty of 1851, but the treaty was not ratified by Congress. The Dayton Treaty of 1855 required the Tualatin Kalapuyas to give up all of their ancestral lands and were forced to move to the Grand Ronde reservation. How can the city right the displacement of this community through a transportation project?

Recent Census data identify Hispanic or Latino ethnicities as the most prevalent at over 55.1% of Cornelius' population. In order to limit future harms from occurring, the new transportation projects should ensure that this population of residents can reasonably get to work and home in a direct manner.

12. Lines 1 through 37, page 53 of 101, (overall packet page 96 of 145); New OAR 660-012-200 requires cities and counties to create a combined and illustrative project list.

It is not clear that this will be required of Metro areas. Without an accurate or consistent model to determine future VMT, governments will likely add many bike paths, sidewalks, and public transit projects to meet the need. But in our community, without significant investments in transit, people will still need to drive vehicles get them to where they need to go in less time than non-vehicle alternatives.

13. Lines 12 through 31, page 58 of 101, (overall packet page 100 of 145); New OAR 660-012-035(1) and (2) requires designation of a CFA sufficient to accommodate at least 30% of the total identified number of housing units necessary to meet all current and future housing needs over the planning period. OAR 660-012-035(2) also provides the methodology for determining the size of the CFA.

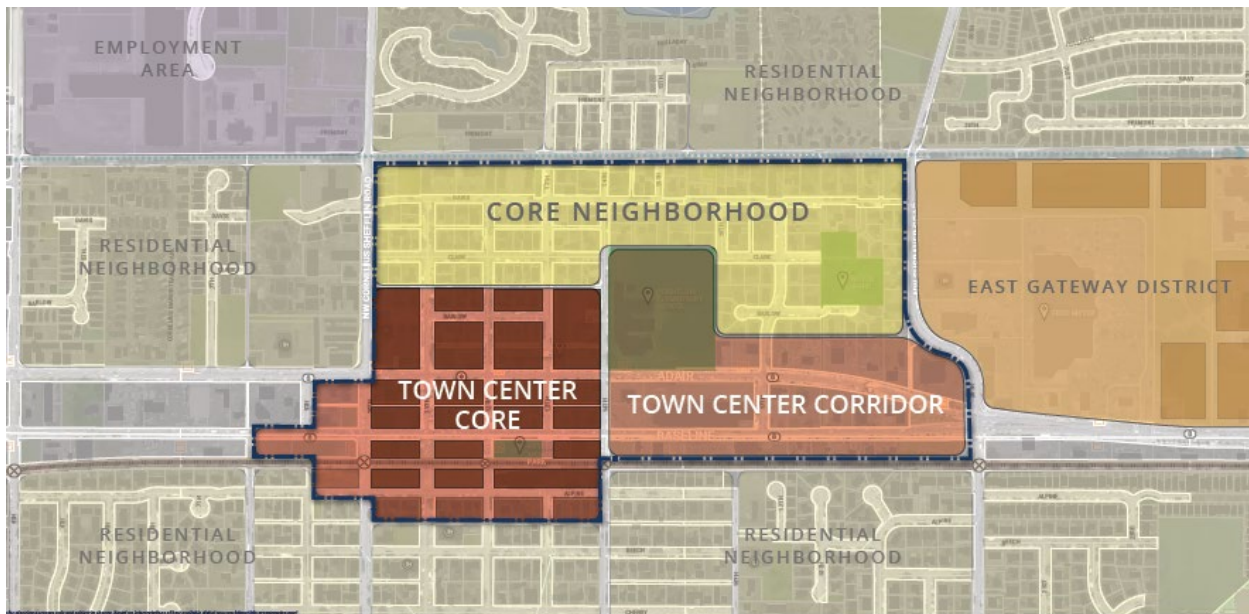
Cornelius Town Center Land Uses.

Approximately 122 acres are designated as Town Center. Approximately 34 acres are zoned Corridor Commercial, of that approximately 8.5 acres is an elementary school. Central Mixed Use includes 42 acres. The remaining 46 acres, designated as Core Residential, contains some of the city's most affordable housing stock and approximately 2.85 acres set aside as existing developed park space.

TOTAL HOUSING UNITS									
Unit Type:	Single Family Detached	Single Family Attached	Multi-Family			Manuf. home	Boat, RV, other temp	Total Units	% of Units
			2-unit	3- or 4-plex	5+ Units MFR				
Totals:	930	158	197	183	246	141	0	1,854	100%
Percentage:	50.2%	8.5%	10.6%	9.9%	13.3%	7.6%	0.0%	100%	

Sources: PSU, City of Cornelius, Census, Environics Analytics, JOHNSON ECONOMICS

The city’s HNA identified a total need of 1,854 units by 2040. Making the assumptions allowed in (2), 900 SF dwelling units and a height of 85 ft, we can accommodate 100% of our total needed housing units within 20% of our Core Residential area. Three faults with this thinking are: 1) this will gentrify one of the most affordable areas of the city, 2) it assumes that everyone would live in a 900-sf unit within a few acres of land, and 3) the market does not exist for development as dense as 15 units per acre at the urban/rural fringe. Requiring a minimum of 15 units per acre will kill new residential development in Cornelius. As noted above, the housing need is very diverse including attached, detached, duplexes, triplexes, quadplexes, greater intensity developments and manufactured homes.



14. Lines 15 through 26, page 64 of 101, (overall packet page 106 of 145); New OAR 660-012-330(4) Cities, counties and Metro must adopt land use regulations in residential neighborhoods that provide for slow neighborhood streets comfortable for families, efficient and sociable development patterns, and provide for connectivity within the neighborhood and to adjacent districts. The regulations must include zero front yard setbacks, unless a number of conditions exist.

This poses several problems in Cornelius. 1) the public utility easement takes up 8 feet of the front yard and cannot be built on. 2) curb-tight development eliminates the driveway and a potentially a garage, resulting in parking only in the garage or no parking allowed at all. 3) the demand for this type of residential unit is limited, resulting in slow to no growth at the urban/rural fringe.

15. Lines 1 through 21, page 69 of 101, (overall packet page 111 of 145); New OAR 660-012-410(4) Cities, counties and Metro must adopt land use regulations for new developments that include more than one acre of surface parking that require developments to provide either installation of solar panels, pay a fee-in-lieu, or plant trees.

A developer proposes to create a new 346-unit market rate multi-family project with a mix of studio to 3-bedroom units and some live/work units, with 474 surface parking spaces in the city. If the developer paid the fee-in-lieu, the fee would be \$766,500 on top of the \$7.9 million in other fees and SDCs required for this development. The nexus between the development and the regulation is unclear.

Developments must also plant street trees along their private driveways. Local jurisdictions will need to develop minimum standards and develop a tree compliance and maintenance program. The city will need to adopt a tree ordinance and hire additional staff to enforce the ordinance and ensure maintenance is provided.

16. Lines 30 through 43, page 69 of 101, (overall packet page 111 of 145); New OAR 660-012-410 Cities, counties and Metro must adopt land use regulations requiring new development support electric vehicle charging.

While increasing EV charging capacity throughout the state is important to accelerate the acceptance of electric vehicles, there isn't a nexus between land use development and charging electric vehicles.

17. Line 20, page 61 of 101, (overall packet page 113 of 145); Communities must either remove parking requirements for new development or comply with OAR 660-012-425. The city of Cornelius requires one covered parking space per residential dwelling – contrary to (a) "Garages and carports shall not be required for residential developments."

This requirement and the others within this section forces residential parking onto city streets that the city must maintain – instead of the private property that the owner must maintain. The City's existing standards try to minimize parking on public streets to lower maintenance costs. The city's budget is lean due to the high proportion of low- and moderate-income residents and lack of industry.

Requiring parking spaces off-site, within 2,000 feet of pedestrian travel (OAR 660-012-425(1)(e)) is unrealistic. One can park at the edge of Washington Square Mall or the far edge of the PDX airport garage and not have to walk 2,000 feet. Allowing required parking to be located this far from the development seems incongruent with user expectations and those of business owners.

18. Lines 5 through 21, page 72 of 101, (overall packet page 114 of 145); New OAR 660-012-430 Parking reductions for development types – requires local jurisdictions eliminate parking for certain development types.

Affordable housing and publicly supported housing are two development types. Will the Oregon Housing and Community Services downgrade or provide a lower score for an affordable housing development applying for funding or tax credits if parking is included compared to a comparable

project that does not provide parking? In Cornelius, TriMet Bus 57 is the only transit option to access employment opportunities and is limited to employers along Tualatin Valley Highway. GroveLink, a local mini-bus, provides limited additional access to Forest Grove businesses and serves as a loop in Cornelius to access the various retail establishments. DLCD staff have stated that parking is not equitable when provided for affordable housing. How is not providing commuting options for low-income people equitable?

19. Lines 4 and 5, page 73 of 101, (overall packet page 115 of 145); New OAR 660-012-440(1) Cities, counties shall not require parking within one-half mile of priority transit corridors.

Most of Cornelius is within ½ mile of either Baseline Road or Adair Street (TV HWY in Cornelius). Complying with this DLCD mandate would eliminate parking requirements north of Ivy Street in the City. Yes, some developers will provide parking. However, without requiring it, we cannot ensure that parking will not pose an external issue for other residents in the city or result in increased costs for maintenance of the street where on-street parking is the only option.

20. Lines 13 through 26, page 76 of 101, (overall packet page 118 of 145); New OAR 660-012-505 mandates how cities inventory their pedestrian systems.

Last year, Cornelius spent over \$30,000 to inventory the sidewalk system. The DLCD mandates would at least double the costs of the pedestrian system inventory.

21. Lines 27 through 38, page 76 of 101, (overall packet page 118 of 145) through Lines 1 through 28, page 77 of 101, (overall packet page 119 of 145); New OAR 660-012-510 mandates minimum pedestrian system standards.

Cornelius' town center includes underserved populations. Where the city's local standard might apply a 5-foot sidewalk, the new mandates would require a 6-foot standard. Similarly, Cornelius' collector standard applies a 6-foot minimum, but the mandate would require 7 feet within the town center. For arterials, a 7+ foot to 8 foot minimum would apply within the town center. Because Cornelius is an older city, there isn't sufficient right-of-way to meet the sidewalk and parking standards on both sides of the street.

22. Lines 35 through 36, page 80 of 101, (overall packet page 122 of 145); OAR 660-012-610(3)(c) requires local jurisdictions to plan buffered bike lanes on arterials and collectors.

Cornelius intentionally doesn't require bike lanes on collector streets. In our City Engineer's opinion, buffering bike lanes for all collectors and arterials will widen the streets unnecessarily, making crossing much more hazardous for pedestrians.

23. Lines 26 through 30, page 88 of 101, (overall packet page 130 of 145); New OAR 660-012-810(1)(b) Local street standards may allow pavement 28-foot wide where on-street parking is provided on both sides of the street and narrower widths where on-street parking is not permitted.

The Fire Code doesn't allow 28-foot-wide streets with parking on both sides. The Fire Department needs 10 feet of clear space. This rule effectively prohibits on-street parking on local streets.

In summary, the items in the proposal identified herein are overly prescriptive or not possible in our city. What is proposed would significantly change how land use and transportation planning is done at the local level without showing a direct and measurable connection with slowing or decreasing the adverse effects on climate change.

Sincerely,



Barbara Fryer, AICP
Director,
Cornelius Community Development Department

Cc: Rob Drake, City Manager
Jef Dalin, Mayor
Juan Carlos González, Metro Councilor
Representative Susan McLain
Senator Chuck Riley
DLCD Staff:
Kirstin Greene, Deputy Director
Bill Holmstrom, Project Co-Lead
Kevin Young, Project Co-Lead
Anne Debbaut, Regional Representative
Metro Staff:
Margi Bradway, Deputy Director
Kim Ellis, Principal Regional Planner, Transportation
Tim O'Brien, Principal Regional Planner, Planning and Development
Cornelius Staff:
Terry Keyes, City Engineer
Tim Franz, Senior Planner

From: [HANSEN Alissa H](#)
To: [CFEC DLCD * DLCD](#)
Cc: [O'DONNELL Heather M](#); [INERFELD Rob](#)
Subject: City of Eugene Comments on Draft CFEC Rules
Date: Monday, November 29, 2021 3:02:54 PM
Attachments: [Eugene CFEC Comments - Meeting 9.pdf](#)

Hello CFEC Project Team-

Attached please find comments from City of Eugene staff regarding the draft set of rules provided in the RAC meeting #9 packet. The focus of our review and comments is on the land use requirements and processes. Please feel free to reach out if you have any questions.

Thank you for your consideration.

Alissa Hansen, Planning Director and Heather O'Donnell, Senior Planner
City of Eugene Planning Division

MEMORANDUM

DATE: November 29, 2021

TO: Climate Friendly and Equitable Communities project staff

FROM: Alissa Hansen and Heather O'Donnell, City of Eugene Planning Division

SUBJECT: Comments on Draft Rules from RAC Meeting Packet 9

Thank you for the opportunity to comment on the draft rules. As you may know, Eugene has a long history of supporting efforts to address climate change. Examples of this work include Eugene's [Climate Action Plan 2.0](#), a Climate Recovery ordinance, nodal development/corridor planning, coordinated land use/transportation planning (including our Transportation System Plan, which emphasizes active transportation and reducing vehicle miles traveled and [MovingAhead](#), a partnership with Lane Transit District to prioritize transportation investments) and a strong focus on facilitating downtown development through a coordinated and comprehensive approach (including regulatory and financial incentives). While we support the premise of the draft rulemaking and understand the urgency in addressing the climate crisis, we remain concerned about the proposed timelines, the resources needs to complete the work, the relationship/sync up with other state-mandated work and the prescriptive nature of the rules. The focus of these comments is on the proposed land use requirements and process.

Related to *timelines*, based on an assumed effective date of June 1, 2022, many of the proposed deadlines do not allow for adequate or even realistic time for jurisdictions to complete the necessary work to adopt comprehensive plan amendments and/or land use code amendments. Here are some of the proposed timelines:

- Performance standards at OAR 660-012-0170 by January 1, 2023 (7 months to adopt comprehensive plan/land use code amendments)
- Electric Vehicle charging standards at OAR 660-012-0410 by January 1, 2023 (7 months to adopt land use code amendments)
- Parking standards at OAR 660-015-400 by March 31, 2023 (10 months to adopt comprehensive plan/land use code amendments and potentially adopt parking program changes)

At a minimum, the local process to adopt plan/code amendments includes technical work/research, drafting and vetting of policy and/or code amendments, public engagement, writing findings, and a formal adoption process that is subject to both state and local requirements. Working backwards, in Eugene, the formal adoption process alone is typically 6-9 months for required notices, Planning Commission public hearing/recommendation and City Council public hearing and action. In our experience, meaningful public engagement that focuses on equity and inclusion also takes time. In addition, adequate time is necessary for the technical work. For instance, if the City is to create new

performance standards (to replace long-standing level of service standards focused on vehicle congestion), then staff will need to research and test alternatives to see what will work. Alternatively, we could hire a consultant if resources allow, but that too will take more time than allotted in the proposed timelines.

In contrast, the timeline for implementation of House Bill 2001 was about 18 months once the state rulemaking was completed. This allowed for nearly 10 months of technical work and public outreach to happen simultaneously and iteratively. Eugene's Middle Housing project team shared their public engagement work, which focused on equity and inclusion, at a recent Land Conservation and Development Commission meeting, and received positive feedback for both the process and the outcomes.

****We recommend the deadlines for the above provisions be extended to at least 18 months after the effective date of the rulemaking.***

Related to our concern about **resources** needed to complete this work, the implementation of the rules as drafted will require a heavy lift. While Eugene is fortunate to have more staff than smaller cities, we did experience the loss of a planner through budget reductions last year and have many key vacancies throughout the city that are proving challenging to fill during the pandemic. Also, we have a full slate of planning related work identified over the next five years, including other state-mandated work. Incorporating this work into our current work plan, especially given the proposed timelines, will be challenging. It was promising to hear that the state will have some funds available to provide assistance to local jurisdiction; however, given the proposed timelines, it seems unlikely that cities could access them in time to be of any assistance.

Related to our concern about the **relationship** with other state-mandated work, as you know, Eugene must adopt a Housing Capacity Analysis by December 31, 2026, and a Housing Production Strategy by December 31, 2027. Based on state law, if the analysis finds that Eugene has a deficit of land for housing, we will need to adopt land use efficiency measures and/or an urban growth boundary expansion at the SAME TIME as the adoption of the Housing Capacity Analysis. This means a draft HCA will need to be completed as early as two years prior to the December 2026 deadline to allow for adequate time to prepare efficiency measures and/or UGB expansion, including technical analysis and public outreach. As proposed in the draft rules, Eugene will have to adopt land use requirements and a comprehensive plan element for Climate Friendly areas by June 30, 2024. Given the short timeframe between the deadline for adopting CFAs and the timelines necessary for HCA adoption, there will necessarily be redundancy in technical analysis, public outreach and adoption process.

****We recommend that the deadline for adopting land use regulations and comprehensive plan amendments for Climate Friendly areas be extended to December 31, 2026 for cities who have an HCA deadline on or before December 31, 2026.***

Related to the **prescriptive nature** of the rules, in many cases the rules appear to be based on best practices or predicated on a one-size-fits-all approach, rather than providing choice or accounting for differences. While we expect the rulemaking to be ambitious, we also expect it to be achievable. In this case, we support both clarity and flexibility. Each city is different, and different solutions can achieve the same means.

****We recommend that the rules be evaluated to see where feasible options can be provided. For example, in the HB 2001 minimum standards, cities have the option to allow for attached plexes or to allow for detached plexes.***

The table below includes comments on specific sections of the proposed rules, and where applicable, includes suggested changes or considerations for project staff.

Rule	Questions/Concerns	Suggestion/Consideration
660-012		
-0060 Plan and Land Use Regulation Amendment & -0170 Transportation Performance Standards	<ul style="list-style-type: none"> - Concerns about resources needed to complete the combination of comprehensive plan and TSP amendments (which rely on LOS as our adopted performance measure) and code amendments (for local traffic impact analysis) to revamp our local performance methodology. - Heavy lift, even with the policy backing both locally and at the state level. Requires expertise and consultant support outside the current staffing capacity and multi-disciplinary team of staff across departments. Given the city’s financial outlook, it is unclear where the needed resources would come from. 	<ul style="list-style-type: none"> - Consider a model code approach, akin to the model code established for HB 2001, to help local jurisdictions with a clear and consistent baseline that is tied to the deadline for implementing the changes (particularly related to the new methodology that we and other jurisdictions would otherwise need to create from scratch). -A significant increase in the amount of available grant funding from the state would also seem necessary and appropriate along these lines. -Consider changing the deadline to at least 18 months after the effective date of the rules.
-0012 Effective dates		
(5)(a) deadline to designate CFA	<ul style="list-style-type: none"> -To “designate” a CFA, such as on a comprehensive plan document, would require a land use process and hearings. Then additional land use processes would be required for adopting the comp plan element and land uses amendments, and then again for adopting the scenario plan and the housing needs analysis. 	<ul style="list-style-type: none"> - With the new changes to the timeline allowing the CFA comprehensive plan element to be adopted later, change “designate” to “identify” so that a land use process is not required for this step. This may result in changes needed to 0315. -Consider changing this deadline to at least December 31, 2024 (two years prior to Eugene’s HCA adoption deadline) for “designation.”
(5)(b) deadline to adopt CFA land use requirements and comprehensive plan element		<ul style="list-style-type: none"> -Consider changing the deadline to adopt the CFA comp plan element and land use regulations to be the same deadline as the HNA/HCA when there will likely be other comp plan

		amendments. This will be more efficient with staff and community time as well as result in a more complete picture (analysis, code amendments, comp plan elements) of the growth management approach for cities. For Eugene, that deadline would be December 31, 2026.
-0120 Underserved Populations		
	-Concerns about how we will get the data at the CFA level.	-Please confirm that this level of specificity is available for the cities this applies to.
-0315 Designation of CFA		
(2) capacity calculation	<p>-Too prescriptive, requires analysis of each lot throughout the CFA (even though it says it's a block level analysis). More appropriate to proforma analysis than long range planning. Difficult and extremely time consuming to do over multiple CFAs across the city with multiple zones.</p> <p>-Why is extra capacity assumed only if affordable housing has a height bonus? Also, how does this relate to SB 8?</p> <p>-For Eugene to conduct this analysis, we would need to contract with our local COG. They have estimated it will take 20-30 hours (or over \$3,000) to do an initial analysis for us, as it will require making changes to the current urban sim model. (We are fortunate to have such a model in this area, not all cities have access to such a model). Given our current budget situation, we will not be having them conduct such an analysis at this time, which means we cannot comment if the 30% called for in -0315(1) is an appropriate number.</p> <p>-Why minimum 1,000' width?</p>	<p>-Please simplify this calculation so that it is achievable without the creation of a new model or the major revision of an existing model.</p> <p>- If the intent is to tie capacity assumed to incentives for affordable housing, expand the assumed capacity bonus to include if there are other zoning incentives for doing affordable housing such as a density bonus is allowed for affordable housing</p> <p>-Consider adding an exception for allowing less than 1,000' width if the rest of the entire lot is included in the CFA in order to avoid bisecting a lot</p>
-0320 Land Use Requirements in CFAs		

(1)	-"Other commercial services" allowed outright; do we need to define/limit this further?	-Consider defining "non-auto dependent."
(2) & (6)	<p>-(2) "Residential or employment-oriented zoned areas within ½ mile of a mixed use are ... <i>may be included in a climate friendly area</i>, if ..." Does the italics portion mean that the housing capacity in these areas can count towards the 30% CFA goal, but those areas don't have to be in the CFA boundary and thus subject to the CFA land use regulations?</p> <p>-Concerns about (6)(d), to qualify these adjacent areas for Eugene would have to be at least 50 homes or jobs per net acre.</p> <p>-Are these areas required to have the CFA land use requirements applied to them?</p>	<p>-Assuming that is what is meant, edit with underlined text: "<u>Housing in or planned for residential or employment-oriented zoned areas within ½ mile of a mixed use area ... may count towards the climate friendly area 30% housing unit goal without having the climate friendly area land use regulations, if...</u>"</p> <p>-Our downtown currently exceeds 50 EPA but only two other Eugene sample areas do; what is this threshold based on?</p>
(3)	-Is this meant to require prioritizing <i>any</i> government facility in a CFA, which is how it reads?	-Truncate the list to be directed at public spaces/amenities such as parks and recreation facilities and government offices. Alternatively provide exclusions to this requirement such as for jails, mental health facilities, or other government uses that might have special land use needs (fairgrounds) or would not be appropriate for a non-downtown type of CFAs.
(4)	-How is a local government expected to address 0510, 0610, 0630, 0710 and 0810 in CFAs, especially those that are not downtown? Does this mean regulations so that future development will comply? If these already apply citywide, why are they called out again?	
(5)(d)	<p>-Why did the CFA minimum density raise from 15 to 30 for larger cities?</p> <p>-If middle housing requirements are moving away from density requirements, why are they being relied on now?</p>	-Consider splitting the CFA requirements into <i>at least</i> two different types; a downtown/corridor type CFA with high density parameters (e.g., min 30 units) and a neighborhood type CFA with medium density parameters (min 20 units).

	<p>-If the capacity analysis shows it can be accommodated why is a minimum needed, especially one that is in high density residential, is it appropriate for all CFAs to be high density residential if we are to have nodes throughout the city?</p> <p>-What is the 85-foot minimum for a maximum building height based on? In our high density residential we have a maximum height of 50 and a range of 20-56 units per acre.</p>	<p>There could be a third corridor type that is up to the jurisdiction to define the parameters (medium or high density) and CFA types could be further added based on city size.</p> <p>-Consider allowing exceptions to the maximum height when adjacent to a lower intensity zone or a historic property (e.g., if within 50' of a low, medium or historic zone max height is 35).</p>
-0330 Land Use Requirements		
Intro statement	<p>-Clearly identify which of these provisions are new.</p> <p>-This section is too prescriptive, more similar to a land use code. Our code has similar requirements but not exactly and has some good exceptions or adjustments which would not be allowed according to these rules.</p>	<p>-Consider keeping the main subsection text in (1),(2),(3) and (4) as the intent or goals for land use regulations, and then moving the subsections provisions (a) through etc. to a model code that allows for exceptions and adjustments.</p>
(1) [applies city-wide]	<p>-What is the deadline for adopting changes to reflect these? The only reference found was in the UGB expansion section 0350(1)(d).</p>	
(2) [applies city-wide]	<p>-For (a) and (b) for already built out neighborhoods, how would this standard work?</p> <p>-For (d), provide examples of standards to reduce out-of-direction travel for peds and bicyclist.</p>	
(3) [applies to commercial and mixed use districts]	<p>-The term "character" is subjective.</p>	<p>-Replace "character" with "provide for a compact <u>development pattern</u>" or development form.</p> <p>-Consider clear and objective terms, especially if these apply to residential development</p>
(3)(a)	<p>-Clarify what it means for all pedestrian entrances to be designed to be "barrier free." Is a door a barrier?</p>	
(3)(e)	<p>-Clarify what is meant by "large" sites must be designed with a connected network of public streets. If we</p>	

	already have street connectivity standards, why is this necessary?	
(4) [applies to residential neighborhoods]	-This includes subjective language (“slow neighborhood streets.” Why calling out only families? What about non-families or elderly people or ADA? -Applies to residential neighborhoods. How is this defined? Assuming this means residentially dominated neighborhoods regardless of housing or plan designation type.	-Consider clarifying that this is a goal statement or intent statement. -Consider using more inclusive terms and clear and objective language where possible.
(4)(a)	-What does it mean for a setback to “limited?”	-Consider exception for topography, natural resources, etc. Good example of better to include in a model code.
(4)(b)	-Why do all buildings have to face the street? Garden sheds or other accessory buildings? Garages might be even preferable to not face the street. -Why “direct” access to the street? Should there be exceptions for meandering or diversions to the street, such as avoiding trees and natural resources, topography, other buildings, or general aesthetics.	-Clarify that it’s dwelling(s) that must be <u>oriented</u> towards the street. -Allow buildings to be “side oriented” to public streets due to access requirements and/or dimensional constraints not created by the applicant, such as provided building is visible to street and is not views into parking garage -Remove direct access to the street requirement, or just state access to the street.
(5) [applies city-wide]	-Clarify/call out the sections of which “site design” requirements auto-oriented land uses must meet? There are site design requirements in (4) but those are for residential neighborhoods so presumably they don’t have to meet those.	
	-Is it the level of access or the ease of access to goods and services must be equivalent to people driving a motor vehicle?	-Consider revising to the “ease of access” is equivalent, we don’t want driveway width pedestrian walkways in these cases
(6) [applies to residential or mixed use development]	-What is a “low-car district”? Is the intent of this section that we revise our code to have transportation design standards for a no-car or low-car district? -If this is allowed in residential areas, it’s essentially creating a “no through	-Revise second sentence to be directed at developing standards: “ <u>The regulations for these districts must allow development of no-car or low-car streets...</u> ”

	traffic” option that will force other cars onto other streets. Is this fair? How does that work with the transportation rational of a grid to spread traffic?	
(7) [applies city-wide]	-Have staff confirmed with ODOT and ODA that they want notice of all partitions and subdivisions, and public hearings of all cities this applies to, regardless of location? -What does “other applications that affect private access road” mean?	-Consider revising so ODOT and ODA only receive notice when an application is within a certain number of feet from an airport or state transportation facility.
-0340 Land Use Assumptions (for transp planning)		
(3)	-Why are <i>future</i> land use assumptions limited to assuming <i>existing</i> acknowledged designations and policies. Why wouldn’t it be existing or planned?	
(5)	-Okay with requiring land use assumptions at block level as long as that does not mean using the building square foot capacity methodology. Block level planning may be challenging/heavy lift for larger cities.	
-0350 UGB Expansions		
(2)(a)	-Is the reference to “and county” because of (1)?	
(2)(c)	-Concern if it is feasible to demonstrate that a UGB expansion will result in a reduced VMT city wide. Confirm this is achievable.	
(2)(d)	-Concerns about prohibition of VMT-increasing facility. There may be circumstances, depending on where a city needs to expand based on the UGB expansion rules that results in a need or upgrade.	-Provide nor flexibility, with tradeoffs, such as requiring more ped/bike facilities.
(3)	-Where to locate the UGB seems out of place here.	-Consider relocating to OAR 660-024-0020.
-0400 Parking	-Curious if someone has applied all the standards in this section to an	-Consider simplifying the parking rules and make the alternative to

	actual city and what the results are? Are they feasible?	dropping all parking mandates a viable and achievable option. -Consider clear and objective language, especially for regulations that apply to housing.
405 Parking Regulation Improvements	-Unnecessary to include “enforce” in (1)	
0415 Parking Maximums & Evaluation in more Populous Communities	-When is the parking study due? -Highly prescriptive and dictates how a city manages on-street parking and parking garage construction.	
0435 Parking Reform in CFAs	-How do cities regulate/enforce unbundled parking for multi-family developments?	
0445 Parking management Alternative Approaches	-New deadlines of March 31, 2023 and June 30, 2023, which are approximately 10 and 12 months after assumed effective date of rule. Some of the provisions in this draft rule would require amendments to Eugene’s land use code or establishment of a new citywide program, which will take longer than the allotted time.	
0450 Parking Management in More Populous Communities	-With a minimum of \$15 per month for a parking pass, none of Eugene’s residential parking pass program permits will count towards the value pricing alternative.	
-0630 Bicycle parking		-Define terms that are not clear.
(2)	-Vehicle parking requires charging on projects with 5 or more spaces but this requires charging of 40% of spaces regardless of parking amount.	-Add a minimum threshold of required bicycle parking spaces for this requirement to kick in, maybe 5?
(3)-(5)	- Does this mean all bike parking for these uses is required to be covered and secure?	-Consider a minimum threshold for this to kick in?
(6)	- What is the goal, if cities provide it can it be counted towards meeting (2)-(5)?	
(7)	- Requires the same amount of total bike parking as vehicle parking > even for industrial and regardless of size?	

<p>-0900 Monitoring</p>	<p>-Clarify that “the director” refers to the director of DLCD (assuming that is the case).</p> <p>-The first report should come at least two years after the effective date of the rules. Local jurisdictions will be focused on adopting new regulations, etc. the first year or so, and will not have much to report. Plus, they will not have time for this new level of reporting detail.</p> <p>-The reporting requirements will require a fair amount of work.</p> <p>-Local governments already have to send notice of adoption of land use regs and plans. Why the redundancy?</p>	<p>-Consider how to streamline these requirements. What is the intent? How will these help? What are you trying to track or glean from the reports? What’s the most efficient way for local governments to provide that info?</p>
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From: Matt Straite <mstraite@cityofmillersburg.org>
Sent: Friday, December 3, 2021 12:14 PM
To: REP BoshartDavis <Rep.ShellyBoshartDavis@oregonlegislature.gov>; YOUNG Kevin * DLCD <Kevin.YOUNG@dlcd.oregon.gov>; evan.manvel@dlcd.oregon.gov; GREENE Kirstin * DLCD <Kirstin.GREENE@dlcd.oregon.gov>; RUE Jim * DLCD <Jim.RUE@dlcd.oregon.gov>
Cc: Janelle Booth <jbooth@cityofmillersburg.org>; Kevin Kreitman <kkreitman@cityofmillersburg.org>; 'Ruettgers, Matthew' <Matthew.Ruettgers@cityofalbany.net>; John Morgan <john@morgancps.com>
Subject: Climate Friendly and Equitable Communities Rules letter from the City of Millersburg

The City of Millersburg appreciates the opportunity to comment on the Climate Friendly and Equitable Communities Rulemaking. Please see the attached letter.

Matt Straite
Community Development Director
City of Millersburg
458-233-6306





Kevin Kreitman, City Manager
Janelle Booth, Assistant City Manager/City Engineer
Jim Lepin, Mayor

November 30, 2021

DLCD
C/O Evan Manvel & Kevin Young
635 Capitol Street NE, Suite 150
Salem OR 97301

RE: Comments on Proposed Rules for Climate-Friendly and Equitable Communities

Dear Mr. Manvel and Mr. Young:

The City of Millersburg appreciates the opportunity to provide feedback and comments on the proposed new rules for Climate Friendly and Equitable Communities. We hope to help by providing the perspective of a small, but growing, City.

First, we agree with comments provided by the League of Oregon Cities (LOC). To elaborate on their points:

- The rule making process timeline is too aggressive. This timetable allows unintended consequences if these ideas are not studied more. The rules will have very significant changes to land use in the State and should not be rushed through. We need a more balanced approach to the analysis and we suggest more analysis.
- The RAC should have more technical representatives, specifically in transportation. Our current society is centered around vehicles. If we are to un-do that focus, it should be done slowly to avoid unintended consequences. We suggest more analysis and more technical RAC members.
- The current proposed rules are too detailed and prescriptive in terms of implementation and timelines. The highly specific regulations would remove our home-rule ability our city's home-rule ability to come up with our own solutions specific to Millersburg. We suggest the DLCD shift its approach and structure the rules to an outcome- or performance-based set of requirements. This will allow local governments like us to be more flexible and find solutions that are appropriate to the City, not a one-size-fits-all solution, which is unimplementable across very different communities.
- The proposed local implementation timelines are far too short for cities to meet. Changes to zoning codes will need to still be consistent with Comprehensive Plans. Changing both to address parking and other needs (saying nothing of cities who need to implement bigger changes like adding CFAs) takes time. These changes also take funds. The DLCD has been very helpful with providing funding for these kinds of changes in the past. However, getting funds from the legislature to pass through the DLCD still takes time.

- Any new local implementation and reporting requirements should be built on, and align with, existing local efforts, process, and cycles.

In addition to supporting comments of the LOC, the City of Millersburg would like to add the following:

- We think there is a more productive way to get more Climate Friendly Areas that does not seem to be included in the rules. As you know, cities can only expand their urban growth boundaries when they cannot accommodate their 20-year growth projections. However, some cities' biggest challenge in adding CFA's is that they are almost fully built out. Look at Keizer as an example. They must accommodate a CFA but have no viable place to do so without significant redevelopment that causes displacement. Redeveloping built out areas is often very, very challenging. The new rules should include an ability to grow the cities UGB if the new area is for the purpose of *creating* an all-new CFA. Speaking for one small city, Millersburg would have a much easier time accommodating a CFA if this were allowed.¹ It seems like the DLCDC is being insensitive to how people in existing communities feel about adding density. It's very hard for City's to get support for changing established communities. This just grows distrust in governments. This idea could be a compromise that will allow density in a place where it will not interrupt an established community. To clarify, the rules should allow a UGB expansion for the purpose of creating a CFA even if the expansion is not needed to accommodate the 20-year housing forecast.
- Land use changes intended to address climate change need to be balanced with other elements that are critical for successful cities, such as economic prosperity, property rights, and social order. This new Climate Change effort seems too myopic in its focus. This ties into the previous request for more time to study other possible impacts to the cities. The speed of this process negates any possibility to study impacts to these or other elements. There seems to be a lack of balance in moving forward with implementation. We would ask that the DLCDC slow down the process and study possible unintended consequences to other aspects of City development, including, but not limited to, economic prosperity, property rights, and social order.
- The current proposed rules restrict a city's ability to regulate themselves (home-rule). A dire need for outcomes does not justify a dire limitation of local cities' abilities to regulate themselves. Home rule is an important factor that should guide how State agency rules are drafted. We again request that the DLCDC change direction to implement outcome-driven regulations that would allow cities more flexibility to regulate themselves. What works for Portland does not work for Veneta, Ontario, or Millersburg.
- The Climate Friendly and Equitable Communities effort includes a goal to involve people and their preferences. True planning should always involve what people want as we help them create **their** community. Planning initiatives should not force, coerce, or harm our citizens in order to craft a social vision. Communities should not be forced into a one-size-fits-all mold. True planning is working with our citizens to take their preferences into account and work with them, not against them. True change is brought by creating opportunities, not removing choice. Changes to Transportation System Plans (TSPs) and Comprehensive Plans requiring wider sidewalks and bike lanes is a great idea. Forcing streets to be narrow and removing parking so that driving will be so painful that people will be forced to use alternative transportation is not a good idea. Creating opportunity for more density

¹ We fully understand that Millersburg is not required to accommodate a CFA at this time. We use this as a way to illustrate the point.

through grants funds and careful community design is great (if the citizens of the community want it). Forcing cities to adopted prescribed, one-size-fits-all zoning requirements is not a good idea. We would again suggest an outcome driven approach in hopes that cities can create solutions that meet the States goals and meet the needs of the community.

- The requirement for 50% of parking lots to feature charging stations will act as a significant disincentive for commercial development and appears wasteful when a majority of vehicles are not yet electric. Grocery stores and other healthy food options will simply choose not to develop in Oregon. Food deserts will only get worse. Additionally, it seems unusual to allow breaks for the high cost of charging stations, but only for projects in cities over 50,000 in population. We recommend significantly lessening the charging station requirement or finding a way to help the financial burden of those required to comply with the rules so we don't chase away new businesses.
- CFA's would upzone areas without public input, with no regard to the voices of that community. While the current version of the rules does not require Millersburg to designate CFA's, we think this is another example of where outcome-driven rules would allow Cities to address public input and any need for possible upzoning locally. Local decisions should be made locally where the land use process can play out, not through a regulatory agency's rules.
- The proposed rules call for new development near transit facilities. While this is logical, the rules need to consider the effect this will have on displacing the naturally affordable homes that may exist there already. The current draft version of the Climate Friendly and Equitable rules don't seem to recognize this. The rules today state that cities should not displace anyone; however, no regulations follow to implement the requirement. Alone, as a statement, that cannot be implemented. In other words, upzoning CFA's will result in large scale multi-family projects, built in locations where already affordable housing must be torn down to make way for big structures. This will force out those who live in areas with transit, moving them away from CFA's. Please consider adding more clarity on how cities can prevent displacement.
- Lenders often have difficulty financing multi-family projects that are intended to be sold as individual units such as condominiums. As a result, the proposed rules will favor rental-focused companies building units for rent. While some rental units are important to have, these equitable regulations should be designed to help create an affordable for-sale product. Rental units will only act to prevent wealth-building and keep lower income earners in a poverty state. We propose the DLCDC look carefully at creating regulations to promote for-sale multi-family projects. One way to help accomplish this would be to streamline complicated condominium laws.
- Many of these proposed rules are land use regulations. They seem oddly placed within the Transportation Planning Rule, which is supposed to assure that land use regulations are consistent with transportation plans. We suggest that any land use regulations be removed from the TPR regulations and be placed in the appropriate sections of OAR's if they remain.
- The rules state that projects which increase street capacity require additional review by the DLCDC and are generally discouraged. However, many safety improvements such as adding turn lanes, roundabouts, or medians, while intended to address safety, also increase capacity. Would those be discouraged also? More clarity is needed on this issue.

In summary, while the goals of the climate change provisions are well intended, the methods and products being proposed would be detrimental to existing city structure and act against the goals of the effort. The process needs to be slowed and better studied. Above all it needs to be balanced with other aspects of city success, and not viewed as a single issue.

Sincerely,



Matt Straite
Community Development Director

cc: DLCD Director Jim Rue
DLCD Deputy Director Kirsten Greene
Representative Shelly Boshart Davis



To: Climate Friendly Cities team

bill.holmstrom@dlcd.oregon.gov, kevin.young@dlcd.oregon.gov,
casaria.taylor@dlcd.oregon.gov, Evan.MANVEL@dlcd.oregon.gov

From: Diane Hodiak, executive director, 350 Deschutes: working on climate policy, actions, and education. We facilitate equitable access to electric vehicles, charging, and green mobility in Central Oregon and address pollution and emission concerns that affect health and well being.

As you know, we are in a Climate Emergency that requires urgent and bold actions to reduce greenhouse gas emissions. The UN Secretary General described The latest IPCC Climate Report as a 'Code Red for Humanity'. It stresses the urgency for immediate and rigorous action and a doubling or tripling of effort. Governor Brown's EO 20-04 recognizes this urgency. We need significant actions that match the seriousness of this crisis. I hope that DLCD and LCDC will improve their proposed actions to ensure consistency with the strong actions indicated by scientists and Governor Kate Brown.

This is not a time for half-hearted measures. Rather, it is a time to replicate valuable leadership actions from other government jurisdictions. It is also time to aggressively implement new actions to protect vulnerable communities and those historically underserved.

I am particularly concerned about the consequences of your proposed rules for vulnerable communities. As you may know, protecting equity serves everyone. Complete elimination of parking requirements in affordable and multifamily housing will hurt the vulnerable and block access to green transportation.

First, I fully understand and support the need for reduced parking mandates. However, this should be modified for multifamily. A reliable study found that **lack of garages** for EV charging in multifamily housing **was a barrier to charging**. Evan MANVEL stated this was not problematic since individuals can also charge at work. While this is true, this assumption may not serve the vulnerable. What about people who don't work? Retired, unemployed, self employed? What about essential

workers who work jobs where EV charging is not likely to be affordable and/or is used only for hotel guests and/or customers? Since multifamily renters make up anywhere from 36-40% of the population, there should be efforts to ensure access and support for EV Charging and green transportation where they live. These are comments we hear from our stakeholders.

To this end, there should be a certain number of garages onsite, depending on the number of tenants, to allow for EVCharging. Also, require **a secure covered enclosure for lockup of Ebikes and bikes**. Besides charging, renters must have a place to store their bicycles if you wish them to become less car dependent. If builders get the opportunity to build denser, and thereby reduce their costs, they should be asked to provide these amenities.

Also, there should be **flexibility in zoning to incentivize developers to participate in mobility hubs**, where buses, ebikes, and EV charging is co-located.

Further, there should be incentives for retrofit of existing buildings (for charging and bike storage) to facilitate deployment of electric vehicles and green mobility. **Source:** <https://wsdot.wa.gov/publications/fulltext/LegReports//17-19/FacilitatingLowIncomeUtilizationOfElectricVehicles.pdf>

How do you protect all communities from the volatility of gas price changes and health and safety impacts?

Small and large cities across the nation are now **enacting new gas infrastructure bans**. Oregon can and should do the same. **Seattle adopted a partial gas ban** last month with an update to its building code that says all new commercial and multifamily buildings four stories or taller must use electricity for heating.

Denver's move to allow continued use of gas for cooking has helped to avoid resistance from restaurants. The city government released **a plan** in January that calls for new houses to use electricity for heat, including hot water, by 2024 and all buildings to do so by 2027.

New residential construction should also be under a ban for new gas piping. Research from Rocky Mountain Institute showed this would **actually save builders money**. <https://rmi.org/insight/the-economics-of-electrifying-buildings/>

Ithaca, New York, (population only 30,000) passed a ban on all new gas infrastructure in buildings

Policy change is the best prescription for reducing widespread emissions. Oregon must step up to protect Oregonians and meet the requirements of the EO in protecting the climate. Each new gas piping installation locks in the use of dirty fossil fuels for at least one to two more decades. We do not have that time to clean up building emissions. Moreover, electric installation with new buildings is significantly cheaper than retrofitting later.

All installations or retrofit upgrades of gas infrastructure for stoves, fireplaces, furnaces, water and/or space heating or any other use should carry a “health and safety” surcharge. Gas prices are expected to rise 10%. Research shows the toxic and unsafe outcomes from use of gas appliances. **These funds could form part of a “just transition” fund for low to moderate income individuals wishing to retrofit.**

Rule O405 should be modified to consider use of microgrids which do not need to be grid connected. There is no need for an exemption since microgrids can be used for self sustained, off-grid power.

Current rule: Cities and counties may exempt development in areas with insufficient transformer capacity, whereby meeting the requirements of this ordinance would require significant utility upgrades.

Green Roofs should be allowed to substitute for trees:

A recent EPA study found that while green roofs are **more expensive than cool or conventional roofs**, they provide significantly higher relative benefits per square foot over a 50-year lifecycle (e.g., energy cost savings, avoided emissions, reduced stormwater fees).

[https://www.epa.gov/heatislands/using-green-roofs-reduce-heat-islands#:~:text=They%20found%20that%20while%20green,emissions%2C%20reduced%20stormwater%20fees\).](https://www.epa.gov/heatislands/using-green-roofs-reduce-heat-islands#:~:text=They%20found%20that%20while%20green,emissions%2C%20reduced%20stormwater%20fees).)

Protect air quality for vulnerable communities and others by requiring Zero-Emissions Delivery Zones in Oregon’s largest cities specified in the rules. This may also require a zoning change.

The medium-duty trucks on the come in many different forms, but most support goods delivery, including last-mile delivery. While economically vital, these trucks pose a public health hazard, as they are frequently powered by diesel, whose emissions are linked to any number of health

Commented [DH1]:

problems, from asthma to lung cancer. They are even more dangerous because most idle for extended periods of time.

Before the pandemic, the challenge with medium-duty trucks was only getting worse, thanks to the skyrocketing growth of e-commerce. The [World Economic Forum](#) estimates that “without any intervention, the number of delivery vehicles in the top 100 cities globally will increase by 36% until 2030. Consequently, emissions from delivery traffic will increase by 32% and congestion will rise by over 21%, equaling an additional 11 minutes of commute time for each passenger every day.” These increases will worsen health problems for everyone.

Here is a sample program, including software, put together in Santa Monica, Ca. This could be adapted to fit Oregon.

Making deliveries in the Santa Monica area using a zero-emissions vehicle? Find and reserve Zero-Emissions Delivery Zones in the Santa Monica area using the online mobile app. Download the app for [Google](#) or [Apple](#). <https://lincubator.org/zedz/>