

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 11



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **Meeting 11 Packet – Part 2 Cover Sheet**
DATE: January 11, 2022

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 11 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 11



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Kevin Young and Bill Holmstrom, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 11 Item 11: RAC Meeting 10 Summary**
DATE: January 11, 2022

This memo includes a summary of the RAC 10 meeting on December 17, 2021. The memo includes an overview of the meeting and breakout sessions.

Attendees

RAC Members

Aimee Okotie-Oyekan; Al Johnson; Alex Georgevitch; Alex Phan; Ariel Nelson; Bill Graupp; Bradley Clark; Candice Jimenez; Damian Syrnyk; Elisa Cheng; Emma Newman; Erin Wardell; Heather O'Donnell; Jacen Greene; Jairaj Singh; Jana Jarvis; Jeremy Rogers; Jonathan Harker; Lee Helfend; LeeAnn O'Neill; Lisa Anderson-Ogilvie; Mallorie Roberts; Mari Valencia; Margi Bradway; Michael Szporluk; Oriana Magnera; Paige West; Patricia Selinger; Paul Bilotta; Paul Thompson; Rebecca Lewis; Ron Irish; Samantha Byer; Sarah Adams-Schoen; Sara Wright; Wade Elliott

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; Evan Manvel; Casaria Taylor; Kirstin Greene; Palmer Mason

Oregon Department of Transportation (ODOT)

Amanda Pietz; Brian Hurley; Erik Havig

Kearns and West

Sylvia Ciborowski and Bianca Valdez

Agenda

Welcome, Opening Remarks, and Agenda Review

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

LCDC Commissioner Nick Lelack provided opening remarks and welcomed participants to the meeting. He reminded the RAC of the final meeting in January 2022 and shared appreciation for member's

engagement and input throughout the process. Commissioner Lelack requested members to continue to share specific comments and noted it will be important for the Commission to understand where the points of disagreement may be among the RAC, communities, and stakeholders. He noted as the draft rules are prepared for consideration by the full Commission, it will be critical that rules are implementable and achieve the Climate Friendly goals and equitable outcomes. In conclusion, Commissioner Lelack highlighted a recent major decision, the Climate Protection Program, adopted by the Environmental Quality Commission (EQC) to address climate change in Oregon.

Sylvia provided an overview of the meeting agenda noting the key topics. The key topics included how the draft rules respond to the Equitable Outcomes Statement, amendments to rules for Metropolitan Greenhouse Gas Reduction Targets, an overview of the general comments that DLCD has heard, and several report outs from the various work groups. She then offered participation and meeting logistic tips as well as committee discussion guidelines to ensure the RAC operates in a collaborative fashion.

Bill Holmstrom, DLCD, provided an update on the upcoming rulemaking schedule. He noted that the final RAC meeting is scheduled for January 20, 2022, where the group will discuss the final rules refinements and impact statement review. In February 2022, the LCDC will review the draft rules, impact statement, and discuss policy questions. The first public hearing will be from March 31-April 1 and the final public hearing and adoption is expected to be in late May 2022. Bill then provided an engagement update and shared that DLCD has had four community conversations, six practitioner roundtables, five topic-specific works groups, and several additional presentations and meetings.

[How the Draft Rules Respond to the Equitable Outcomes Statement](#)

Evan Manvel, DLCD, shared how DLCD used the Equitable Outcomes Statement in developing the rules and thanked RAC members for their help in developing the statement. Evan reviewed examples of how portions of the statement and recommendations specifically informed rule language.

Kirstin Greene, DLCD, provided a brief update on a new protocol from the Governor's office to help implement the updated Diversity, Equity, Inclusion, and Racial Justice Action Strategy. The Action Strategy requires all local governments to attend to racial justice in their budget development processes. Kirstin shared the hope is to discuss this topic in the close-out interviews with the community-based organization representatives serving on the RAC. She also noted that DLCD will be hosting an equity-focused meeting in February for RAC members and others interested individuals. There will be a survey for local government partners that will supplement the local practitioner meeting and guidance DLCD has heard on the RAC. The survey will inform DLCD about what local governments need in terms of their policy option package or budget request for next the legislative session to continue to implement this work.

Questions and Comments:

- A member sought clarity regarding the equity outcomes chart on displacement due to gentrification from public and private investments. They noted that in certain areas the present market reality and land prices are known, and one can deduce where displacement or gentrification has a higher probability to occur. They inquired if local government has a plan to mitigate or avoid that.

Response: DLCD explained that local governments will conduct a spatial analysis of the Climate Friendly Area (CFA) and determine the potential displacement of communities or businesses. If local governments find these groups are being displaced due to the CFAs becoming more attractive for development, then they must look at actions they can take to mitigate for potential impacts. DLCD shared a resource, the Portland State University Anti-Displacement and Gentrification Toolkit¹, that will be a useful resource for local governments. They added that a number of strategies have been identified for local governments to mitigate for displacement.

- A member sought confirmation for the proposed amendments under 660-012-0315(4)(c) whether it is at the designation stage of CFAs that local governments will be providing information on how to achieve fair and equitable outcomes.

Response: DLCD answered the focus is on the CFA area and potential impacts that may result within the context of zoning changes that would occur. It is a focused review and not a broad update to achieve equitable outcomes throughout the jurisdiction.

- A member offered a suggestion for the equitable outcomes statement under 660-012-0135(2)(e) to add the word “value”, “gather” or “collects and document” lived experiences and qualitative data. They added it is important to actively capture qualitative information, in addition to quantitative data.
- A member shared concern around capacity within 660-12-0830 as it is requiring a lot of work and authorization to build a roundabout and safety projects; they suggested that section of the rule needs further work to allow safety projects to be built efficiently and as low cost as possible. They also noted concern that the rules are not grounded in the reality of the housing market and further revision is needed to support incremental development.
- Multiple members shared appreciation for the thoughtful work that went into developing the equitable outcomes statement.
- A member inquired how DLCD envisions the goals around community health interacting with other state agencies with building codes division where safety associated with housing has more to do with the design of buildings.

Response: DLCD explained the long-term strategy team is focused on implementation and will be thinking about this issue further.

Amendments to Rules for Metropolitan Greenhouse Gas Reduction Targets

Cody Meyer, DLCD, provided a brief update on Division 44, the Division that sets the Metropolitan Greenhouse Gas reduction targets and outlines the process for Regional Scenario Planning. DLCD took direct feedback from RAC members and consulted with the Commission and Department of Justice on the amendments within the Division. Cody reviewed the major policy amendments and the major changes since the fifth RAC meeting when the draft rules were discussed.

¹ <https://www.oregon.gov/lcd/UP/Pages/Housing-Needs.aspx> Please note the Anti-Displacement Webinar expires January 17, 2022. The webinar can be obtained by emailing housing.dlcd@dlcd.oregon.gov

What We've Heard – General Comments

Matt Crall, DLCD, provided a summary of what DLCD has heard throughout the process from testimony from RAC members, community conversations, the LCDC Commission, regional meetings with local planning, and focused meetings. Matt shared there has been a lot of discussion on the implementation schedule, funding, technical assistance and guidance, and balance between outcomes-based and prescriptive methods.

Questions and Comments:

- A member observed the current RAC packet includes timing and implementation options, one of which is a work program option for reorganizing and completing certain actions. They inquired if the project team has been thinking about this further, and what are the next steps for this option.

Response: DLCD encouraged the RAC members to share ideas and input on this at today's meeting or in the survey. This is an opportunity to provide local government with the option of how they would like to do their work.

- A member observed there are components in the Oregon Administrative Rules (OARs) that specifically include work plans, however the parking approach area is not one of them. The member sought confirmation if staff is considering all the deadlines in the proposed provisions could be part of the alternate work plan.

Response: DLCD affirmed the member's understanding.

- A member shared appreciation for the technical work groups but noted the challenging timeline and suggested DLCD hold additional follow up meetings in 2022. Regarding timelines and resources, the member shared concern that the timing of receiving resources will not line up with the implementation deadlines and the work that needs to be done at the local level.
- A member inquired if DLCD can prioritize getting the CFAs designated first and work to require all plan updates promote development in CFAs and reduce vehicle miles traveled (VMT).

Response: DLCD explained the rule is at a concept level at this point, but they expect to devise the logical sequencing of steps with the alternative work schedule.

Report out from Transportation Performance Standards Work Group

Bill Holmstrom, DLCD, provided a report out from the Transportation Performance Standards work group. Bill reminded the group that these standards are used to measure the success of the transportation network. The issues discussed included the following:

- Timing of implementation.
- The need for other standards.
- The need to use two standards.
- Clarity on how the review works for CFAs.

Questions and Comments:

- Commissioner Lelack inquired if DLCD is finding opportunities for common ground on the issues arising from the work groups.

Response: DLCD replied that for this topic area members agree, but due to the flexibility of the rules, members are struggling with how to implement them. Other standards that make sense will be important for the State and ODOT to think about. There are pros and cons to all measures, and the State can help by providing resources to local governments to settle on more standards that will be useful and implementable to them.

- A member noted within 660-012-0170, the different performance standards list includes accessibility as optional, and questioned if that can be a requirement. The member also noted that DLCD take into consideration how the COVID-19 pandemic has exacerbated inequities for many people.

Response: DLCD replied the referenced list is made up of objectives, not standards, and the standards will not be separate from base requirements on how facilities are built. DLCD noted they may need to follow up with the member.

Report out from Transportation System Planning Work Group

Cody Meyer, DLCD, provided a report out from the Transportation System Planning Work Group meeting. He explained this work group focused on how a transportation system plan takes modal elements and puts them together into a list of projects, including VMT reduction targets. The issues discussed were the following:

- Do the project lists need to be fully prioritized?
- The need for urgent change and to require updates soon.
- Development-driven projects on the illustrative list.

Report out from Climate Friendly Areas Work Group

Kevin Young, DLCD, provided a report out from the Climate Friendly Areas Work Group meeting. The issues discussed were the following:

- Allow more homeownership opportunities in CFAs.
- Housing Goal consistency and impact of 30% requirement on other housing.
- The CFA designation process first step and whether it's a land use decision.
- Minimum residential densities in mixed use buildings.
- Reporting on the production of accessible dwelling units in CFAs.
- Minimum dimensional requirements.
- Address green infrastructure and employment incentives in guidance.

Questions and Comments:

- Regarding road design in the development of CFAs, a member shared concern for limited access for large vehicles moving in and out of the area. They noted if the area contains mixed-used development, there will likely be retail operations within the area, and therefore advocated to accommodate trucking's access to provide goods within the CFAs.

Response: DLCD commented it will be helpful for RAC members to provide specific input in the rule language regarding transportation improvement requirements in CFAs.

- Members shared appreciation for DLCD conducting the work groups and taking RAC member feedback and concerns into consideration in the rulemaking. A member encouraged DLCD to allow as much time as possible to ensure all concerns are addressed prior to the adoption of the rules.
- Regarding CFA designation, a RAC member shared the work group also discussed changing the two-step process into one land use process or part of a regular planning project. There may be one land use process that is more efficient for cities to complete the required work and public engagement.
- A member expressed the need for technical guidance regarding economic incentives and how to incorporate planning for employment lands, future work on economic analysis, and how it incorporates CFAs.
- Commissioner Lelack noted the importance of accessibility and safe access to and from dense areas for communities, especially for areas with increasing threats of natural disasters.
- A member shared concern around the ability to preserve the focus of the housing goal throughout existing urban areas within urban growth boundaries. They noted with the 30% requirement and the potential impact on the housing production strategy and performance standards, it may allocate need to impacted areas where there already is a long history of adverse impacts on underserved communities. It will also disincentivize jurisdictions from continuing to pursue the Goal 10 requirement of access to affordable housing and rental opportunities.
- A member shared concern regarding the 1,000 ft minimum in any direction. The added the minimum is impractical, especially when discussing high-capacity transit corridors. Additionally, the member shared concerns around planning and engagement fatigue in CFAs with all the requirements and work.
- A member requested more flexibility in these rules to allow for previous planning work to be built upon.
- Members emphasized the rule as currently constructed would amount to a development moratorium within CFAs since the market will not produce the types of development envisioned for the CFA. A member added that DLCD must figure out how particular rules relates to a situation on the ground, especially on impacted communities. This will avoid the situation where zoning for increased density has occurred but the result is less development and decreased housing production.

[Report out from Transportation Modal Planning Work Group](#)

Bill Holmstrom, DLCD, provided a report out from the Transportation Modal Planning Work Group meeting. He explained these rules have to do with the particular mode of transportation and how to plan for them. Issues the work group discussed were the following:

- Concern with specificity in the rules, and suggestions for where flexibility in the rules could be helpful.
- Whether the rules are strong enough, particularly for the bicycle system.
- Authorization of facilities that increase capacity.

Questions and Comments:

- Regarding 660-012-0830 and capacity, a member inquired whether the section would apply to State and ODOT facilities in their planning processes. Additionally, the member noted their understanding is the City of Salem has a definition of added capacity that is a threshold of half a mile of general-purpose travel lane; they suggested DLCD consider a similar definition that differentiates a capacity addition from important safety projects.

Response: DLCD responded the work done by the state agencies has to be consistent with local comprehensive plans. For example, if ODOT wants to build a facility, it must be consistent with the local transportation plan.

Report out from Parking Work Group

Evan Manvel, DLCD, provided a report out from the Parking Work Group meeting. He noted the highlights of the work group discussion included the following:

- Interest to expand the rules to include parking maximums language.
- No support for narrow street exemption.
- Look at electric vehicle panel costs.
- More background on unburdening/unbundling.
- Some desire for exceptions.
- Some provisions (e.g., off-site parking) hard to enforce.
- Concern about counting on-street parking.
- Clarify transit-oriented redevelopment.
- Strengthen trees/parking lots.

Questions and Comments:

- Regarding the concept under the modal section where all streets must serve all purposes, a member noted the concept has created serious safety considerations. For example, a road had to be expanded or repaired to add a bike lane, and the bike lane crosses the entryway to a site used by hundreds of trucks each day. The member emphasized DLCD's planning take safety into consideration.
- A member stated on commercial parking being overbuilt, they have heard deliverers within urban centers not having places to park their truck to unload goods creates safety hazards for the drivers and others around. The member hopes that the needs of commercial goods coming in and out of offices and retail outlets will be considered.
- Another member acknowledged the rules point in the direction they want to go, but must be realistic as the transition to transit or other modes of travel takes time. They suggested flexibility to accommodate and allow for creative ideas for parking. For example, they shared a scenario where parking is minimal at development, residents may still drive, but have a parking agreement with nearby mall, where the mall's parking is overbuilt and underutilized.

Response: DLCD explained shared parking and creative solutions are part of the rule and require communities to consider and encourage certain parking. They noted there is nothing in the draft rules that will stop people from building parking. DLCD acknowledged that many households still drive, and it will be a long-term shift.

Breakout Room

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

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

1. *For the Transportation Performance Standards, Transportation System Planning, and Transportation Modal Planning rules, what is important to you as DLCD works to revise these rules?*
2. *For the Climate Friendly Areas and Land Use Requirements, what are the rule concepts that you strongly agree or disagree with? What do you propose as an alternative?*
3. *Do you have suggestions for how to improve draft rules for Parking Reform and EV charging?*

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. Below is a summary of the reported highlights.

Breakout room 1

1. *For the Transportation Performance Standards, Transportation System Planning, and Transportation Modal Planning rules, what is important to you as DLCD works to revise these rules?*
 - Creating flexibility in the system is important. How square reducing VMT with moving to electric vehicles? Concerned about impacts to trucking sector. Commercial vehicle traffic needs are different from passenger vehicles, rules need to acknowledge this.
 - Concerned with emphasis on multi-modal options. We need to acknowledge that e-vehicle use will be significant. Transportation improvement funding is scarce, seems misguided to put so much emphasis on alt. modes.
2. *For the Climate Friendly Areas and Land Use Requirements, what are the rule concepts that you strongly agree or disagree with? What do you propose as an alternative?*
 - Including attached housing should be allowed, but one-size fits all is not a great approach to housing types allowances. ADUs offer multi-generational living and wealth building. Home ownership needs to be an option in CFAs.
 - Agree that allowing for housing diversity is really important. Manufactured housing and modular housing are affordable options that should be considered. Also, coordinating with BCD is important to get at construction requirements. BCD coordination is not happening, concerned about that.
 - How will people in CFAs be able to own a vehicle? Limits a person's travel range and options significantly. Transit is not really an option in Grants Pass. Limiting parking in CFAs works against this.
 - How balance need for homes in CFAs with affordability considerations? Support more housing diversity there. Concerned with Goal 10 compliance issue. One-size-fits-all approach too constrained – height limits and minimum density requirements set the bar too high. Think about supporting nodal development options that might be less than that – medium

density allowance. Medium density corridor CFA as a concept – but how buffer from proximate low density areas? Concerned with engagement fatigue. Like the work plan alternative to coordinate and reduce engagement fatigue. Will help us to do this efficiently.

- Engagement fatigue issues – trucking group is pushed right now to be engaged on many fronts. It's challenging to engage the membership, and sometimes engagement is viewed as a proxy for general public opinion.
- Stuart – Commissioners know this is the case.
- Don't necessarily want to handle engagement differently, we plan to continue with the processes we have used. If we require engagement with each decision point, that creates fatigue. Would like to be better able to create overall engagement strategy.
- Suggestions for greater housing variety?
- CFA provisions are limiting regarding capacity analysis. Want to know how density bonus can factor into this? This should be incentivized.
- Zoning for manufactured home parks is a good way to achieve density. It's a relatively low cost option. Not exactly ownership, but closer to that goal. Also, what can be done to incentivize more energy efficient housing? Smaller, rural cities within MPOs might include this.

3. *Do you have suggestions for how to improve draft rules for Parking Reform and EV charging?*

- Staff resources to implement pricing requirements are very limited. Very concerned with that.
- Haven't gone through these rules in detail, but please make sure goods can still be delivered after requirements are implemented. Deliveries to businesses and individuals. Concept of metered commercial parking spots (Portland idea) not great because those who pay will tend to stay longer than needed.

Breakout room 2

1. *For the Transportation Performance Standards, Transportation System Planning, and Transportation Modal Planning rules, what is important to you as DLCD works to revise these rules?*

- Multi-modal transportation options important. All roads have been built to accommodate cars, we really need focus on bikes, at least on some roads. Suggest that we focus on a network to serve bikes.
- All streets accommodating all modes is difficult, need to be a way for planners to serve all types with respect to context.
- Parallel low stress street networks to large arterials for serving freight. In Portland we made the mistake of serving all modes on all streets downtown. Revisited that central city plan to identify certain streets to serve modal priorities. Planners need the flexibility to respond to context.
- Freight conflicts, identify routes to serve those connections. Not putting freight on bike/ped oriented streets – minimize those conflicts.
- If a city doesn't want to include bike lane on arterial, then must identify a parallel road to fill the route in the overall network.

2. *For the Climate Friendly Areas and Land Use Requirements, what are the rule concepts that you strongly agree or disagree with? What do you propose as an alternative?*

- CFAs and aligning state investments: concern from cities on limiting development through rules. Want to learn more about how the state can support development in these areas through market rate housing. Aligning state transportation dollars (ODOT) to support outcomes.
- Goal 9 – Employment Lands: need guidance on how cities complete their next EOA to identify targeted industries needed in CFAs to support success. What else needs to be there to be successful (retail, grocery, ect.)
- Hoping from next workgroup that the new standard would work, planning requirements for cities in CFA instead of 30%.
- Not hearing the family aspects of CFA and transportation. School buses need access for kids and delivering food and supplies in times of aid (Covid).
- Planning for smaller scale vehicles (e-mopeds for replacing cars). Priority greenboxes, parking spaces, ect.
- Homeownership is critical for wealth creation and generational wealth. Financial model of more rentals won't help anything in the future.

3. *Do you have suggestions for how to improve draft rules for Parking Reform and EV charging?*

- Priority electric mobility parking
- Metro parking, need flexibility and context sensitive approach. Need to trust local planners, realize that it doesn't always go as planned, most planners do a good job when direction is provided

4. *Other comments:*

- Process concerns on the performance standards (los, vmt, ect.) Concerned with conflicting standards. DLCDC ODOT continue to work together to sort out how locals implement the standards, need more case studies. Workshop to apply new standards on a example TSP. Good to have a regional framework for commonality of measures.
- Recognize that we may need adjustments to the rules as we go through implementation, unanticipated effects. Flexibility for adjusting as we need

Breakout room 3

1. *For the Transportation Performance Standards, Transportation System Planning, and Transportation Modal Planning rules, what is important to you as DLCDC works to revise these rules?*

- Keep focus on deemphasizing congestion as a major or primary performance standard
- Have a date certain for TSP updates – get CFAs done and then TSP 2 years later
- Remove performance standard options that are ambiguous or hard to define. Select which of the 8 options can be implemented and can be supported with good data; better-define what the performance standards mean (instead of a single word or phrase). May be limited

in ability to define standards as they are presented in the rule; some flexibility expected as local jurisdictions implement the rules

- Performance measures vs. Performance standards – measure apply to broader TSP updates; standards apply to more targeted zone changes and development reviews

2. *For the Climate Friendly Areas and Land Use Requirements, what are the rule concepts that you strongly agree or disagree with? What do you propose as an alternative?*

- High density minimum standards can deter or be a de-facto moratorium on development if housing doesn't 'pencil'; ground truth that the minimum density standards will allow development with current market conditions
- Q – does shadow platting for future density make sense? A – would need input from developers. Shadow platting is good as long as it doesn't lead to blight while interim use is in place
- Home ownership – make sure there are affordable ownership opportunities outside of CFAs as well
- Exclude affordable home ownerships outside of CFAs from counting as part of the 30% accommodation required for CFAs
- Home ownership is not just about wealth creation; also the benefits of not being a renter, having autonomy over not being forced to relocate, control over monthly housing expense (mortgage vs. rent raises)
- Ownership also creates neighborhood stability within communities
- FTA acquisition requirement (DOT process)– uniform relocation assistance (URA) – don't affect; displace vulnerable populations with public transportation projects; mitigate financial impacts of relocation; could this process or similar be applied to CFAs/development within CFAs? Analyze rent burdened populations that may be displaced; ensure there is adequate compensation or rent caps to mitigate impacts
- URA is also triggered when federal dollars from HUD goes into development projects (HOME and CDBG. URA also provides rental assistance for temporary displacement
- Condo conversions are difficult; but rulemaking to encourage multifamily should proceed regardless of this; allow duplex/triplex/quads to be integrated into CFAs and keep density standards
- Think about minimum heights and form based standards to get the form we want within CFAs

3. *Do you have suggestions for how to improve draft rules for Parking Reform and EV charging?*

- Support having maximum parking regs.
- Allow maximums to be exceeded when development is consistent with purpose of the zone (Gresham development code as example)

4. *Other comments:*

- Funding – only TSPS that are compliant with new rules will be eligible for ODOT funding? Q for ODOT to clarify, may apply only to some projects (e.g. sidewalks OK, but not roadway expansions)

Breakout room 4

1. *For the Transportation Performance Standards, Transportation System Planning, and Transportation Modal Planning rules, what is important to you as DLCD works to revise these rules?*
 - Need to see communities adopting financially constrained plans that meet VMT reduction targets
 - How get model refined enough to deal with zone changes – modeling currently available difficult to be refined enough – difficult and timely task, potential to lead to failure – concern for unrealistic timelines
 - Timeline for TSPs – Dec 2023 grandfathered in – afraid to update TSPs that will trigger a minor/major review
 - Question regarding emergency/evacuation routes – how is this being accounted for in planning and is there some level of coordination needed with local authorities on this? Does it need more attention?
 - Important to be thinking about emergency planning – approach should not be vehicle centric – how to get people out of danger zones – see where there are co-benefits and can plan for better and more equitable disaster planning
 - Is there a concrete plan for how to evacuate people from disaster zones who do not have vehicles? Coordination needs to happen between agencies, what are the supply chain routes, and need to communicate that to the community – look at case examples
 - Regarding prioritization, equity is most important especially to transportation prioritization factors, safety outcomes and accessibility – make sure engagement is resourced and provide for budget that includes language interpretation, stipends, and adequate time to prepare for engagement

2. *For the Climate Friendly Areas and Land Use Requirements, what are the rule concepts that you strongly agree or disagree with? What do you propose as an alternative?*
 - Concern for costs – fear this can lead to consequences for affordable housing
 - Annex right of ways against UGB – impact on restrictions to MPO – if projects are precluded or more difficult to do, this would be problematic and counterintuitive to the goals
 - Parking management concern– parking minimum prohibitions pushes people to county streets, no enforcement can be done, this can be an issue – how to mitigate negative unintended consequences in these narrow streets, narrow roads exemptions?
 - Rules needs to be strengthened, early designation for CFAs
 - Like to see the new housing in CFAs – how current proposed rules that have high threshold that prevent developing from occurring where we want to see it happening (reality of market pressure)
 - What are other barriers to development – more analysis of this – need to evaluate the status quo
 - Existing policies and regulations has made it difficult for affordable housing development – market reality, land prices are high, will come down to consumer – opportunity to make strides with housing and climate, marry the two, recommend slow down here to do this

right - dive into land price data, look at the 30%, is there a different percentage that can work?, different levers to pull to make this work

- HB3040

Breakout room 5

1. *For the Transportation Performance Standards, Transportation System Planning, and Transportation Modal Planning rules, what is important to you as DLCD works to revise these rules?*

- Q re updates to TSPs – to next cycle for MPOs. Want these updates faster to make sure there's a check on these. Can't be until 2030.
- Bike rules don't go far enough; result will be same piecemeal. Open to alternatives to arterials and collectors – really need connectivity and safe places to bike. Have safe bikeways on high-speed, high-volume roads.
- Really want to know what we should be measuring – and be able to measure and implement it. Metro and ODOT are making some progress. Focus should be on building multimodal system – *completeness* metric is super-important for people walking and biking. V/C is measurable and quantifiable. Describe the facilities we're trying to complete: low-stress network, etc.
- Concern about accessibility – make sure local govts know the importance of engaging underserved populations to identifying those gaps, filling them, and are being held accountable. How funded?
- Consider accessibility gap analysis as part of climate-friendly area.
- Make sure the bus stop – and the sidewalks to the bus stop are accessible. Engage with underserved populations about this; compensation for their time.

2. *For the Climate Friendly Areas and Land Use Requirements, what are the rule concepts that you strongly agree or disagree with? What do you propose as an alternative?*

- 2040 meets lots of CFA goals. Really comes down to the market question. Did a market analysis for the Aloha Town Center. 10-15-20 years out for 100 units/acre – relies on what happens in South Hillsboro. Need incentives. Have good plans. Comes down to money.
- Exercise of going through the CFA rules. Separate out those pieces that allow for increased density from those that restrict development of other types. More accountability and push the cities one on one to analyze where they're at and how to increase density.
- Work to ensure housing accessible for people with disabilities in CFAs. Unrecognized demand and need for supply of this housing type.
- Often run into problems with ODOT with new density issues. Example: Aloha Town Center. Until ODOT changes mobility standards with new dense development near orphan highways. Tigard Triangle was held up a really long time on Hwy 99.

3. *Do you have suggestions for how to improve draft rules for Parking Reform and EV charging?*

- Europe can do truck loading with limited and great walkable places – why can't we
- Q re moving to EVs.
- Bend's Parks Districts should be subject to parking rules

- Appreciate change for counties.
- Concerned about application of EV charging at counter planners and the interplay with building code.

Next steps and Wrap Up

Kevin provided next steps and asked RAC members to fill out the post-RAC10 survey, noting that continued specific guidance and input is especially helpful to DLCD. He noted the next RAC meeting is on Thursday, January 20, 2022. Kevin thanked the staff and RAC for their continued thoughtful input.

LCDC Commissioner Stuart Warren offered closing remarks and thanked the RAC members for their involvement and offered appreciation for the member’s viewpoints and perspectives. He reflected on the process and thanked DLCD staff for their time. Commissioner Warren summarized a few points he heard regarding the equitable outcomes statement. He shared that staff is listening and continue to revise rules based on input and it is helpful for the Commission to learn where the points of agreement and disagreement are. He concluded his remarks by inviting interested RAC members to engage with himself and/or Commissioner Lelack.

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

Chat Log:

- From Evan Manvel DLCD he/him to Everyone 09:18 AM - DLCD YouTube site with practitioner videos and work groups: <https://www.youtube.com/user/OregonDLCD> Community Conversation recording (Southern Oregon): <https://www.youtube.com/watch?v=uoHkVnVvo6k>
- From Kirstin Greene to Everyone 09:35 AM - Not to distract, but for your reference, here is the foundational document I mentioned. For the purpose of budget development, that specific reference is in Appendix I. https://www.oregon.gov/das/Docs/DEI_Action_Plan_2021.pdf [Appendix I: Racial Equity Toolkit]
- From Evan Manvel DLCD he/him to Everyone 09:37 AM - Anti-Displacement Toolkit near bottom on this page <https://www.oregon.gov/lcd/UP/Pages/Housing-Needs.aspx>
- From Evan Manvel DLCD he/him to Everyone 10:22 AM - With respect to the Anti-Displacement toolkit discussion, this toolkit was presented and published during a September 9th, 2021 webinar. The recording of the webinar was too large to warehouse on the state's website but can be provided upon request by email housing.dlcd@dlcd.oregon.gov. The toolkit, presentation, and webinar notes are available on this site: <https://www.oregon.gov/lcd/UP/Pages/Housing-Needs.aspx>
https://www.oregon.gov/lcd/UP/Documents/Anti_Displacement_Webinar_Slides.pdf
https://www.oregon.gov/lcd/UP/Documents/20210909_Anti_Displacement_Toolkit_Webinar_Notes.pdf

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



MEETING 10 KEY QUESTIONS RESPONSES – JANUARY 11, 2022

TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: RAC Meeting 10 Key Question Responses
DATE: January 11, 2022

Question 1

RAC Meeting Discussion Items: How the Draft Rules Respond to the Equitable Outcomes Statement: Item 5 in the packet describes how the rules work to reach the outcomes and process principles in the Equitable Outcomes Statement. Do the draft rules adequately respond to the Equitable Outcomes Statement? If not, do you have one – or more – suggestions for how the rules should be amended to better meet equitable outcomes?

1. Yes, I think so. That said, I'm open to considering future changes proposed to address areas where other RAC members have argued they fall short.
2. 1) Change the rules to continue to allow jurisdictions to require developers to build TSP projects on the illustrative project lists in order to ensure developers continue to pay for and build infrastructure along the frontages of their developments, such as multi-use paths, sidewalks, bike facilities, etc. 2) Allow exceptions for safety projects, such as roundabouts, in the capacity section (660-012-0830) in order to achieve "increased safety for people put in vulnerable conditions in public spaces, transportation and community development" and to acknowledge the extensive community-based planning work that has already been done on some key urban corridors to plan for roundabouts and other safety projects at the local level. 3) Adjust Climate Friendly Areas and land use rules to allow for more incremental development of housing to ensure that we do not further push people out to satellite communities due to housing supply shortages and market issues, further exacerbating inequities and increasing emissions.
3. I do not believe that the rules address the equity issue of generational wealth for under-privileged families, however I do not believe that land-use rules can address this issue. I would like to have legislature input on how these rules can be used for removing systemic discriminations in house ownership.
4. I am concerned about displacement and gentrification in CFAs. An anti-displacement model should be defined and added to the rules. Perhaps the anti-displacement toolkit shared from the last meeting should be formally incorporated into the rules.

Question 2

RAC Meeting Discussion Items: Transportation Performance Standards: The draft rule 660-012-0170 describes how local governments will be required to adopt more than one transportation performance standard. What are one or two things that are important to you as we work to revise this rule?

1. The requirement should not become effective until there is guidance provided on how to measure performance via the suggested standards.
2. Some additional direction on how the measures a city needs to adopt will help support the approved land use scenario under OAR 660-044-0120. The draft rules refer to performance standards and targets under -0170, -0910(3) and the land use scenario to be approved under 044-0120. This is also where additional technical guidance would be helpful.
3. 1) Please provide more guidance and clarity on what the implementation of this section could consist of. Some level of consistency of application statewide would make sense but won't happen given how vague the current proposed rules are. 2) Integrate the performance standards TSP amendment into the next time a jurisdiction does a TSP update to simplify the number of TSP amendments needed to implement the rules. Alternatively, extend the implementation deadline to allow for time to complete the work needed including contracting for technical services and community engagement. 3) Scalability (or lack of scalability) for certain performance standards is a concern. 0170(1) applies to land use regulations. This could cause some issues for small projects triggering an unknown standard. Please do not inadvertently delay or prevent development.
4. What is needed is incentive to reduce the vehicle transportation weight per rider by either having people ride public transportation or incentives to use smaller forms of transportation for short trips (eBikes, eVespas, etc)
5. The most important factor to me is increasing safety in multimodal connectivity across the city. I would like each city to define an all ages and abilities network for each mode of transportation and report on progress towards completion of that network. All ages and abilities needs to be defined as well.

Question 3

RAC Meeting Discussion Items: Transportation System Planning: The draft Transportation Planning Rules, starting with rule 0100, describes how local governments will be required to update their transportation system plans in the future. What are one or two things that are important to you as we work to revise these rules?

1. The proposal to require modeling of included and illustrative lists is a significant work effort that will have limited benefit. Remove the reference that requires models to include latent and induced travel of additional roadway capacity. We use the best models available to us, and the degree to which they can capture latent and induced travel is questionable. This should be included in guidance and in ongoing efforts to improve modeling capabilities statewide.
2. 1. Schedule – I think I'm repeating what other RAC members have said; let's have a schedule for TSP updates similar to that recently created for the adoption of housing needs analyses and housing production strategies. 2. Direction on closing any gaps between what's already adopted in TSPs and what the rule requires, including then minor amendment may be adopted (e.g. in-between scheduled updates, as needed for consistency with comprehensive plan amendments."
3. 1) Revise project list development to allow for more flexibility to aid in coordination and make implementation more feasible. Please strike "each project on the illustrative project list must be individually ranked" from 0200(4). Change to allow for tiers of projects. 2) 0160 – if this section truly means to establish a "target" to reduce VMT the rules should be changed to reflect this. Currently, it reads as if they are standards that must be achieved, not targets to aim towards. We question the feasibility of being able to document with model results and data the contribution of all our actions to reduce VMT and the resulting lowering of VMT to achieve 0160(4). Our models are not capable of modeling or accounting for all the things we know should contribute to VMT reduction. Our region won't have an ABM travel model available for use until 2024 at the soonest, which may still have technical modeling constraints. 3) Is there any planning required for emergency and evacuation

routes? Or other resilience aspects that may be missing? A basic level of coordination with regional emergency management plans is important to ensure consistency with prioritizing investments in key lifeline routes that enable supplies to be transported to and from communities during disasters. This planning should be a multimodal approach that does not rely on personal vehicles. It also should be simple enough that it does not cause adoption timeline delays.

4. It is important there is a provision that requires TSPs to be reviewed for compliance with the new TPRs, and if they do not comply, to be updated by a certain date. If MPOs are able to wait until the next revision cycle, areas that have recently updated their TSPs (like Bend) may not need to revise theirs until 2030, and that is too late.
5. Provide parking and lane incentives for smaller more efficient modes of transportation in addition to pedal bicycles.
6. TSPs must meet the standards in these rules within two years of the adoption of these rules. We cannot wait until the next time a city updates their TSPs. The purpose of these rules is to mitigate climate change and if cities don't make changes now, we will not meet our goals.

Question 4

RAC Meeting Discussion Items: Climate Friendly Areas and Land Use Requirements: The draft rules for Climate Friendly Areas and Land Use Requirements are located in Sections 660-012-0012(5) (deadlines) and 660-012-0310 through -0330. Based on the report out from the work group, are there rule concepts that you strongly agree or disagree with? If you disagree, what alternative approach do you propose?

1. I strongly agree that there needs to be clarity on the process to identify (vs. designate) CFAs. I also support removing the arbitrary 1000 foot width requirement.
2. Recognizing that it's out of scope, I would still recommend for either in the draft rules or in technical guidance post adoption, describe how to address Goal 9, employment lands, and jobs in CFAs. The rules are intending to provide for more housing in CFAs, and with supportive commercial, institutional, and public land uses so that individuals and families can make trips without needing an automobile.
3. Disagree: 1) Remove 0315(1) "No portion of a climate friendly area required by this Section maybe narrower than 1,000 feet in width." This simply won't work in our community and most mid-size and smaller communities throughout Oregon. It is unclear what problem this is trying to solve by including it in the rules. 2) Revise CFA rules (in particular 0320(5) and (6)) to be supported by empirical evidence and to allow for incremental growth. Development should be encouraged in these areas, not prevented through minimum densities for all the CFAs. As currently written, we are concerned about development not being able to build to the density and/or outcome-based thresholds. This concern is based on local market study research that was done by LOCUS/Smart Growth America and observed development trends. If adopted as is, we foresee these rules pushing housing growth away from the climate friendly areas where developers are not required to construct projects that meet minimum densities that would need to include elevators and often involve switching to construction methods typical of taller buildings. The rules could push new units even more quickly out to satellite cities, the jobs not following, and creating increased commute trip lengths and increased emissions. We are already seeing this occurring along the OR 126 West corridor between Veneta and Eugene-Springfield. We support a Floor Area Ratio (FAR) approach instead. 3) When establishing climate friendly areas as per 0315(1) require that 30% of NEW dwelling units be within climate friendly areas but don't include existing housing. That will bring this provision closer to the language in 035(4)(a) that requires maps based on existing OR anticipated land use requirements. 4) Change 0310(2) so that properties in the urban fringe areas (outside the city limits and inside the UGB) be allowed within CFAs, such as properties in Glenwood that are

planned for mixed-use, transit-oriented development in the heart of the Springfield and the Eugene-Springfield metropolitan area. Our land use plans look out 20 years anticipating that properties will annex and develop according to those plans. Climate friendly areas should not be constrained to city limits. 5) Increase the percentage of assumed residential occupancy presented in 0315(2) to match that of successful climate-friendly areas. In eyeballing successful mixed-use areas, it seems the percent of residential square footage exceeds 30%.

4. Not enough push for family based housing requirements. Having small children (2 or 3) in the requirement analysis ensures that middle income adults won't leave the CFA for family desires.
5. UGBs should not be expanded unless CFA rules are met. I also don't think we need to worry about how to accommodate trucks and emergency vehicles, we have already overbuilt the roads system in terms of support for vehicle traffic. Trucks and emergency vehicles have smaller versions which can be used in CFAs and in all cities.

Question 5

RAC Meeting Discussion Items: Transportation Modal Planning: The draft Transportation Planning Rules between rule 0500 and rule 0830 deal with planning for the pedestrian, bicycle, public transportation, and street systems. What are one or two things that are important to you as we work to revise these rules?

1. Triggers for projects that require additional analysis as capacity increasing. Flexibility in designing a connected network where not every street has to serve every mode. Sometimes it is better to have a bike network by on a route that is different than a freight route.
2. 1). Please consider changes to the text that explicitly require ODOT to coordinate and participate in this planning work. It is critical that they are on board, particularly with respect to planning for safe pedestrian, bicycle, and transit travel in CFAs that also contain ODOT facilities. 2) Please also acknowledge and provide guidance on best practices for coordinating with transit agencies. I don't know how many cities and/or MPO's are also the transit provider for their jurisdiction.
3. 1) 0510(2)(a) "sidewalks must be planned for both sides of each street" should be removed. It is too prescriptive and not a valuable use of investment or way to achieve safety goals in certain contexts. Some places it is better design to have a multi-use path on one side of the street and no facility on the other side. There are land use contexts that do not fall into the topography exception that should be accounted, such as putting a path on a residential side of the street at the edge of the UGB, adjacent to large industrial sites, storm water facilities, etc. Either this should be removed, or the exceptions list significantly expanded. 2) Clarify geographic areas for pedestrian and bicycle system inventories. Pedestrian seems to be within CFAs whereas bicycle may be citywide plus CFAs? Why have 0605(2) if 0605(1) is citywide and would incorporate CFAs? I would like to see these rules support more robust pedestrian and bicycle planning throughout our entire city given that metropolitan areas outside of Portland Metro are generally a size that can be biked across in a fairly short time period. It's better to have robust walking and biking networks in the metropolitan areas than to push more residents out to satellite communities that then lead to more longer distance commuting. 3) Is there a reason bicycle wayfinding hasn't been incorporated into the rules? It can be a low-cost investment to help people find the best routes to ride but takes planning work to develop a comprehensive wayfinding network plan that can be implemented. I need time to further review these sections of the rules.
4. The bicycle rules do not go far enough. It is imperative the rules require connectivity and a network, as well as clear rules that require protected bike facilities on roads with high traffic volume and/or higher speed limits (e.g. 35 mph+).
5. Expand the definition of "bicycle" to be more clear about motorized small vehicles (electric) as well in this category. Will you be requiring to let eVespas and eBikes use the bike lanes.

6. Volume and speed of traffic must dictate bike facilities. Connectivity must be planned for. Every road ever built already accommodates cars. We need some roads to accommodate bicycles. I understand that not all roads need to be built for every mode of travel. For bicycles in particular, if an arterial is just not appropriate for a protected bike lane, then a parallel route must be identified and bike facilities built on that parallel route in the same project as the arterial build out. Care must be taken that this parallel route connects with the greater bike network as well.

Question 6

RAC Meeting Discussion Items: Parking Reform and Electric Vehicle Charging: Do you have any suggestions for how to improve the draft rules for Parking Reform and Electric Vehicle Charging?

1. Provide more time for implementation if you are interested in jurisdictions pursuing the options that are more complex (as opposed to simply removing all off-street parking mandates).
2. 1) What do police and fire departments think about these proposed rules? 2) We continue to have concerns about parking management program costs and enforcement.
3. How do we get the rules to apply to special districts like Parks services?
4. More parking incentives (location / weather protection) for electric small vehicle (two wheels).
5. ODOT should not pay for parking on any state highway. If a state highway runs through a city, there should be no free parking on it.

Question 7

Other Comments: Which one element of the rules do you think needs the most attention in the next month?

1. Transportation System Planning and Modal Planning. Both would benefit from significant input from local jurisdiction staff - beyond current RAC membership.
2. Climate Friendly Areas, and their planned land uses. I think the rest of the rules are coming together and understand their place and purpose. With CFAs, I still have questions regarding calculating of housing capacity, planning for employment and commercial services.
3. Timelines. 1) Please extend the rulemaking to make sure we get it right to ensure we're not going backwards. There are too many unresolved issues of concern to start adoption on the current schedule. Many of the elements in the rules, especially with respect to CFAs, are not based on empirical evidence nor are they in tune with what the market will support. 2) We still have serious concerns about timing of implementation. We strongly support the work program flexibility concept that would allow local jurisdictions to set their own dates and enable logical sequencing that integrates with other required planning work. Please adjust the following deadlines: extend parking and EV charging requirements deadline to 18 months after adoption (at least Dec 2023); change "designate" to "identify" for CFAs and change the date to June 30, 2024 for Springfield per previous request; change adopt CFA land use requirements to December 2025 for Springfield to align with housing capacity analysis deadline, per previous request; change first major report to early 2026 to align with CLMPO's next RTP update cycle as discussed at the RAC. It would make sense to be able to sync up the major reports with other major analysis and planning work updates. Doesn't the first major report need to be after the regional scenario plan is adopted, performance measures are established, and there has been some time to get some work done to report on? The first major report should come at least two years after the effective date of the rules. The ABM travel model is unlikely to be available for use in our region until at least 2024. Any rules that rely on having an ABM travel model ready for use to complete the analysis work should account for this.

4. I think a defined all ages and abilities bike network needs to be planned for and implemented in every city and this needs to be accounted for in these rules.

Question 8

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

1. The rule-making is too rushed and complex.
2. As the RAC is wrapping up their work on the draft rules, please also use the RAC to get input on the types of technical assistance that will be needed for local governments.
3. 1) For regional scenario planning, we would like 0015(2)(b)(B) to be amended to be clearer and state, "Are required to produce only the additional elements that build on the preferred scenario to prepare a complete transportation and land use scenario plan, which are OAR 660-044-0110(3) and 660-044-0110(7) through (10)." We would also like clarification on whether a regional scenario plan can be implemented separately by cities or if using a regional scenario plan requires the implementation to also be regional. We're prefer the flexibility to choose whether to do regional or local implementation. 2) I hope the next RAC meeting focuses some time on 0900-0915 (Monitoring and Reporting, including performance measures) since I feel as if those were glossed over and need more attention.
4. Multimodal transportation networks need to be in more than just CFAs, they should be city wide.

Question 9

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

1. Please keep getting packets out (about) two weeks before. That extra time really helps with getting review and comments together.
2. 1) Please split the 4-hour meeting into two 2-hour meetings. 2) To what extent has DLCD coordinated with parks?
3. I'd like a way to hear from more people rather than the same loud voices over and over.

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee MEETING 11



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 11 Item 13: Public Comments**
DATE: January 11, 2022

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

1. Devin Kesner, Rogue Advocates
2. Rory Isbell, Central Oregon LandWatch
3. Damian Syrnyk, City of Bend
4. Corie Harlan, Bend Bikes, Central Oregon LandWatch, The Environmental Center
5. Joseph Auth, City of Hillsboro
6. Lenny Dee, Onward Oregon
7. Jonathan Harker, OAPA
8. Harlan Bittner, Siskiyou Velo Club
9. Ariel Nelson, LOC, AOC
10. Jonathan Harker, OAPA

From: [Devin Kesner](#)
To: [CFEC DLCD * DLCD](#)
Cc: [Jimmy MacLeod](#); [Nicole Spencer](#)
Subject: Rogue Advocates Comments for December 17, 2021 Meeting
Date: Tuesday, December 14, 2021 1:56:52 PM
Attachments: [2021.12.14 Rogue Advocates Comments to CFEC RAC Dec 17, 2021 mta.pdf](#)

Hello,

Please find attached Rogue Advocates' comments for the upcoming December 17, 2021 CFEC RAC meeting.

Thank you,

Devin

Devin Kesner (she/her)

Land Use Program Manager

Rogue Advocates

P.O. Box 624, Ashland, OR 97520

201-463-4070

www.rogueadvocates.org



*Advocating for a liveable and sustainable
Rogue Valley through responsible land use.*

December 14, 2021

To: Land Conservation and Development Commission
From: Devin Kesner, Land Use Program Manager, Rogue Advocates
Re: LCDC Meeting of December 17, 2021
Climate-Friendly and Equitable Communities rulemaking update

The following comments from Rogue Advocates are focused on the sufficiency of Climate Friendly Areas (CFAs) as currently envisioned in the proposed rules. We support the detailed and comprehensive comments submitted by 1000 Friends of Oregon and Central Oregon LandWatch as minimum goals that this rulemaking effort should not go below to have any chance at achieving the state's GHG targets. We urge the LCDC to ensure that its rulemaking matches the urgency and severity of the climate crisis by adjusting the timeframe and reliance on CFAs.

Background.

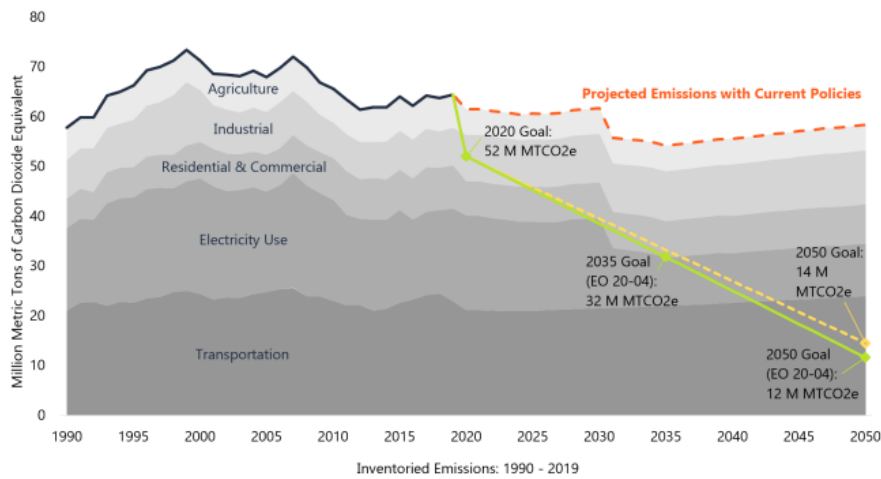
Rogue Advocates (RA) is dedicated to cultivating livable and sustainable communities in southern Oregon's Rogue Valley. We work to preserve productive rural lands and promote vibrant urban centers. RA recognizes and appreciates the significance of the efforts being made by LCDC under Executive Order 20-04 to plan for a sustainable future by directly considering how land use decisions will impact emissions for decades.

As the latest report from the Oregon Global Warming Commission (OGWC) points out, there is no time to lose to quickly reduce our state's greenhouse gas (GHG) footprint: "we are in an all-hands-on-deck climate crisis with a need for faster, more ambitious, and sustained action across all economic sectors."¹ This same report also points out that thus far the efforts by the state to achieve its stated goals in this direction have largely failed.

The result of this failure is that we need to reduce our GHG footprint at a much faster rate than was previously assumed. Inadequate policy for years has squandered the option to slowly reduce GHGs at this point, as demonstrated in the figure below from OGWC's 2020 report. We need to hit the brakes hard and it is now or never. This has been made abundantly clear by the latest climate science coming out of the Glasgow COP26 summit.

¹ Oregon Global Warming Commission, 2020 Biennial Report 1 (2020).

Figure 6. Oregon's Past and Projected Greenhouse Gas Emissions Compared to Goals.²³ (Source DEQ, 2020)



2

As reported by climate scientists at COP26, we need “unprecedented rapid and massive changes to the world’s economy and infrastructure” to limit warming to 1.5°C, beyond which the likelihood of irreversible and extreme climate impacts are much higher.³ A 5% global reduction in GHGs annually is required for even a 50% chance of avoiding the negative outcomes associated with temperature increases beyond 1.5°C.⁴

Unfortunately, based on Oregon’s current reduction rates and proposed rulemakings, we will not be contributing our fair share to meeting that target. In fact, it appears that the target of this state is not aligned with the latest science. The current state goals as outlined in Executive Order 20-04 amount to approximately a 3% per year GHG reduction rate.⁵ This contribution extended to the global level gives us about a 30% chance of staying within 1.5°C. In reality this state’s goals are in line with a target of about 1.7°C, and likely beyond that considering its history of failing to meet its targets. Transportation is the single largest contributor to Oregon’s total GHG emissions, with a quarter of those emissions deriving from car and small truck travel that would be directly impacted by CFAs.⁶

Decisionmakers and scientists from both the global and Oregon context agree that urgent and ambitious action is needed to prevent the most dire climate impacts. While LCDC’s proposed rules on CFAs are a step in the right direction, they do not rise to the level of ambition or urgency necessitated by this crisis. Nor do they satisfy draft rule 660-012-0000(1)(d)’s stated purpose of ensuring that Oregon meets its climate reduction goals.

Considering transportation’s outsized role in Oregon’s GHG emissions and the need for lasting change, Rogue Advocates believes that planning to make auto-independent 1.5°C lifestyles

² Oregon Global Warming Commission, 2020 Biennial Report 14 (2020).

³ Future Earth & Earth League, 10 New Insights in Climate Science 2021, at 7–8, <https://10insightsclimate.science/10-new-insights-in-climate-science/1-1-5c-is-still-possible-but-extremely-challenging/>.

⁴ Future Earth & Earth League, 10 New Insights in Climate Science 2021, at 7, <https://10insightsclimate.science/10-new-insights-in-climate-science/1-1-5c-is-still-possible-but-extremely-challenging/>.

⁵ Calculated by comparing Oregon’s current GHG emissions with its 2035 and 2050 reduction goals.

⁶ Oregon Global Warming Commission, 2020 Biennial Report 15 (2020).

accessible for all urban dwellers should be the highest priority of this rulemaking effort. Oregon's proposed rule calling for only 30% CFAs is simply insufficient to get Oregon out of the business of promoting auto-dependent sprawl fast enough to successfully meet realistic GHG reduction targets in the short time frame we have to prevent runaway climate change.

Remedy.

In light of the urgency and ambition required to meaningfully respond to the climate crisis, LCDC should be more stringent with its CFA requirements and timelines. The Rulemaking Advisory Committee (RAC) has recognized the importance of reworking land use planning and the resulting transportation system to reduce emissions through "smart growth" principles,⁷ yet the current rules leave too much potential for continued dumb growth that will lock in emissions and auto-dependency for decades.

Increase the percentage of required CFAs. CFAs need to be increased to at least 50% of total urbanized areas. In its comments in the record, 1000 Friends of Oregon made the important point that to achieve the stated goal of 30% CFAs overall, new expanding growth needs to be 40 to 50% CFAs since most development occurs as new outward growth rather than as redevelopment or infill. We believe that in order to have a chance of meeting GHG reduction targets, CFAs would need to be somewhere in the amount of 70% for new expanding growth to achieve 50% CFAs overall. To put this in simple terms: if we are serious about reversing climate change we need a minimum of 70% smart growth.

Planning for only 30% smart growth means we are still committed to 70% dumb growth. The 30% CFA figure was derived from Oregon's 2013 Statewide Transportation Strategy,⁸ developed in a time when Oregon's inevitable failure to meet its GHG emission reduction targets and the urgency of the climate crisis were less apparent. As DLCDC Lead Staff put it: "[w]e must do things differently than we have in the past, or risk unacceptable outcomes."⁹ At this late date in this crisis such lackluster planning for a target of 30% smart growth leads to unacceptable outcomes and is no longer a justifiable use of public resources.

Tighten deadlines for achieving CFAs to reflect the urgency of the crisis. As the OGWC Commission put it in its 2020 Biennial Report: "[w]e only have 10 years to budget, plan, and implement significant changes to the trajectory of GHG emissions."¹⁰ Yet, as described more fully in Central Oregon LandWatch's November 2 comments, the latest draft rules allow cities to delay fully implementing CFAs until 2027, almost three-quarters of the way into that short 10 year window to make significant changes to our GHG trajectory. Additionally, as pointed out in comments by Central Oregon LandWatch and 1000 Friends, there is currently no mechanism for requiring cities to update their Transportation System Plans to ensure compliance with the CFA

⁷ Smart Growth America's 2020 report *Driving Down Emissions: Transportation, Land Use, and Climate Change* is included as an item informing the work of the Climate-Friendly and Equitable Communities Rulemaking Advisory Committee.

⁸ Oregon Department of Transportation, Oregon Statewide Transportation Strategy: A 2050 Vision for Greenhouse Gas Emissions Reduction 84 (2013).

⁹ Climate-Friendly and Equitable Communities Rulemaking Advisory Committee, RAC Meeting 10 Meeting Packet, RAC 10 Item 10: Draft Transportation Planning Rules (Division 12), at 1 (December 6, 2021).

¹⁰ Oregon Global Warming Commission, 2020 Biennial Report 15 (2020).

requirement and the rest of the proposed rules. These loose and delayed deadlines do not reflect the urgency of the crisis and should be updated pursuant to the recommendations made by Central Oregon LandWatch and 1000 Friends.

Tend towards prescriptive measures. There is ongoing discussion of how much of these proposed rules should be prescriptive and how much should be outcome based. Given the urgency of the situation Rogue Advocates feels compelled to point out that because Oregon has failed to meet its targets in the past, it will be too late for outcome based rulemaking since there is no time left to tinker. We need rules that deliver a clear path to success with measurable mileposts along the way. We say this based on our experience of the longstanding, well-entrenched culture of climate change avoidance and denial that permeates the politics of land use planning in our region.

Aim higher for the sake of equitable outcomes for all communities. We are encouraged to see that much thought and effort is going into making this rulemaking process result in equitable outcomes for traditionally and chronically underrepresented communities in the state. We should not lose sight of the fact that globally, these same underrepresented communities are bearing the brunt of developed nations failures to adequately reduce their GHG footprints. Because of this, Oregon has an obligation to not only aim for equitable outcomes for all Oregonians but to do its part to achieve equitable outcomes for underserved communities planetwide.

To put this idea into context, Oregon is experiencing fire and drought at unprecedented levels at a current 1.1°C above pre-industrial levels. What will be the impacts for each tenth of a degree of increase and can Oregon sustain this increase even if it manages to hold its own footprint to 1.7°C? For this region we have seen the costs already fall disproportionately on underrepresented communities.

Conclusion.

Oregon has been a national leader in land use policy for many decades and now it is time for this state to lead once again and set a high bar for other states to aspire to as they develop their own policies. We need to learn the lesson from our past efforts at reducing GHGs that to achieve a desired outcome we need to aim higher than that goal if we hope to achieve it. We need to recognize that we must plan to do more than our fair share of GHG reduction since other states and nations will likely not do their full fair share.

Because of this inescapable truth these proposed rules should be considered as absolute minimums and should not be weakened. In reality this rulemaking body should be aiming higher, in particular by increasing the percent of CFAs, tightening deadlines, and tending towards prescriptive measures, as these are key to limiting unsustainable sprawl and getting people out of cars in the urgent timeframe that the climate crisis demands.

From: [Rory Isbell](#)
To: [CFEC DLCD * DLCD](#)
Cc: [TAYLOR Casaria * DLCD](#); [HOLMSTROM Bill * DLCD](#); [YOUNG Kevin * DLCD](#); [Corie Harlan](#)
Subject: Comments on CFEC RAC meeting #10 December 17, 2021
Date: Wednesday, December 15, 2021 2:41:16 PM
Attachments: [CFEC LandWatch 12.15.2021.pdf](#)

Hello,

Please find attached comments from Central Oregon LandWatch on the Climate Friendly and Equitable Communities RAC meeting #10 packet. Could you 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



December 15, 2021

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

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

**Re: Climate Friendly and Equitable Communities Rulemaking Advisory Committee
December 17, 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 draft rules included in the packet for the December 17, 2021 RAC meeting, and also provide additional comments and recommendations on the rulemaking. These comments reiterate many of the concerns and recommendations we expressed in our November 2, 2021 letter because the December 17, 2021 rule revisions do not respond to those concerns and recommendations.

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.

Overall, LandWatch remains highly supportive of the CFEC rulemaking effort to date. The changes to OAR Chapter 660, Divisions 8, 12, and 44 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 continuing to devote substantial time and energy to crafting these new land use and transportation rules. **However, in the latest round of materials there are still a number of revisions that are needed to deliver stronger and clearer rules, sooner.** We hope we can offer constructive feedback to the RAC based on our history of advocating for climate-friendly land use planning.

I. Urban Growth Boundary

The December 17, 2021 RAC packet does not include revisions to the draft rules at OAR 660-008-0010 pertaining to urban growth boundaries (UGBs). 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,



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and the additional CFAs may be located in UGB expansion areas.

We continue to have several concerns with this proposal. First, the start date of June 30, 2027 is unreasonably late, and will effectively and unnecessarily delay full implementation of CFAs by five years. 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.**

We also continue to be 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. There are a number of ways to effectively address this issue, while ensuring housing needs are met. **We recommend either: 1) Putting limits on the percentage of a city's total CFA acres that may be designated in UGB expansion areas; 2) Requiring that at least 50% of CFA acres be located within a city's current (2021) UGB in perpetuity; or 3) Requiring that 75% of needed capacity be met inside an existing UGB before expansion.**

II. Implementation timelines

The December 17, 2021 RAC packet provides, at draft OAR 660-012-0012, effective dates for various provisions of the new Division 12 rules. This rulemaking process needs to be both timely and implementable - and the current timeline for rule implementation dates strikes that balance. Please keep acting with urgency and strive to keep the current timeline in place with no further delays.

It still remains unclear when and how all of the new CFEC rules will apply to cities with acknowledged TSPs. **We reiterate our earlier request that the draft rules be amended to require that TSPs be updated within two years of rule adoption.** 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.

III. Prescriptive versus outcome-based rules

To implement these rules successfully, cities need straightforward, well-defined paths to follow. We are tentatively supportive of the current balance between prescriptiveness and an outcome-based approach (OAR 660-012-0320(5); 660-012-0320(6)). 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 incentives and consequences for local governments that succeed or fail to meet the outcomes. More comments on this are provided below.

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

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The draft CFEC rules (OAR 660-008-0010(2)) call for 30% of housing needs to be accommodated in CFAs. We understand that this percentage originates in ODOT's Statewide Transportation Strategy to reduce greenhouse gas emissions. To meet the urgency of the climate emergency and achieve a swifter reduction in GHG emissions from transportation, **we recommend requiring at least 40% of housing needs be accommodated in CFAs.** Let's strive for more housing in climate friendly areas.

V. 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 either deliver incentives or impose consequences based on successful and timely implementation of the CFEC rules and meeting 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.

VI. Scenario planning

While it is encouraging to see a scenario planning process outlined for jurisdictions outside of the Portland Metropolitan area (660-044-0015-0130), a more specific timeline for completing this work is needed. Eugene-Springfield and Salem-Keizer MPOs have been scheduled to complete scenario planning, and each of the Oregon's MPOs should also have clear direction and a timeline that specifies when this work will be completed. Scenario planning to reduce GHG emissions from transportation and land use is a time- and staff-intensive process so having clarity on timing of this work will be important to see it successfully completed. **We continue to recommend that these rules lay out a clear timeline that depicts when all eight Oregon MPOs will be scheduled to complete scenario planning, no later than 2030.**

VII. 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 (OAR 660-012-0170). 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.)

However, 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." **We reiterate our earlier recommendation that the draft rules be amended to require that TSPs be updated within two years of rule adoption.** 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.

In the same vein as our comments about accountability and enforcement above, we recommend that **both the alternative performance standards and VMT reductions be accompanied by clear incentives for successfully implementing the rules or meeting the targets, and consequences if not.** 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.

VIII. 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 continue to recommend that Oregon cities be provided financial resources and capacity support from the state to help achieve the CFEC rules' new paradigm.

IX. 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.



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Sincerely,

A handwritten signature in black ink that reads "Ryan Isbell". The signature is written in a cursive, slightly slanted style.

Staff Attorney
Central Oregon LandWatch

cc: Bill Holstrom, Kevin Young, Casaria Taylor



WE DEFEND AND PLAN FOR CENTRAL OREGON'S LIVABLE FUTURE

From: [Damian Syrnyk](#)
To: [HOLMSTROM Bill * DLCD](#); [YOUNG Kevin * DLCD](#); [CAUDEL Ingrid * DLCD](#)
Subject: Comments from City of Bend on CFEC RAC packet #10
Date: Wednesday, December 15, 2021 3:24:33 PM
Attachments: [image001.png](#)
[CFEC Memo memo to BH and KY re RAC 10 drafts 20211215.docx](#)

Good afternoon everyone,

Please find enclosed a memo with comments from staff of the City's Transportation and Mobility Department and the Bend MPO on the draft rules in packet #10. You'll see most of these are technical in nature, and focused on the bike and ped infrastructure rules for Division 12 and changes to Division 44.

Thanks,
Damian



Damian Syrnyk, AICP | Senior Planner
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Community Development Department
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MEMO

CITY OF BEND

TO: BILL HOLMSTROM AND KEVIN YOUNG, DLCD

FROM: DAMIAN SYRNYK, AICP, SENIOR PLANNER

DATE: DECEMBER 15, 2021

RE: COMMENTS FROM CITY OF BEND STAFF ON RAC#10 RULES DRAFT

This memorandum outlines the comments from several staff with the City of Bend's Transportation and Mobility Department and the Bend Metropolitan Planning Organization (MPO). The comments focus on the draft rules included in the December 2021 Rulemaking Advisory Committee (RAC) Packet and include technical comments and clarifying questions on certain sections of the rules. Thanks again for the opportunity to review and comments on the draft rules. You will find the comments organized on a section by section basis.

General comments

1. There are many cases where cities are moving more proactively than ODOT in building pedestrian and bike systems. What can be added to require ODOT projects to more robustly implement the Blueprint for Design in ODOT right of way and projects rather than relying solely on City parallel systems?

2. Definition (2) Minor transportation improvements include but are not limited to signalization, installation of roundabouts, addition of turn lanes. Recommend the language is updated to include roundabouts as an equivalent option to signalization as they are a safer, slower, more ped/ bike friendly option that should be encouraged.

3. Add in the definitions the level of traffic stress and that it's to be defined by ODOT in their APM.

Comments on Proposed Changes to OAR 660-012

1. -0200 (4). There is a concern that current wording may limit a city like Bend from addressing existing areas that have incomplete or disconnected systems that could really help give people alternatives and change behavior in favor of larger “benefit as much of the city” projects.” Recommend also adding a bullet or clarifying to include d) or the project provides a significant safety or missing link improvement for walking and biking between key destinations (schools, parks, businesses) and residences.

2. -0320 (1). Is there an option to include light industrial live/work uses? Not everyone works in an office environment and if we are serving different equity needs there may be bigger demand for industrial and non office spaces for trades and arts. The live work aspect addresses equity, economic, and jobs diversity needs.

3. -0325 (4) There are many cases where cities are moving more proactively than ODOT in building pedestrian and bike systems. What can be added in general to require ODOT projects to more robustly implement the Blueprint for Design in ODOT right of way and projects rather than relying solely on City parallel systems? For this section, specifically recommend reword to add d) a multimodal gap analysis identifying where additional state multi-modal facilities are needed to serve the proposed development to highlight state facility gaps



4. -0405 1b. Recommend a modification to the wording to add micro mobility device parking or facilities “for bicycle, micro mobility, and or transit oriented facilities and developments, including bicycle parking, micro mobility parking or facilities, bus stops..... ; Expand to encourage and include more mobility options not just bike and bus (here and other places as applicable, bike only is too restrictive)

Recommended revision to -0400 1b): Inventories of street crossings must include type of facility crossed (classification and number of lanes) ~~crossing distances~~, the type of crossing if enhanced (enhancement type and/or level of traffic stress), closed crossings, curb ramps status (missing, compliant, non-compliant, unknown), and distance between enhanced crossings.

5. -0500 Pedestrian System Planning (4) “Cities must identify gaps and deficiencies in the pedestrian system by comparing the complete pedestrian system plan with the pedestrian system inventory developed under OAR 660-012-0505. Any part of the complete pedestrian system not presently built to the standard in the complete pedestrian system plan must be identified as a gap or deficiency.”

Recommended addition to this section: add *Cities must identify gaps, non-compliant ADA ramps, high stress crossings (PLTS 3 or 4) and high stress pedestrian facilities that have been identified in their inventory collected as part of OAR 660-012-0505 (b).*

Rationale: Including non-compliant ADA ramps, and targeting a specific comfort level (low stress) will ensure the pedestrian system achieves comfortable, attractive and equitable facilities.

6. -0505 Pedestrian System Inventory (1)(b): crosswalk inventories – “Inventories of street crossings must include crossing distances, the type of crossing, closed crossings, curb ramps, and distance between crossings.”

Comment: recommend requiring PLTS quantitative data: Inventories of street crossings must include Pedestrian Level of Traffic Stress using ODOT’s Analysis



Procedures Manual Chapter 14 methodology, identification of closed crossings, curb ramp's compliance with Public Rights of Way Accessibility Guidelines (compliant or not), and distance between **enhanced** crossings.

Rationale: inventories need to help cities identify how to prioritize needed upgrades. Knowing where ADA ramps are not compliant, and where high stress crossings are will allow cities to focus on those crossings that are not currently serving needs of users to create a safe, comfortable, and attractive pedestrian network.

7. -0510 Pedestrian System Requirements (2)(b): "Cities must plan for progressively wider and more protected sidewalks and pedestrian areas in the following contexts: (A) Arterials must have wider and more protected sidewalks than collector streets, which must have wider and more protected sidewalks than local streets. (B) Streets and highways in climate friendly areas and in areas with concentrations of underserved populations as provided in OAR 660-012-0120 must be planned for wider and more protected sidewalks and more enhanced crossings than on similar facilities outside of these areas. (C) A substantial portion of the right-of-way in climate friendly areas must be dedicated to pedestrian uses, including but not limited to sidewalks, pedestrian plazas, and protective buffers.

Comment: Amend Cities must plan for progressively wider and more protected sidewalks and pedestrian areas in the following contexts: (A) Arterials must have wider and more protected sidewalks than collector streets, which must have wider and more protected sidewalks than local streets. (B) Streets and highways in climate friendly areas and in areas with concentrations of underserved populations as provided in OAR 660-012-0120 must be planned for wider and more protected sidewalks and more enhanced crossings than on similar facilities outside of these areas. (C) A substantial portion of the right-of-way in climate friendly areas must be dedicated to pedestrian uses, including but not limited to sidewalks, pedestrian plazas, and protective buffers. Cities must plan for low stress sidewalks and pedestrian areas for all system contexts including an emphasis on implementation priorities for climate friendly areas, arterials



and collectors, and in areas with concentrations of underserved populations as provided in OAR 660-012-0120.

Rationale: As volumes increase (from local to collector to arterial), and as speeds increase (from 20 to 25 to 35, etc.), greater separation and protection is required to still achieve a low stress facility for the walking (and bicycling) system. This is because the criteria for a low-stress designation already includes increasing buffer widths and higher quality of the buffer to achieve the comfort and low stress of the facility as volume, speed, and number of traffic lanes increase. Aiming for low-stress sidewalks and crossings, that are fully ADA compliant, and pedestrian areas will create the usability and attraction desired while providing more flexibility to each city in how the outcome is achieved.

Rationale to omit the “substantial portion” clause (c): requiring low-stress sidewalks and crossings that are fully ADA compliant already delivers a high-quality pedestrian network that will attract users. Because travel lane widths are wide enough to accommodate wide vehicles, it may not always be possible to achieve ‘substantial portion’ regardless of whether the minimum travel lane width is used, or the minimum number of travel lanes is used. The portion or proportion allocated to the walking system may simply be a product of how much right of way is available. Substantial portion is also not clearly defined. Does it mean more than 50% of the available width of the right of way or does it mean provide a portion that is substantially adequate enough to serve the pedestrian network? Also some cities are building wider sidewalks on collectors or in certain areas and the way it is worded may discourage this to meet the wider criteria.

8. -0510(4)(c). At or near major off-street path or major trail crossings of any arterial or collector street. At off-street paths or trail crossings of any arterial or collector street – this is not always appropriate or the best safest practice. Also, there are many smaller connector trails that cities are building to increase options to connect from within



neighborhoods and arterial/ collector streets and blanket requirement to create a mid block crossing for all of those is not appropriate and could reduce the construction

9. -0520 Pedestrian System Projects (3): “Cities must use pedestrian project prioritization factors to prioritize the following factors above other factors: (a) Pedestrian system investments in climate friendly areas; (b) Pedestrian system investments in areas with concentrations of underserved populations, as provided in OAR 660-012-0120; (c) Pedestrian system investments in areas pedestrian safety risk factors such as roadways with high speeds and high traffic volumes (d) Pedestrian system investments in areas with reported pedestrian serious injuries and deaths; (e) Pedestrian system investments that provide access to key pedestrian destinations; (f) Pedestrian system investments that will connect to, fill gaps in, and expand the existing pedestrian network; (g) Pedestrian system investments that prioritize pedestrian travel consistent with the prioritization factors in OAR 660-012-0180; and (h) Where applicable, pedestrian system investments that implement a scenario plan approved by order as provided in OAR 660-044-0120.

Comment: Add an additional criterion for project prioritization: *i) Pedestrian system investments that convert high stress to low stress facilities.*

Rationale: When there are linkages in the pedestrian network that are high stress they are essentially unusable by the vast majority of community members and community visitors, even if these high stress links are fully ADA compliant. This is why high stress links must also be prioritized to be replaced or mitigated.

10. -0605 Bicycle System Inventory.

Comment: Amend to require the bicycle system inventory to also assess Bicycle Level of Traffic Stress BLTS; and require that crash inventories also include systemic as well as video analytic assessments.



Recommended Addition: 4) Bicycle system inventories must also use automated traffic safety analytics at key bicycling intersections. Video analytical tools are required to identify near misses caused by identifiable conditions (such as red-light running, speeding, pedestrian and bicyclist compliance, driver yielding, intersection blocking, etc.

Rationale: bike system crash numbers are typically few, therefore it can be difficult to spot safety issues in the network by looking only for hotspots. Systemic crash factor identification and near miss factor identification are equally important. If a community, for example, can identify right-hook and left-hook crashes as common factors in traffic signal bike crashes, it would then be possible to develop standard designs or countermeasures to prevent that type of crash such as using a protected intersection design. Additionally, using video analytics at a community's most important bicycling intersections would allow a community to identify close calls and near misses. 'Street Simplified Safety Analytics' is one company who provides video analytical tools to identify near miss crash causations. These video analytics help identify crash countermeasures that are needed to prevent crashes before the crashes have occurred by focusing resources on near miss and close call causations and their countermeasures.

11. -0610 2b Bike boulevards.

Comments: 1) bikes are now motorized and 2) many of our bike boulevard/ greenway streets are very functional at up to 1,500 vpd, 3) we don't always have alternate little to no volume routes that connect directly.

Recommend change: to "which are local streets with lower volumes of vehicle traffic" or streets with less than 1,500 vpd and posted speeds of 20 mph or less. (those qualifiers are in the existing ORS for greenway speeds)



12. -0620 Bicycle System Projects.

Comment: *No Changes Recommended.*

Rationale: This is well-worded and complete.

13. -0630 Bicycle Parking (8) “Cities and counties must ensure that all bicycle parking provided must: (a) Allow ways to secure at least two points on a bicycle; (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions; (c) Be in a location that is convenient and well-lit; and (d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

Comment: Edit (c) Be in a location that is convenient and well-lit; and *have a safe, convenient and direct path of travel between the community’s bicycling network and the bicycle parking location.*

Rationale: Require on-site bike riding facilities so there is a seamless connection from the community’s bicycling network to the site’s on-site parking. This connection is as important as the bike parking facility itself. There needs to be a safe and convenient route on-site to get to the parking. This over-looked gap in on-site designs prevents people on bikes from safely accessing the commercial or job site destination. It is not enough to have a good bicycling network that gets them close to their destination even though there is good on-site parking.

14. -0720 Public Transportation System Projects.

Clarifying question on this section: Is the intent to require the city identify and fund infrastructure for transit as part of the TSP constrained plan measures? Is the City required to coordinate with the transit system agency to identify the infrastructure and operations and rely on the transit system agency to fund?



15. -0750 Transportation Options Plan.

Comment: 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

Comments on Proposed Changes to OAR 660-044, Metropolitan Greenhouse Gas Reduction Targets

1. -005, Definitions

Definition of Equitable Outcomes (#)

(a) How will “increased stability” be determined or measured?

(c). How will “adequate housing” be determined or measured?

(h). How will “fairly distributed benefits...” be determined or measured?

2. -0015, Applicability

Clarifying question: Cities like Bend are not required to completed scenario planning at this time. However, the rules to provide a process for a city like Bend to voluntarily complete scenario planning. Please clarify that this is correct, and if so, whether funding might be made available.

3. -0025 Greenhouse Gas Emissions Reduction Targets for Other Metropolitan Areas

Clarifying question: Please confirm whether greenhouse gas emissions are measured on a per capita basis.



4. 0100 Scenario Planning Work Programs

(1). Clarify here that regional cooperation is expected between cities, counties, MPOs, and ODOT within metropolitan areas. In the last sentence under (1), expand to refer to transit providers and other relevant agencies.

5. -0110 Land use and Transportation Scenario Plan Contents

Similar to the above comment, clarify in the rule that the regional cooperation is expected between cities and counties within metropolitan areas.

New (2) – Please clarify whether the housing needs analysis/housing capacity analysis will be one of the supporting documents a city will rely on. In addition, please also clarify how the transportation needs of underserved populations will be identified? Through the equity analysis and related work under 660-012-0120?

New (8) - Should these assumptions be consistent across all MPO areas? That would be easier. Those assumptions could be periodically reviewed and updated.

New (9)(b) – Insert “of” between implementation and performance

New (9)(c) – Local governments will need examples or potential safe harbors for potential equity measures

New (10)(b) – clarify text to refer to data sources

New (10) – are there details on what this reporting process will look like? Can these be combined with the reports required under OAR 660-012-0900?

New (12) – A technical guidance or a template would be useful. Otherwise, each area will need to do this themselves - adding time and expense to the process.

5. -0130, Local Amendments to Implement Approved Land use and Transportation Scenario Plan



New (1) – please clarify the timeframe for amending a comprehensive plan, land use regulations, and transportation system plan consistent with an approved order.



From: [Corie Harlan](#)
To: [CFEC DLCD * DLCD](#)
Cc: [TAYLOR Casaria * DLCD](#); [HOLMSTROM Bill * DLCD](#); [YOUNG Kevin * DLCD](#); [Rory Isbell](#); [Elisa Cheng](#); [LeeAnn O'Neill](#); [Mike Riley](#); [Neil Baunsgard](#)
Subject: Joint comments for CFEC RAC meeting #10 | December 17, 2021
Date: Thursday, December 16, 2021 2:43:13 PM
Attachments: [CFEC JointComments LandWatch BendBikes EnvironmentalCenter 12.16.21.pdf](#)

Advisory Committee members and DLCD staff,
Please find attached comments from Bend Bikes, Central Oregon LandWatch and The Environmental Center on the Climate Friendly and Equitable Communities RAC meeting #10 packet.

Best,
Corie Harlan

Corie Harlan (*she/her*)
Cities & Towns Program Manager
[Central Oregon LandWatch](#)
2843 NW Lolo Dr. Ste. 200
Bend, OR 97703
541-647-2930 x.801
On ancestral & traditional lands of the Confederated Tribes of Warm Springs



December 16, 2021

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

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

Re: Climate Friendly and Equitable Communities Rulemaking Advisory
Committee December 17, 2021 meeting

Dear Rulemaking Advisory Committee members and DLCD staff:

Central Oregon LandWatch, Bend Bikes, and The Environmental Center submit these comments on the ongoing Climate Friendly and Equitable Communities rulemaking (“CFEC”).

Based in Bend, our organizations collectively - and often collaboratively - work to create a more inclusive, safe, vibrant, sustainable future for Central Oregon. Overall, our organizations and the thousands of Bendites and community members we represent are highly supportive of the CFEC process.

Our shared goal for this rulemaking process is to ensure timely, actionable, enforceable and transformative outcomes happen that profoundly alter how our Central Oregon community is built and how state transportation dollars get spent here - and by doing so tackle climate change in real, tangible and urgently needed ways.

We’re continuing to engage deeply in this effort and will continue to work closely with DLCD commissioners, RAC members, local partners, elected officials, city staff and

other stakeholders throughout this process to help make these desired outcomes a reality. We thank the RAC and DLCDC for continuing to devote substantial time and energy to crafting these new land use and transportation rules. **And there are still a number of key issues to address to ensure this process delivers strong, clear, timely, implementable and effective rules.**

I. Don't fall back to business as usual

With transportation now the largest source of GHGs in Oregon, these rules are overdue, and we need them to lead to real outcomes to make sure we start reducing transportation GHGs. We're concerned the rules will be either watered down or unenforceable, and that real outcomes won't happen, with business as usual carrying the day. Tough as change is, we need to make sure the CFEC rules are strong with accountability built-in. A key way to achieve this is to provide real incentives for implementing these rules and meeting key targets. One way to do this is to tie compliance and implementation of the CFEC rules to receipt of state transportation funding. Another is to lay out clear timelines for implementing key elements of these rules. **Two key missing pieces of the draft rules are:**

- A. Requiring cities to update TSPs within two years of adoption of CFEC rules.**
- B. Establishing a timeline for all of Oregon's eight MPOs to complete scenario planning.**

II. Respecting a fragile trust

We understand and appreciate there is a need to balance urgency with the ability of local governments to successfully implement necessary actions. We know there has been a good deal of input from City staff around the state that some of these rules are too prescriptive. However, this is the first time DLCDC has intentionally invited folks to the table who have traditionally been excluded from power and these types of conversations, including people from BIPOC, LGBTQIA2S+, and disability communities. There is a real risk of breaking the fragile trust that's been created by letting local institutions who have historically dominated this dialogue overwrite the work the RAC has done. As DLCDC moves forward with revising and finalizing these rules, it will be critically important to recognize and respond to this power dynamic in the process.

III. Resources needed for local implementation

Local governments need resources to meet the ambitious goals that the draft transportation and land use rules anticipate or we will just end up with aspirational goals that we continue to fail to meet. Those resource needs include significant funding-to support local planning (which we think could come from

ODOT), for needed walking and biking infrastructure investments in communities, and technical assistance with respect to the models and tools City staff will need to use to measure outcomes. While it is encouraging to see and hear that DLCD is coordinating with ODOT, it will be important to provide clarity and assurances to cities on where, how and when these resources will be provided. As this isn't the type or level of detail provided in the draft rules, it will be important to be clear about how this will be addressed in this process - and to communicate that clearly to practitioners.

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."

Sincerely,

Corie Harlan, Cities & Towns Program Manager
Rory Isbell, Staff Attorney
Central Oregon LandWatch

Elisa Cheng, Board Secretary
LeeAnn O'Neill, Board President
CFEC RAC Committee Members
Bend Bikes

Neil Baunsgard, Electric Mobility Program Manager
Mike Riley, Executive Director
The Environmental Center

From: [Joseph Auth](#)
To: [CFEC DLCD * DLCD](#)
Cc: [Colin Cooper](#); [Don Odermott](#)
Subject: City of Hillsboro Comments on Climate-Friendly and Equitable Communities Rulemaking Draft materials
Date: Friday, December 17, 2021 9:57:58 AM
Attachments: [CFEC TSP Letter of Testimony 121721 final.pdf](#)

DLCD:

Thank you for the opportunity to comment on the draft Climate-Friendly and Equitable Communities Rulemaking. The attached letter provides the city's comments on this rule making.

Sincerely,

Joseph Auth, PE | *Transportation Analyst*
City of Hillsboro, Oregon
phone 503-681-5256 | fax 503-681-5250
email joseph.auth@hillsboro-oregon.gov
web www.Hillsboro-Oregon.gov | Twitter [@CityofHillsboro](https://twitter.com/CityofHillsboro)



December 17, 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

Department of Land Conservation and Development Climate-Friendly Equitable-Communities
Rulemaking Advisory Committee

RE: Climate-Friendly and Equitable Communities Rulemaking Draft materials

Thank you for the opportunity to comment on the draft Climate-Friendly and Equitable Communities Rulemaking. Our comments focus at this time on the proposed amendments to the Transportation Planning Rule (TPR) Division 12 amendments dated October 22, 2021. The City of Hillsboro supports the goal of revising the TPR to reduce greenhouse gas emissions and development of equitable communities. Our staff is committed to continuing discussions with the Department of Land Conservation & Development (DLCD) to establish implementable rules to achieve this vision.

Hillsboro has adopted policies that promote and support compact mixed-use development in centers and transit corridors. Our adopted policies specifically focus on the development of pedestrian and transit-supportive mixed-use development in our Regional Centers, Transit Station Communities, and Town Centers. Hillsboro has taken the initiative ahead of these rule revisions to reduce greenhouse gas emissions and reliance on motor vehicles. A small sample of our achievements to date:

- Adoption of the Hillsboro Downtown Framework Plan has led to numerous developments that support denser living and work.
- Establishment of the Tanasbourne/AmberGlen Regional Center creating a significant new urban center in our community including re-gridding of superblocks in a former business park. Transportation modeling for this project demonstrated that there was a significant reduction in VMT from the previous zone.
- The City is on track to achieve an 80% reduction in the use of electricity, natural gas, and fleet fuels by 2030 as adopted in our sustainability goals in 2010.

- The City created a bike-sharing program called, "Boro Bikes," which allows staff a bicycling option to attend meetings or for use during breaks.
- Public/Private partnership to build 1200 units of high-density housing directly adjacent to the Orenco Light Rail Station.
- We were one of the first cities in Oregon to incorporate cycle tracks, a separated bicycle facility, into our design standards for arterials and collectors.
- The City's 2015 Trail Master Plan and connectivity maps in our Transportation System Plan (TSP) Update provides fully connected off-street, family-friendly walking and bicycling paths throughout the city.
- Recent approval of 150-unit Nueva Esperanza affordable housing development within a transit-station community area.
- As of 2020, the City has been recognized as a Tree City USA by the Arbor Day Foundation.
- The City is working on a telecommuting policy to reduce the number of employees commuting to work.

Climate Friendly Areas

The City wants to acknowledge and thank DLCD staff for their effort to listen and engage with local Portland metro area jurisdictions and recognizing the work that has and is being accomplished in the framework of implementing Metro's 2040 Growth Concept, Urban Growth Management Functional Plan, Regional Transportation Plan, and the Climate Smart Plan, and how these plans support efforts to reduce Green House Gas emissions and develop equitable communities. We support the changes as written in section 0102 of the draft rules that acknowledge these plans and local efforts.

Transportation Planning Rule

Upon review of the TPR revisions, city staff have comments based on their practitioner experience on developing TSPs and evaluating transportation effects from comprehensive plan amendments. One general concern is funding, resourcing, and staffing availability to implement these rule revisions. Another general concern is that some of the revisions are too prescriptive that either conflict with other rules, do not recognize field constraints, or the context of the use and surrounding site. This letter highlights the concerns with certain sections of TPR revisions while the attachment list suggested edits and comments to these TPR revisions.

TSP Projects not listed as Financially-Constrained

The proposed TPR revisions identifies an illustrative and financially-constrained list. The proposed TPR revisions do not acknowledge that cities and counties currently have projects that are not listed on the financially-constrained list within their TSPs. These projects tend to be smaller projects, such as adding a turn lane, a traffic signal modification, or half-street improvements. Cities and counties can require these improvements on a development application if the improvements are identified and listed in the TSP. The projects that go onto the financially-constrained list tend to involve larger investment, such as, widening an arterial to five lanes or a trail. The city recommends the TPR revisions continue to allow cities and counties to have a list that is not a financially-constrained list to capture these small improvements. City staff is available to meet with DLCD and other local jurisdictions if more discussion is needed.

The TPR revisions provide a list of the priorities when the cities and counties are selecting projects to be placed in the TSP. Our staff is willing to try this process when selecting projects to be in the TSP. This process is unclear until we practice it whether the state priorities will overshadow our community's voice on selecting projects, and if so, this process will be a concern for our city.

OAR 660-012-0012(3)

Subsection 3 states, "Cities and counties must make their selection of approach to plan for reducing vehicle miles traveled per capita as provided in OAR 660-012-0160(4) no later than December 31, 2022." This subsection and the TPR Revisions is unclear what is expected by the cities and counties by December 31, 2022. DLCD needs to provide more clarification and discussion on the expectation. Local jurisdictions may not have the funding, resourcing, and staff to achieve this deadline depending on what is the expectation by DLCD.

OAR 660-012-0160(6) VMT per Capita Requirements

The city recommends a presentation and discussion on OAR 660-012-0160(6) with DLCD, ODOT, MPOs, local jurisdictions, transportation modelers, and engineers to have a better understanding of how this policy was developed and how it will be practiced. Before a meeting occurs, we suggest DLCD to send the documentation supporting this rule two weeks in advance of the meeting to ensure people have time to review the documentation before having the discussion.

OAR 660-012-0170 Performance Standards

The City wants to preserve their ability for their community to establish their performance standards. The city does not oppose the OAR 660-012-0170 requirement for cities and counties to create a performance standard not associated with motor vehicle traffic. We recommend the deadline of January 1, 2023, be pushed to January 1, 2024, to provide local jurisdictions time to establish a work plan and do the public process in amending their community development codes since these TPR revisions are not expected to be adopted until May of 2022.

If there is a request for the state to create statewide performance measures, the City wants to be in this discussion.

OAR 660-012-0830 Authorization of Facilities That Increase Driving and Capacity

OAR 660-012-0830 Subsections 2 through 10 of the revisions provide an extensive list cities and counties will need to follow when considering an increase capacity or extending a roadway facility. Cities and counties may have hundreds of projects that fall within these criteria in the TSPs. The rule wording requires a simple project to add a turn lane, roundabout, or traffic signal to do this level of work since these improvements add capacity. These types of projects also help safety for all transportation modes. If the author's intent is to do this work when new travel lanes are built, then the rule should say new travel lanes instead of capacity. The current wording requires a lot of staffing, funding, and resourcing when considering a project that adds capacity, which may create difficulty for the cities and counties to have any road projects within their local jurisdiction.

The rule should also include the same process when travel lanes are removed or a decrease in capacity occurs since these actions could increase greenhouse gas emissions. A city or county choosing to decrease capacity could affect an adjacent city's marketability for employment and commerce by

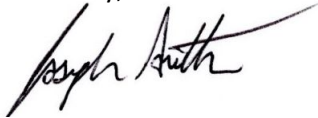
preventing goods and services in reaching to the adjacent city by creating a congested transportation system.

Consideration is needed that improving the transportation system network and connectivity from new roads, intersections, and/or interchanges could also reduce VMT by creating shorter trips.

The City recommends DLCD to provide more discussion of this rule with engineers and planners from DLCD, local jurisdictions and ODOT.

In conclusion, as you can see from the detailed review and comments in this letter and the attachment the City has numerous concerns, some of them significant, about the rules as currently written and their impact on local land use and transportation planning and our ability to achieve the goals we all seek to achieve. We look forward to continuing to work with DLCD staff on resolving these concerns.

Sincerely,



Joseph Auth, P.E. Transportation Analyst



Colin Cooper, AICP, Planning Director

Other Suggested Edits and Comments on the TPR Revisions

Comment on Missing Language

Section 660-012-0050(3) from the current TPR is missing that states, "During project development, projects authorized in an acknowledged TSP shall not be subject to further justification with regard to their need, mode, function, or general location." The proposed revisions of the TPR need to have this wording to ensure local jurisdictions do not have to revisit justifying the need, mode, function, and/or general location of a proposed project when it is being developed.

OAR 660-012-0000(3)(c)

In all instances, infrastructure shall be designed and constructed to ensure safety and convenience for Oregonians of all ages and abilities.

Is there a reason why to have this sentence in the TPR since cities and counties are required to follow the Americans with Disabilities Act (ADA)? Cities and counties have a design exception process when field constraints prevent the ability to build an ADA-compliant facility. The words "In all instances" and "shall" appears to prevent cities and counties to have a design exception process. The same concern with the wording in OAR 660-012-0510(1).

OAR 660-012-0060

Removal of (11)(a)(D) and (11)(a)(E)

The proposed revision opens subsection (11) to all cities and counties, which was not the intent of this subsection. DLCD needs to provide discussion and clarity on the process for subsection (11) in determining the adequacy of partial mitigation and evaluate the potential ramifications for providing this inclusion.

OAR 660-012-0130(2)(a)

Engage with ~~people in the community who are members of~~ underserved priority populations as provided in OAR 660-012-0120 to develop key community outcomes.

Suggested rewording of sentence. The current wording implies one person can represent an underserved population not recognizing other people in the underserved populations may have different opinions or views.

OAR 660-012-0130(2)(b)

How is 'harm' defined in this subsection?

OAR 660-012-0140(2)

Cities and counties need to have the ability to defer decisions to a refinement plan for transportation facilities since the public discussion and outreach process focuses more on the specific area than the entire city. It would be a disservice to the community and businesses that reside along the transportation facility if this process occurs within the transportation system plan public process. Refinement plans usually do a more thorough civil design and traffic analysis than the TSP process. The transportation facility may also be owned by another agency which may require certain evaluations, analysis, and approval processes that could delay the TSP process. The city suggests deleting Subsection 2.

OAR 660-012-0155

*(1) If a city or county is relying on transportation **macroscopic** models ~~or mathematical analysis~~ of the transportation system to make a **transportation system plan amendment** ~~land-use decision~~, then the city or county shall do so consistent with this rule.*

*(2) The model ~~or analysis~~ must account for changes in vehicle miles traveled that would result from any transportation projects proposed as a part of the **transportation system plan amendment** ~~land-use decision~~, including latent and induced travel of additional roadway capacity.*

(3) The assumptions and inputs used with the modeling ~~or analysis~~ must be consistent with acknowledged plans.

*(4) The **transportation system plan amendment** ~~land-use decision~~ will not affect vehicle miles traveled per capita or will decrease vehicle miles traveled per capita.*

The current wording states any modeling or numerical analysis for a land-use action requires a VMT per capita analysis. The way the rule is written is that Development Review applications are required to do VMT per capita analysis if cities or counties are requiring any mathematical analysis. VMT per capita should already be addressed on the TSP level since the TSP model recognizes the allowed land uses of the Development Review application. Mesoscopic modeling, microsimulation modeling, and deterministic analysis do not evaluate city or region-wide to provide a VMT per capita. We suggest DLCD rewrite this rule to only require this section for major RTP and TSP amendments.

OAR 660-012-0160(2)

The current TPR requires local jurisdictions to have a lower VMT per capita in the planning horizon (20 years from the base year e.g. 2040) than the base year (the year of study e.g. 2020). We don't have issues with this policy except for it requires two modeling runs for the illustrative project list and financially constrained list. Cities and counties rely on MPOs to do the TSP modeling. Metro and other MPOs may not have the resourcing to run additional models if cities and counties are required to run an illustrative project list model.

OAR 660-012-0200(4)

The city does not recommend a prioritized ranking system based on the city may not be able to implement a project that is ranked Number 1 due to not having enough funds or other constraints. The city may also have to compete with other cities for county funding where the county ranking might be different than the city's ranking. We suggest a tiered approach instead of a ranking system. This comment also applies to Subsection 4 and Section 210(3).

OAR 660-012-0200(4)(b) & OAR 660-012-0210(2)(b)

The project burdens underserved populations less than and benefit as much as the city or county population as a whole.

The sentence says, "less than," and then provides no threshold. Please clarify.

OAR 660-012-0205(3)

Half-street improvements paid by a developer on buildable vacant lots should be considered as a revenue source for TSP Projects.

OAR 660-012-0330(3)(a)(b)(f)

These subsections of the rule should allow cities and counties an exception process if site constraints affect building layout, safety, and/or walking comfort that prevents achieving the requirement in the rule.

OAR 660-012-0340

Using block-level instead of traffic analysis zones for future land use assumptions may violate employment confidentiality. Please clarify DLCD's intention.

OAR 660-012-0350(2)(d)

A UGB expansion will need roads to access into and out of the area. All local roads, collectors, and arterials will be viewed as Vehicle Miles Traveled-Increasing facility because the roads will either be an extension of the existing road or a new road. Local roads are not captured in travel demand modeling. Can the cities first demonstrate the roads do not increase VMT per capita before doing all the tasks listed in Section 0830?

OAR 660-012-0405(1)(b)

Cities and counties should have the ability in requiring a traffic or parking impact analysis to ensure the property owner is not creating a safety hazard that approaches onto public roadway, bicycling, and walking facilities by removing off-street parking. Fire service accessibility to the site-building should also be considered.

OAR 660-012-0405(4)(b)

Should the TPR have this level of detail for tree planting?

OAR 660-012-0430(1)(b)(B)(E)

This subsection does not consider Institute of Transportation Engineers trip generation studies that demonstrate affordable housing have similar trip generation as multi-family housing. It also does not consider access to transit for affordable housing and that cities have no control on which routes the transit provider chooses based on their revenue.

Most parents in the State of Oregon drive their children to childcare facilities where these facilities experience parents picking up or dropping off the children where the queues could spill onto public right-of-way. Cities and counties should have the autonomy in requiring a traffic or parking impact analysis to ensure the property owner is not creating a safety hazard on a public roadway and walking facilities by removing or eliminating off-street parking.

The context of the area (e.g. accessibility to transit, on-street parking availability, etc.) should also be evaluated by the local jurisdiction before making decisions on parking.

OAR 660-012-0440

The city suggests using walking distance instead of a radius for this rule. There could be a physical barrier, such as a river, freeway, or fenced railroad tracks, that make the walking distance longer. Cities should also have the autonomy to determine if parking is needed based on the use, safety, and the context of the surrounding street system.

OAR 660-012-0505

City suggest the following rewording of Section 505.

City Proposed Revision: *(1) Pedestrian system inventories must include a gap summary of sidewalks and location of existing enhanced street crossings for all areas within climate-friendly areas, within ¼ mile of all schools, and along all arterials and collectors within the urban growth boundary.*

Comment: A gap summary is the most critical component for the sidewalk inventory. The location of existing enhanced street crossings also provides information if there are long segments on a corridor with the absence of enhanced street crossings. Field data in the previous Subsections (a) and (b) are important, but the resourcing to collect this information is difficult especially for smaller jurisdictions.

City Proposed Revision: *(2) Pedestrian system inventories must include a segment crash risk factor evaluation of inventoried pedestrian facilities on arterials and collectors that is recognized by the Oregon Department of Transportation. This segment crash risk factor evaluation should consider corridor speed, motor vehicle volume, and the number of motor vehicle lanes as needed to perform this evaluation.*

Comment: Segment analysis is preferred since an intersection evaluation will likely be difficult for resourcing and data availability due to additional inputs. For visual, segments are easier to read on TSP maps than intersections. Cities and counties may not have the resourcing and data to do local roads. This type of analysis is also evolving. To provide flexibility on how the analysis is conducted and the resources the city/county has, the city and counties will need ODOT agreement on how the local jurisdictions are doing this analysis. Most jurisdictions have the number of lanes instead of roadway width data. Most crash risk factor analyses use the number of lanes.

City Proposed Revision: *(3) Pedestrian system inventories must include the location of all reported injuries and deaths of people walking or using a mobility device for the most recent 10-year period of reported crashes as made available and compiled by the Oregon Department of Transportation.*

Comment: City staff decided to separate crash risk factors and crash data as separate subsections to avoid confusion. The cities and counties are reliant on ODOT to compile this data. ODOT may not have crash data up to the base year since ODOT tends to be a 2-year delay in processing crash data. City staff is hearing from others that 5-years should be used instead of 10-years due to inconsistencies in data and that 10-years may not reflect improvements to the transportation system within in that period.

OAR 660-012-0510(2)(b)(A)

DLCD and the TPR should not be setting engineering standards regarding sidewalk widths.

The proposal to have larger frontages based on the roadway classification will increase the cost of land and housing because of the land being consumed. Less property tax revenue will occur for the cities and counties by the increased width of frontage improvements. More system development charges credits would be issued to address the applicant's cost burden on the increase of frontage improvements which impacts the cities and counties financial resources to do projects on other city and county streets that lack sidewalks, lighting, and bicycling facilities.

The words buffered, separated, or non-curb-tight sidewalks are better words to use than ‘protected.’

OAR 660-012-0510(2)(b)(B)

Requiring an applicant and/or property owner in areas with concentration of underserved populations to dedicate a larger width of right-of-way (potentially impacting the marketability of the land) and a larger width of half-street improvements (creating more cost on the applicant) than the city or county normal standards outside of those areas is inequitable. This action will also increase the housing cost in these underserved population areas due to an increase in infrastructure and right-of-way costs. The increased infrastructure cost from this subsection may prevent the city and county ability to complete sidewalk and bicycle facilities in these areas. How does the TPR define “areas with concentrations” of underserved populations?

OAR 660-012-0510(4)(a)

DLCD and the TPR should not be setting engineering standards regarding locations of enhanced crossings. Please clarify what “closely spaced along arterial streets in Climate-Friendly Areas” means. This subsection should not supersede the authority of the city or county engineer in determining whether an enhanced crossing is being placed in a safe location.

OAR 660-012-0510(5)(a)

DLCD and the TPR should not be setting engineering standards regarding locations of enhanced crossings. The ‘must’ should be a ‘should’ because there may be safety reasons for not placing an enhanced street crossing at each end of the sidewalk closure. The crossing may need to occur at a different location before the sidewalk ends where the sidewalk ends after the crossing location to access a business or residence.

OAR 660-012-0605

The city suggests the following rewording of Section 505.

City Proposed Revision: (1) Bicycle system inventories must include information on bicycle facilities of all types within climate-friendly areas, within ¼ mile of all schools, on designated neighborhood bikeways, and along all arterials and collectors.

Comment: The previous Subsection 1 appears redundant with Subsection 2, so the city replaced made Subsection 2 as 1. Local jurisdictions may not have funding, resourcing, data, and staff to inventory the widths and conditions in previous Subsection 1.

City Proposed Revision: (2) Bicycle system inventories must include a segment crash risk factor evaluation of inventoried bicycle facilities that is recognized by the Oregon Department of Transportation for arterials and collectors. This crash risk factor evaluation should consider corridor speed, motor vehicle volume, separation, and number of motor vehicle travel lanes as needed to perform this evaluation.

Comment: Segment analysis is preferred since an intersection evaluation will likely be difficult for resourcing and data availability due to additional inputs. For visual, segments are easier to read on TSP maps than intersections. Cities and counties may not have the resourcing and data to do local roads. This type of analysis is also evolving. To provide flexibility on how the analysis is conducted and the

resources the city/county has, the city and counties will need ODOT agreement on how local jurisdictions are doing this analysis. Most jurisdictions have number of lanes instead of roadway width data. Most crash risk factor analysis use number of lanes.

City Proposed Revision: *(3) Bicycle system inventories must include the location of all reported injuries and deaths of people on bicycles for the most recent 10-year period of reported crashes as made available and compiled by the Oregon Department of Transportation.*

Comment: City staff decided to separate crash risk factors and crash data as separate subsections to avoid confusion. The cities and counties are reliant on ODOT to compile this data. ODOT may not have crash data up to the base year since ODOT tends to be a 2-year delay in processing crash data. City staff is hearing from others that 5-years should be used instead of 10-years due to inconsistencies in data and that 10-years may not reflect improvements to the transportation system within in that period.

OAR 660-012-0610(3)(b)

Most of cities' downtowns will be designated as 'Climate-Friendly Areas' where there is limited right-of-way to provide a bicycle facility or a separated bicycle facility due to buildings abutting public sidewalks. DLCDC should modify this rule with this consideration. This rule also creates challenges of achieving other objectives in this rule such as wider sidewalks in Climate-Friendly Areas. This subsection also limits the ability for cities and counties to consider placing bicycle facilities on a less stress facility.

OAR 660-012-0630(3) and (8)

This rule does not consider downtown settings where there is no off-street parking and buildings are adjacent to the sidewalk, so the covered & secure bicycle parking will likely fall in public right-of-way most likely the sidewalk area creating an obstacle and discomfort for people walking. The city does not oppose covered & secure bicycle parking, but the rules need to trust cities and counties to find the most reasonable location for bicycle parking when working with development. The city suggests rewriting the rule that requires development with off-street parking to have covered & secure parking. Exceptions for this rule for businesses with off-street parking may still be needed if requiring covered & secure bicycle parking does not meet nexus and proportionality. In areas where the cities identify no off-street parking, the City suggests the rule can require cities and counties to include in their TSP a plan for locations for covered & secure bicycle parking.

OAR 660-012-0630(7)

"For any use" does not consider the context of a site, nexus, and proportionality. The city does not oppose the goal but requests DLCDC to provide more flexible language to allow cities and counties to provide exceptions to this rule under certain contexts of land uses.

OAR 660-012-0805(2)

ODOT may not have crash data up to the base year since ODOT tends to be a 2-year delay in processing crash data. City staff is hearing from others that 5-years should be used instead of 10-years due to inconsistencies in data and that 10-years may not reflect improvements to the transportation system within in that period.

OAR 660-012-0810(1)(a)

'Shared pedestrian use' implies people will be walking in the streets instead of utilizing the sidewalk. Is this interpretation the author's intention?

OAR 660-012-0810(1)(a)

DLCD should not be suggesting engineering dimensions. A sports utility vehicle typically ranges 6 to 7 feet in width. A pick-up truck typically ranges 6.5 to 7.5 feet in width. A bus or truck width is 10.5 feet mirror-to-mirror. A pavement width of 28-feet appears too low for a local road with parking on both sides when considering motor vehicle widths and shy distances between vehicles to avoid sideswipes. This width may also create issues for fire trucks and other emergency response vehicles.

OAR 660-012-0810(4)

Should ODOT be responsible for the criteria listed in Subsection 4 instead of cities and counties since ODOT owns, operates, and maintains freeways and expressways?

From: Lenny Dee <lenny@onwardoregon.org>
Sent: Wednesday, January 5, 2022 1:17 PM
To: JOHNSON Esther * DLCD <Esther.JOHNSON@dlcd.oregon.gov>
Subject: Draft Rule 660-12-0610

I ask that you endeavor to convince LCDC and ODOT to make this one change to the draft Rule, [660-12-0610](#)(3) (deletions are shown in ~~strike-out~~ and new language is in **bold typeface**).

~~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 for a **separated or protected**~~minimum of a buffered~~ bicycle lane on arterials ~~or~~ **and collectors 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)**. ~~where separated or protected bicycle facilities are not otherwise planned.~~

d) Separated and protected bicycle facilities shall be of sufficient width to allow one bicyclist to overtake and pass another slower bicyclist.

Item (d) is essential to make bicycling safe and convenient. E-bikes can travel at a sustained speed of 20 MPH, pedal bikes average 12.5 MPH and scooters slower yet. The ability to pass is essential to the function of a separated or protected bike lane.

Lenny Dee
Onward Oregon
Your Oregon Information Source
<https://onwardoregon.org/>

January 7, 2022

RE: Division 44

From: Jonathan Harker, AICP, RAC Member

To: Cody Meyer, Land Use and Transportation Planner, DLCD

Cc: Bill Holmstrom, Transportation Planner, DLCD
Kevin Young, Senior Urban Planner, DLCD
Kirsten Greene, Deputy Director, DLCD

Dear Cody,

I wanted to thank you for the opportunity to have had a 30 minute phone conversation with you on December 20 about concerns and questions I had emailed you concerning Division 44. And the end of the call you did suggest that we might want to do a follow-up phone call but I wasn't able to work out a time in the two weeks since we talked. And I thought it would be best for me to just lay out my concerns and suggestions in writing for you and the project team to consider.

What I am suggesting in these commentary as regards Division 44 is the following:

- Do not require Central Lane or Salem-Keizer to do any scenario planning at this time.
- Don't not require reporting as required by Division 12 0915 at this time.
- Instead utilize any funds and staffing available to assist local jurisdictions to implement the land use changes and update TSPs as will be required by Division 12.
- Revise Division 44 to only address what local governments only have control over e.g. land use and transportation planning and public facilities planning.
- Scenario planning and 0915 could be revisited after jurisdictions have completely complied with Division 12 including updating TSPs.

As I provide my commentary I'll try to recap what I heard from you in our conversation but one of the challenges for me when doing phone calls is being able to make good notes. So I likely will misremember or not remember at all some of points you made. Please feel free to ask me to correct anything I attribute to you that I misstate or misremember or to add anything you feel I forgot.

As I think you know my concern is devoting time, money and staff resources (not to mention the resources of the participating public who will be asked to simultaneously participate in implementation of Division 12 and Division 44 in some jurisdictions) to scenario planning at this time when those resources could be devoted instead to implementing the Division 12 rules including, on a more timely and certain basis, updating TSPs.

The draft purpose statement for Division 44 (RAC 10 packet) includes “to significantly and as rapidly as possible, reduce climate pollutants that are causing increased climate disruption”. It also requires “cities, counties, and Metro to change transportation and land use plans to significantly reduce pollution from light vehicles” and “cities and counties within a metropolitan area to prepare a transportation and land use scenario plan that will define and implement a preferred scenario, [and] identifies performance measures for tracking progress”.

Division 12 is requiring cities and counties in metropolitan areas to adopt land use and transportation plan changes specifically to reduce GHG emissions mostly by reducing VMTs. What I was hoping to learn from you was 1) how do the rules of Division 44 work with the rules in Division 12; 2) what outcomes will be different from scenario planning as opposed to the outcomes of Division 12; 3) will doing scenario planning result in “as rapidly as possible” GHG emission reductions as opposed to focusing on Division 12; and 4) does the value of scenario planning outweigh the value of focusing resources on implementing Division 12?

Our phone conversation mostly dealt with the Central Lane scenario planning. Here are some of the points I remember:

- You verified that their scenario plan was completed in 2015. This means it will be well over 6 year old once the revised rule are adopted this coming May.
- You indicated the scenario plan was “at a high level” and that what was needed now was to come up with an implementation plan. You noted that it cost a lot money (I think you said \$1million).
- I asked you if their scenario plan identified Climate Friendly Areas. You said no and that was something that perhaps should be addressed in the rules.
- I asked if you could give me an example from their scenario plan that wouldn’t come out the Division 12 rules and you declined saying you didn’t think it was proper for you opine on what options they might choose.
- You did say that one value of having done the scenario planning was that there was considerable public participation and that it would be desirable to continue and take advantage of that participation. I asked if there was high level of participation then why didn’t they effect change and you said because they weren’t required to.
- We didn’t talk any further on that participation point. I have done projects that have taken considerable time and had considerable participation. But the participation was continuous and consistent. I can’t imagine any value or reason to expect that participants from six years ago will reengage in the project as if not time has elapsed.

To my memory the RAC has never been provided description of Central Lane’s scenario plan nor an analysis of how it will integrate with or do more than what is planned in Division 12.

We didn’t really talk about Salem-Keizer although you may have said that it might be (doing scenario planning) something to reconsider. Regarding the other MPO areas you mentioned they would be required to address 0915 in Division 12.

Unfortunately our conversation didn't result in my having any better understanding how finishing the Central Lane scenario plan process, having Salem-Keizer do scenario planning or having the other others comply with Division 12's 0915 reporting would answer my questions previously asked in this document. Nor is it clear to me what it means to say that scenario planning will give cities more options.

When Metro did its scenario planning, Climate Smart, the process identified that the land use and transportation plan elements of the 2040 Growth Concept and especially Title 6, where a "high lever" for reducing GHG emission from light vehicles. They also identified other elements such as cleaner fuels, a turn over in the fleet to more fuel efficient and smaller vehicles and electrified vehicles as significant actions reducing GHG emissions. However these elements are not land use or transportation planning and neither Metro or cities and counties have any authority for these actions.

Division 44 scenario planning, for example 0110(8), incorporate some of these non land use or transportation planning elements into scenario planning. It is not clear to me why elements over which a jurisdiction has no authority would be included in a scenario plan. What a city or county should do is use their authority to zone land, create development standards, create public works standards and prioritize and fund infrastructure to create walkable and mixed use communities that foster its residents, workers and visitors to be able to walk, bike, take transit or, when needed driving a shorter distance, in order to significantly reduce VMT.

It is also not clear to me what is the sense of having cities, counties and Metro spend resources to address GHG emission reduction targets that depend on others taking taking these actions that they can't control. What they can achieve is reductions in VMT by shifting trip modes to walking, biking and transit reduction by creating what is called in the book, Drawdown (Edited by Paul Hawkin, Penguin Book, 2017) walkable cities. This book ranked walkable cities as #54 of 100 actions that can be done to reduce GHG emissions. The chapter on walkable cities noted six dimension of the built environment — demand, density, design, destination, distance and diversity — as key drivers of walkability. These are elements that cities and counties have authority over and which should be the subject of targets once they have implemented the changes required by Division 12.

We know that time, money, staff and the public are limited resources. We also know that the urgency of the Governor's Executive Order is an urgency which understands how little time there is minimize the impacts of climate change by reducing GHG emissions. We know as planners that it will take time to implement change to zoning and codes and TSPs, to build new infrastructure and to see new more dense and mixed-use development occur.

Oregon would be best served by focusing its planning resources on what we know works and can result in changes to the built environment as envisioned by Division 12. I don't feel that it has been demonstrated that scenario planning will result in any quicker or better change the urban form of Oregon's metropolitan areas than a focus on Division 12 will.

January 7, 2022

To: Oregon Land Conservation and Development Commission

From: Harlan Bittner, president
Siskiyou Velo Club
Ashland, Oregon

We applaud the goals of the draft Climate Friendly Transportation Planning Rule. Siskiyou Velo has long advocated for safe and convenient bicycle networks for people of all ages and abilities. Safe and convenient bicycle facilities for all will increase the number of people riding bikes, decrease reliance on motor vehicles, contribute to the health of our community and its people, and provide for equitable access to all citizens regardless of race, gender, age or economic status.

There are three concerns about the draft plan we want to bring to your attention:

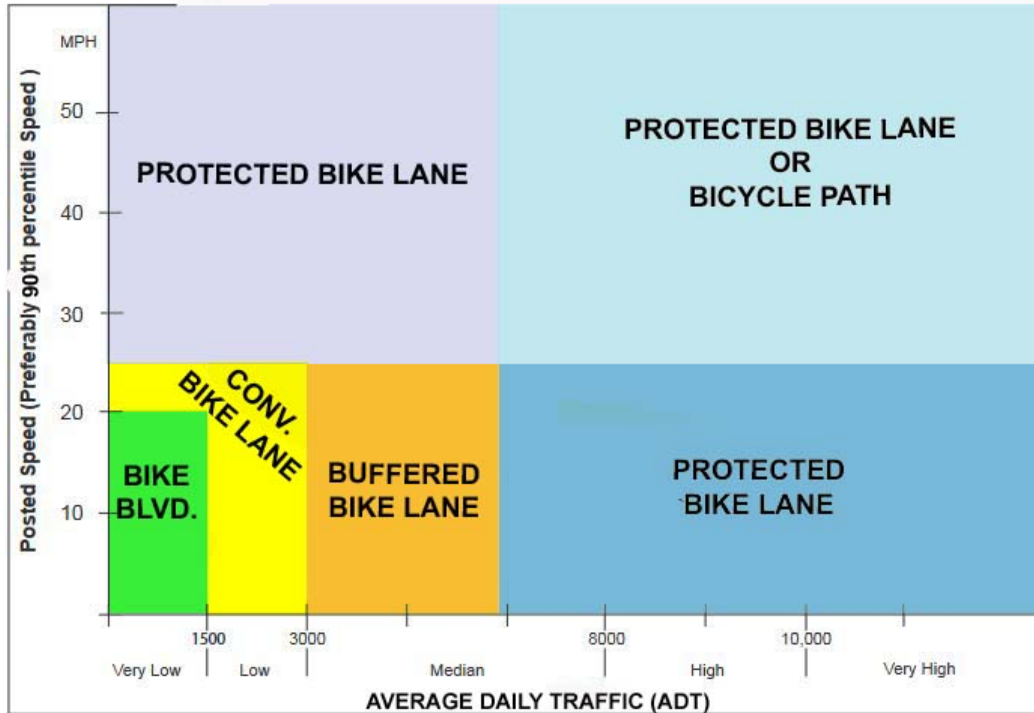
1. Separated or protected bike lanes on arterials and connectors are essential for safe bicycling for all ages. Section 620, paragraphs 3b, limits this requirement to climate-friendly areas. It is unclear to us what constitutes a climate-friendly area, but no urban area in Oregon should be exempt from the requirement for separated or protected bike lanes on arterials and connectors.
2. In a similar fashion, section 620, paragraph 3c dilutes the requirement for separated or protected bike lanes with a statement that allows the use of buffered bike lanes “where separated or protected bike lanes are not otherwise planned.” Buffered bike lanes are not safe for most arterials and connectors due to the high traffic speed and density in our area (see diagram below).
3. There appears to be no requirement in the document regarding the width of separated or protected bike lanes. The width must allow for riders to pass other bike riders or people on scooters or skates. Narrow bike lanes that don’t permit passing are neither safe nor convenient.

The figure on the next page depicts the safety of various bicycle facilities in the context of traffic speed and density. Bicycle boulevards, conventional bike lanes and buffered bike lanes can be safe for most people *only* at speeds *less than 25 mph* and *low-to-medium* traffic density. Most of the arterials and connectors in our area have traffic speeds well above 25 mph and high traffic densities.

Though we support the goals of the draft Climate Friendly TPR, it is essential that separated and protected bike lanes be required for all arterials and connectors. Anything less will not be safe, will not be used by a large majority of people, and will result in a waste of taxpayer money.

Thank you.

NACTO Contextual Guidance for Selecting All Ages & Abilities Bikeways



Relative safety of various bicycle facilities. Note that “bicycle path” in this figure is the same as “separated bicycle path” in the document above. Reference: “Designing for All Ages and Abilities,” National Association of City Transportation Officials, 2017.



Dear DLCD Climate Friendly and Equitable Communities Rulemaking Team:

The League of Oregon Cities and the Association of Oregon Counties appreciate the Department's consideration for the following detailed comments regarding the proposed CFEC transportation rules dated October 22, 2021. As you know several cities and counties have been part of the subgroup discussions in November and December. We understand that some of our verbal comments through those meetings may be getting addressed as DLCD staff work through modifications of the earlier proposal. With that understanding, the local governments involved want to be sure to fully document our concerns and formally submit feedback into the process.

Hopefully you have heard a collective theme from all local governments who have shared input during this process. Many cities and counties across the state including those who will be implementing the final package of rules have been trying to reach the goals of these rules for years. Many of these ongoing efforts are not that far off from what's being proposed or would result in the same end result of reducing greenhouse gas emissions and addressing the climate crisis.

From the local government perspective there appears to be a view from DLCD staff that progress is not being made at the local level. We object to this assessment. We hope you look at the proposed changes. Many of these comments are a reflection of the planners on the ground who must implement changes. They are very committed to making more progress in addressing climate change, but from their perspective under a system that can be implemented with success.

Generalized comment:

Local governments appreciate the additional time allowed for comments on the proposed transportation rules as part of the CFEC rule development process. Local government staff at the city and county level have significant concerns that there has not been sufficient time for a detailed review of the proposed rules to gain an understanding for how they will impact future planning efforts.

It's clear that DLCD staff has done a great deal of work on transportation-related recommendations, which rely on Oregon Department of Transportation (ODOT) staff. It's important to understand that there are limitations or gaps in the recommendations because of this process. ODOT is largely responsible for the state system of road networks and facilities. While they have tremendous expertise in transportation planning, ODOT does not have the same scope of expertise at the county or city level, which is largely where the proposed rules fall with respect to implementation.

The comments reflect a range of concerns from a limited number of local transportation planners and the expertise that they bring to the table. It by no means is a comprehensive list of concerns, but instead focusses the attention on the top-level issues identified. This process would benefit from an additional, more expansive group of transportation experts from city and county governments. This should be considered by DLCD before advancing a final package of recommendations. We believe this could reduce potential unintended consequences of the proposed rules and allow for an implementation process that will achieve the objectives of the CFEC process.

When California updated their CEQA rules to use VMT as the measure of a transportation impact, it took seven (7) years from the signing of the law to implementation. Governor Brown signed the executive order initiating this rulemaking in 2020, the RAC has been in place for less than 1.5 years, and local agencies are expected to adopt updates in compliance with this new rule by 2023. This process has not allowed sufficient time to understand the new rules, much less understand the outcomes of implementation.

- ❖ **Recommendation:** AOC and LOC request additional time for local government transportation planners to provide comments and interact with DLCD staff.

0050 – Transportation Project Management

Subsection (3) from the current TPR is missing critical language in the proposed rules.

- ❖ **Recommendation:** Add the following language in the proposed rules. The proposed revisions of the TPR needs to have this wording to ensure local jurisdictions do not have to revisit justifying the need, mode, function, and/or general location of a proposed project when it is being developed.

“During project development, projects authorized in an acknowledged TSP shall not be subject to further justification with regard to their need, mode, function, or general location.”

Transportation System Planning

0015 - Preparation and Coordination of Transportation System Plans

- ❖ **Recommendation:** Support for removal of RTSP requirement. Cities in MPO areas are currently required to have a Regional TSP in addition to their own TSPs and the MPO’s RTP. The RTSP requirement is redundant and unnecessary.
- ❖ **Recommendation:** Support flexible work program and base TSP updates on need to update, not cycles of specific time periods. Focus on the real problems and barriers to tangible implementation of ped/bike/transit projects, not just requiring more planning. Planning takes away from doing in many jurisdictions due to staff capacity issues.
- ❖ **Recommendation:** Enable jurisdictions to continue to require developers to build planned projects, even if they are on the illustrative project lists *without* requiring a TSP amendment.
- ❖ **Recommendation:** Divide transportation planning and transportation project development into two distinct pieces to reflect existing TPR.

0140 - Transportation System Refinement Plans

Section 660-012-0140(2) in the proposed TPR states, “A city or county may not defer decisions to a refinement plan for transportation facilities within a climate friendly area.” The impact of this rule could have a significant impact on cities and counties outside the Metro MPO. Cities and counties need to have the flexibility to defer decisions to a refinement plan for transportation

facilities since the public discussion and outreach process focuses more in the specific area than the entire city.

It would be a disservice to the community and businesses that reside along the transportation facility if this process occurs within the transportation system plan public process. Refinement plans usually do a more thorough civil design and traffic analysis than the TSP process. The transportation facility may also be owned by another agency which may require certain evaluations, analysis, and approval process that could delay the TSP process.

- ❖ **Recommendation:** Modify language to allow local governments to do refinement plans in Climate Friendly Areas to ensure a more collaborative public process with the community.

0155 - Transportation Modeling and Analysis

This rule would require that local jurisdictions analyze changes in vehicle miles traveled that would result from any transportation projects proposed as part of a land use decision including latent and induced travel due to additional roadway capacity.

Local governments have concerns about the available technical tools to accomplish this requirement as well as the resources needed to do the work. Modeling concerns and constraints (latent and induced demand) – technical feasibility plus resources to support doing the work.

- ❖ **Recommendation:** Only keep modeling requirements if ODOT and DLCD can provide assurances that appropriate technical assistance and resources to pay for it will be readily available.

The current language states that any modeling or numerical analysis for a land use action requires a VMT per capita analysis. In addition, the rule requires development review applications to complete VMT per capita analysis if cities or counties require any numerical analysis. We don't see a value in creating an additional, duplicative step with VMT per capita analysis, because its already addressed on the TSP level since the TSP model recognizes the allowed land uses of the development review application.

- ❖ **Recommendation:** DLCD should rewrite this rule to only require this section for major TSP amendments.

0160 – Vehicle Miles Traveled Reduction Targets

The current TPR requires local jurisdictions to have a lower Vehicle Miles Traveled (VMT) per capita in the planning horizon (20 years from the base year e.g. 2040) than the base year (the year of study e.g. 2020). We don't have issues with this policy except it requires two modeling runs: one for the financially constrained list and one for both the constrained and illustrative lists together. Cities and counties rely on Metro and MPOs to do the TSP modeling. Metro and other MPOs in smaller urban areas may not have the resourcing to run additional models if cities and counties are required to run an illustrative project list model.

- ❖ **Recommendation:** The trigger for the expanded use of models for the illustrative project list should be subsequent to financial and technical resources available.

OAR 660-012-0012(3) states, "Cities and counties must make their selection of approach to plan for reducing vehicle miles traveled per capita as provided in OAR 660-012-0160(4) no later

than December 31, 2022.” This subsection and the TPR Revisions are unclear what is expected by the cities and counties by December 31, 2022;

- ❖ **Recommendation:** Added clarity will be helpful to local governments understand exactly what is meant by “approach.” DLCD needs to provide more clarification and discussion on the expectation. Local jurisdictions may not have the funding, resourcing, and staff to achieve this deadline depending on what is the expectation by DLCD.

OAR 660-012-0160(5) states “transportation system plan must include projected vehicle miles traveled per capita at the horizon year that is lower than the estimated vehicle miles traveled per capita at the base year by an amount that is consistent with the regional scenario plan.”

- ❖ **Recommendation:** The MPO RTP should be sufficient versus having a redundant process of a regional scenario plan.

OAR 660-012-0160 (6) states “the transportation system plan includes projected vehicle miles traveled per capita at the horizon year that is lower than the estimated vehicle miles traveled per capita in 2005 by the percentage that is the target for reducing greenhouse gas emissions provided in OAR 660-044-0020 or 660-044-0025.” The source of the 2005 threshold is unclear and how to appropriately model for a 2005 threshold to avoid ‘apples and oranges’ comparisons with the planning horizon in the modeling is also unclear. Also, a majority of the local jurisdictions in Oregon do not have the background on how this section of the rule was developed.

- ❖ **Recommendation:** DLCD should provide a presentation and discussion on OAR 660-012-0160 with ODOT, MPOs, local jurisdictions, transportation modelers, and engineers to help them have a better understanding of how this policy was developed and how it will be practiced. It is also our understanding that DLCD are having on-going conversations with ODOT about how MPOs can implement this rule. Before a meeting occurs, we suggest DLCD and ODOT send the documentation supporting this rule two weeks in advance of the meeting to ensure people have time to review the documentation before having the discussion.

ODOT provided a modeling Q&A brochure in the RAC 10 Packet that states, “The models are good tools for examining the VMT effects of major changes to the transportation network, such as a corridor redevelopment project that adds or reduces lanes, road closures, new roadway connections, regional non-motorized investment, etc. But **regional models are not designed to forecast the VMT outcome of a single, smaller project**, such as a new intersection turn lane, a stretch of new sidewalk, a bicycle lane, or a localized project to improve neighborhood level connectivity.” (**emphasis added**). We are concerned that DLCD is essentially putting the cart before the horse. Local governments need tools to measure the impacts that the proposed rules require prior to the rule being adopted. Not providing these tools now is setting up a scenario where compliance is not possible.

According to RAC 10 packet, a statewide shift to Activity-Based Models (ABMs) for all metropolitan areas is under discussion to improve alternative mode and equity analysis capabilities in modeling. ODOT is also exploring other tools, data, and measures to evaluate greenhouse gases. We do have concerns that the State of Oregon has not identified the funding and resources to implement ABMs and other tool recommendations to assist MPOs, counties, and cities to meet the requirements in this subsection

- ❖ **Recommendation:** More discussion is needed regarding how DLCD will be using VMT. For example: using 2020 as a base year should not be used, because Oregon and the world have been under a pandemic and the VMTs would bias a baseline metric that does not compare to pre-pandemic traffic cycles.
- ❖ **Recommendation:** The terms 'latent' and 'induced' demands have been mentioned multiple times in the rule changes. There should be more discussion on how these terms are being defined, if they are practical to assume in the modeling depending on location, and how are they being derived in the modeling.
- ❖ **Recommendation:** DCLD and ODOT should provide tools to estimate the VMT reductions of all types of projects prior to this rule being adopted or identify a metric that can be measured.

The proposed rules in section -0160 would require regional travel forecasting staff to develop VMT calculation methodologies for cities and counties without sufficient policy guidance. Different VMT calculation methodologies amongst local jurisdictions might have considerably different results. Given current travel demand forecasting capabilities, this rule would best be applied for regional plans only and should not be applied to cities and counties.

- ❖ **Recommendation:** Given current travel demand forecasting capabilities, proposed rule - 0160 would best be limited to regional plans only and should not be applied to cities and counties.

0170 – Transportation Performance Standards

Implementation concerns. Many jurisdictions with or without resources from DLCD will be challenged with adopting standards that, according to the rules, will be required to be adopted by January 1, 2023.

- ❖ **Recommendation:** Modify adoption timeline to allow for integration into local government TSP adoption timeframe. This allows for a better local process, and a more complete interface with current TSP updates from all jurisdictions while reducing a duplicate process.

Performance standards should be part of the rule structure and we understand the need to have performance standards that align with the goals of reducing GHG emissions. We are concerned that DLCD has not done the work to identify performance standard methodologies that accomplish these goals. It is unreasonable to expect local jurisdictions to develop these methodologies on their own. The (currently) broadly used LOS and v/c methodologies are based on nationally accepted calculations, published by the Transportation Research Board, and were developed as a tool prior to being codified as a performance measure. At this point, DLCD has not identified another set of calculations for any of the performance standards listed in the rule. Cities will seemingly be left to develop their own calculations which will at best lead to inconsistency for developers across the state. We fear that it will also result in ineffective performance standards that do not result in the desired outcomes.

- ❖ **Recommendation:** Provide communities with standard methodologies that can be used to meet the performance standard requirements while keeping the flexibility for some communities to build their own performance standards that fit best with their respective community while meeting the outcomes of the TSP.

Comments of the League of Oregon Cities and Association of Oregon Counties (February 7, 2021)

0200 - Combined and Illustrative Project Lists

More flexibility and clarification on “prioritized project list.” The proposed TPR Revisions identify an illustrative list and financially-constrained project list. The proposed TPR revisions do not acknowledge that cities and counties currently have projects that are not listed on financially-constrained list within their TSPs and that these projects are reliant on development and may not be built within the planning horizon.

These projects tend to be smaller projects, such as, adding a right-turn lane, a traffic signal modification, half-street improvements, etc. Cities and counties can require these improvements on a development application if the improvement is listed in the TSP. The projects that go onto the financially-constrained lists tend to involve larger investment, such as widening an arterial to five lanes.

The cities or counties may not be able to implement a project that is ranked Number 1 due to not having enough funds or other constraints. The cities or counties may also have to compete with other cities for county funding where the county ranking might be different than the city’s ranking.

- ❖ **Recommendation:** We recommend the TPR revisions recognize that the ‘illustrative’ list projects that are not on the financially-constrained list may be funded by development and may not fully occur within the planning horizon.
- ❖ **Recommendation:** DLCD should consider the use of tiers to identify projects and more flexibility with implementation, *not* numbered list that ranks projects individually. Consider requiring three tiers on illustrative project lists instead of individualized ranking. This comment also applies to Subsection 4 and Section 210(3).

Transportation Modal Planning

0325 (6) – 0060

Proposed rules are not sufficiently clear what jurisdictions need to apply what rule.

- ❖ **Recommendation:** Provide clarity so that its clear which of these rules applies to what cities.

0400 – Parking Management

The proposed rules would mandate that cities and counties not require off-street parking under certain circumstances. Cities support the goals and objectives DLCD is trying to achieve, but we believe there needs to be some level of consideration for exceptions for parking rules.

- ❖ **Recommendation:** The factors for consideration should allow local governments to balance parking limitations with the type of development use, surrounding context of the development, public safety, and/or emergency vehicle response may justify a need to require parking.

0415 – Parking Maximums and Evaluation in More Populous Communities

Comments of the League of Oregon Cities and Association of Oregon Counties (February 7, 2021)

It is micro-managing cities to require that they price their on-street parking supply to ensure availability for each lot or parcel [0415(2)].

- ❖ **Recommendation:** Remove the requirement in 0415(2) that cities price on-street parking to ensure availability of parking spaces.

0450 – Parking Management in More Populous Communities

This section requires cities of 100,000 or more people to price an increasing percentage of on-street parking spaces and that it be at least \$15 per month for residential permit parking. This is over the top – there already many rules proposed for cities regarding parking; this is not needed and too much of a burden for cities given what is already proposed. Also, it is challenging to find the reference in 0900 for the percent of on-street parking spaces that need to be priced; why not include it in this section of the rule?

- ❖ **Recommendation:** We request that the requirement to price an increasing percentage of on-street parking spaces be removed.

0505 & 0605 – Pedestrian System Inventory & Bicycle System Inventory

Proposed rule revisions of the TPR require cities and counties to create pedestrian and bicycle inventories. We don't have an objection to the requirement, but we want DLCD to understand that not all jurisdictions have resources available to create an inventory system. Many communities large and small don't have the resources or the staffing to meet these requirements, which will be very challenging for the smallest communities.

- ❖ **Recommendation:** Sidewalk gap inventory, enhanced crossing gap inventory, and type of bicycle facility inventory for Climate Friendly Areas, ¼ mile from schools, urban collectors, and urban arterials. The crash risk factor analysis shall be by segment (not intersection) and approved by the Oregon Department of Transportation based on the limited resources, data, staff, and funding the local jurisdiction has.
- ❖ **Recommendation:** The State, through DLCD, should make a commitment to increasing the amount of grant funding available for TSP updates by at least 100% as soon as this rule is adopted.

0610 – Bicycle System Requirements

Under (3)(b) of the revisions, "Cities and counties must plan for separated or protected bicycle facilities on arterials and collectors in Climate-Friendly Areas." This proposed rule will provide a significant challenge to cities outside of the Metro MPO. This will be especially the case given a built environment in downtown strips that have a constrained right-of-way to fit separated or protected bicycle facilities.

- ❖ **Recommendation:** Consider local government flexibility to accommodate safety concerns and limitations due to the built environment and a constrained right-of-way. Allow local governments to propose alternative ways to provide safe and comfortable bike facilities within Climate Friendly Areas.

Comments of the League of Oregon Cities and Association of Oregon Counties (February 7, 2021)

0630 – Bicycle Parking

Subsection (7) of the revisions, “For any use, cities and counties must require at least as many bicycle parking spaces as mandated off-street motor vehicle parking spaces.” Cities and counties do not have an objection to the goal, but the language reference, “For any use” does not consider context of a site, nexus, and proportionality.

- ❖ **Recommendation:** We are requesting consideration of language that provides flexibility for a local government to provide exceptions to this rule under certain context of land uses.

Subsections (2) through (6) list types of development that require covered and secure parking. Subsection (8) of the revisions define the bicycle parking:

“Cities and counties must ensure that all bicycle parking provided must:

- (a) Allow ways to secure at least two points on a bicycle;
- (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions;
- (c) Be in a location that is convenient and well-lit; and
- (d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.”

We do not believe it is possible to meet this rule’s requirements in a downtown setting. As written the rule would not help a city achieve a walkable environment and potentially create unintended conflicts.

- ❖ **Recommendation:** Rewrite the rule that requires development with off-street parking to have covered & secure parking. Exceptions for this rule for businesses with off-street parking may still be needed if requiring covered & secure bicycle parking does not meet nexus and proportionality. In areas where the local jurisdictions identify no off-street parking, the rule could require cities and counties to include in their TSP a plan for locations for covered & secure bicycle parking.

0810 – Street and Highway System Requirements

Subsection (4) of the revisions, “Cities and counties must plan freeways to provide travel between urban areas. Cities and counties must carefully consider new or expanded freeways considering goals for reductions in vehicle miles traveled per capita.” This has never been a requirement of local governments and is up to ODOT to maintain their responsibility and not cities or counties.

- ❖ **Recommendation:** Remove reference to this requirement.

0830 - Authorization of Facilities That Increase Driving and Capacity

Subsections 2 through 10 of the proposed rules provide an extensive list of requirements cities and counties will need to follow when considering an increase capacity or extending a roadway facility. Cities and counties may have hundreds of projects that fall within these criteria in the TSPs.

The wording requires simple projects such as the addition of a right-turn or left-turn lane, roundabout, or traffic signal to do this level of work since they add capacity. These types of

projects provide significant safety for all transportation modes in addition to improving traffic flow and reduced impacts of idling by traffic.

DLCD mentioned on December 29th, 2021 that traffic signals and roundabouts will be excluded from this rule, but they plan to keep turn lanes to these rules. Turn lanes has been proven by research to be an effective safety tool, which is why there are 'crash reduction factors' used for turn lanes in benefit-cost analysis. Turn lanes can also be used to reduce conflicts between motor vehicles and people walking or bicycling. For example, a safety project added a turn lane to not block through traffic when a 'no turn on red' is activated to avoid right-turn car conflict with a person or bicycle crossing an intersection crosswalk area when the through movement has a green.

Cities and counties need to be careful when making decisions to remove a travel lane or not to address capacity. These actions could increase vehicle miles traveled from vehicles diverting to other longer routes to avoid congestion and shift safety issues on other corridors that are not meant to handle that level of traffic.

New roads or intersections/interchanges could also reduce vehicle miles traveled by creating better connectivity within a city or county.

- ❖ **Recommendation:** The proposed language needs to address the other values provided for by small projects and focus attention on new travel lanes and consider the impacts of a community removing travel lanes, because of the impact on emissions.

Comments of the League of Oregon Cities and Association of Oregon Counties (February 7, 2021)

January 10, 2022

TO: DLCD CFEC Staff

FROM: Mary Kyle McCurdy, 1000 Friends
Bob Cortright

SUBJECT: RECONSIDER REQUIRING REGIONAL SCENARIO PLANNING

We're writing in support of comments submitted by the Oregon Chapter of the American Planning Association (OAPA), which encourage you to reconsider and revise the requirement that metropolitan areas conduct regional scenario planning before they update local transportation system plans (TSPs) to reduce vehicle miles traveled (VMT). As explained below, we believe that requiring a new regional process would be complicated, unnecessary, and would delay rather than facilitate local planning for VMT and GHG reduction.

A new regional planning process/entity isn't needed. We have adequate mechanisms for regional coordination of local planning decisions.

It's unclear why a new regional planning process for GHG reduction is needed, when most of the actual implementation decisions necessary to reduce VMT (and thus GHG emissions) are the responsibility of individual cities and counties and we have adequate mechanisms to assure that these individual decisions are coordinated regionally. Requiring local governments to establish new entities or arrangements for regional planning is unnecessary, politically controversial, and by adding this additional layer will take substantial time and resources that will needlessly delay and complicate needed changes to local plans.

Regional scenario planning will propose changes to existing land use and transportation plans that are currently decided by individual local governments. These include decisions about:

- Planned land uses ("residential and employment densities and locations" and CFAs)(110(6))
- Changes to local zoning and development codes needed to enable future land uses (110(6))
- Transportation projects, programs, and funding (110(4))
- Other programs, actions, incentives, or investments (110(8))

Current rules already require that individual local governments coordinate these decisions with other affected entities to make sure they are consistent with one another. If something more is needed, rather than require regional planning, the rules should reinforce and build on existing coordination requirements. For example, the rule could require that cities and counties coordinate to agree on a set of "regional assumptions" to guide planning by individual jurisdictions, including:

- Using and building upon existing population and employment projections
- Agreeing on region-wide funding availability and commitments (using existing Regional Transportation Plans)
- Coordinating with transit districts to agree on regional transit needs and priorities (metropolitan areas already have designated frequent transit routes).

The rules should also:

- Allow but not require cities and counties to establish regional entities or agreements for regional scenario planning
- Allow counties to defer or delegate to cities to prepare scenario plans for unincorporated areas within UGBs)

January 6, 2022

RE: Climate Friendly Areas/Land Use Working Group

From: Jonathan Harker, AICP, RAC Member

To: Kevin Young, Senior Urban Planner, DLCD
Bill Holmstrom, Transportation Planner, DLCD

Cc: Kirsten Greene, Deputy Director, DLCD

Dear Kevin and Bill,

I wanted to thank you for the opportunity to participate in the CFA Work Group meetings. This is follow-up to some of the issues discussed with my thoughts, suggestions and questions.

Before getting into the I wanted to thank DLCD staff for all of the hard work that has gone into this rulemaking. I recognize that writing rules that will apply to local jurisdictions can be complex and challenging. And that the circumstances of having to do this work from your homes and remotely has been an especially challenging endeavor.

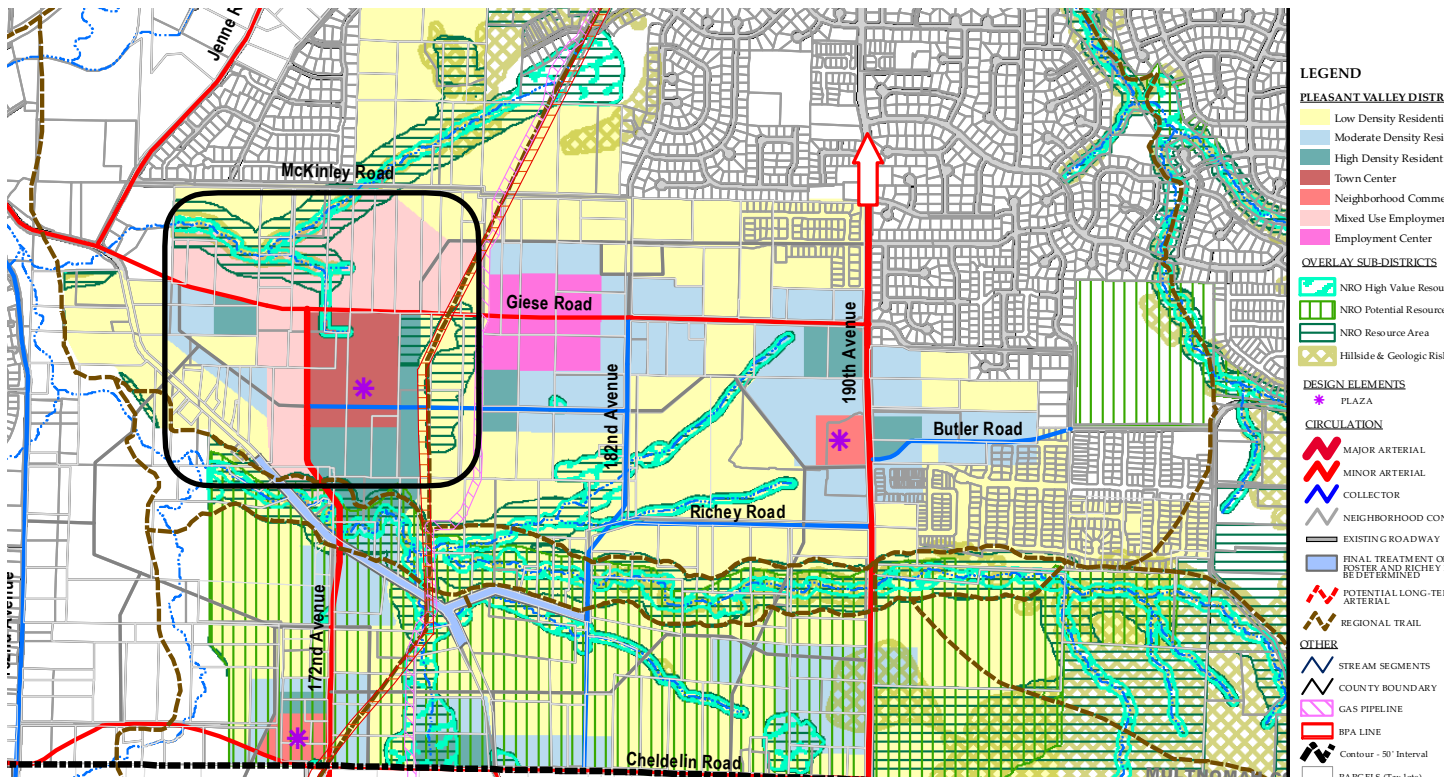
Although I know I have brought this up before the book Drawdown (Edited by Paul Hawkin, Penguin Book, 2017) identified walkable cities as ranking #54 of 100 actions that can be done to reduce GHG emissions. The chapter on walkable cities noted six dimension of the built environment — demand, density, design, destination, distance and diversity — as key drivers of walkability. I am convinced that with some editing the final draft rules will provide the guidance and requirements that will result in Oregon's metropolitan areas to creating walkable and climate friendly and equitable communities and result in reduced GHG emissions.

In this document I have several references to past Gresham projects some that date to Gresham's implementation of UFMFP Title 6 land uses and more recent project related to urban design. My references are not that the standards Gresham has adopted are necessarily the state of the art but to rather to illustrate concepts that I believe should be utilized in the rules. I am, of course, very familiar with these projects as I participated in some way on most of the projects referenced. I have tried to include in this document links to the references even as I include excerpts in this document.

Here is [link](#) to a Gresham webpage which has links to PDFs of three of Title 6 centers that I refer to late: Pleasant Valley, Civic Neighborhood and the Downtown Plan Districts if you want to look closer at the land use and design standards for this plan districts (including for streets) of these plan districts (as well as for other Gresham land use districts).

1. The first issue is 0320(2) which regards allowing residential or employment-oriented zoned areas to be part of a designated CFA. Concern was raised about allowing those non-mixed use areas to be 1/2 mile distant from the 0320(1) CFA area.

I'd like to illustrate the concept that I will be drawing on to suggest modifying the rule language by looking at a section of Gresham's Pleasant Valley Plan District land use district map. The PVPD is an UGB expansion area. In the map that follows the oval box includes the three sub-districts which make up a Metro UGMFP Title 6 town center: Town Center (TC-PV) [dark red]; High Density Residential (HDR-PV) {greenish/blue south & east of TC} and Mixed-Use Employment (MUE-PV) [pink north & west of TC].



The TC-PV provides for the mix of retail, office, civic and housing that would be consistent with the CFA of 0320(1); the HDR-PV provides for residential uses and would be consistent with 0320(2)(a); and the MUE-PV provides for employment (although it allows mixed use with upper story housing) and would be consistent with 0320(2)(b). Drawing a boundary around the outer edges of the HDR-PV and the MUE-PV would, with the incorporated TC-PV, constitute a CFA as a continuous area.

In brief excerpts from the code:

TC-PV The town center is intended to be the heart of the Pleasant Valley community. It will contain a mix of retail, office, and civic uses, and housing opportunities in a pedestrian oriented area. The town center shall be the focus of retail, civic, and office related uses, and services that serve the daily needs of the local community. It shall be served by a multi-modal transportation system with good access by vehicular, pedestrian, bicycle, and transit traffic.

Town Center Housing Areas in HDR-PV. The HDR-PV area located generally south of the town center (west of the BPA power line and north of Kelley Creek) allows attached housing at an average density of 30-40 dwelling units per net acre. The higher minimum and maximum densities are intended to support the town center area as the lively, pedestrian-oriented, transit-supportive center within Pleasant Valley.

MUE-PV Sub-district is intended to provide support services for the town center as well as local service needs, plus provide employment opportunities. Primary uses shall include offices and services and retail. Housing shall be allowed within a mixed-use building.

To also illustrate this concept attached to this document are the plan maps of Gresham **Civic Neighborhood** and **Downtown Plan** Districts along with brief descriptions of their subdistricts. Both of these areas are Title 6 regional centers. Civic Neighborhood is mostly a infill opportunity served by light rail (as well a bus). Downtown is built around Gresham's historical downtown and is a transition over time. It is partially served by the end of the blue line light rail but mostly is served by bus. These areas are significantly larger than the PV town center. Given Gresham's population I can imagine the Downtown, for example, being a size comparable to a CFA in the two larger communities of Eugene and Salem. Like Pleasant Valley you will note they are composed of several distinct subdistricts which have varying allowed uses and densities but which, in the aggregate could create CFAs desired by the rulemaking.

All three of the centers are intended and have design standards to be pedestrian friendly. For example consider this code characteristic of the MUE: "Strong pedestrian connections will be established between the MUE-PV areas and the town center. Examples include direct and convenient pedestrian routes, alignment of driveways, streets and blocks, building orientation that frames streets between the MUE-PV and town center, consistent streetscape elements, and other techniques."

Here is [link](#) to a Gresham webpage which has links to PDFs of Pleasant Valley, Civic Neighborhood and the Downtown Plan Districts if you want to look closer at the land use and design standards for this plan districts (including for streets) of these plan districts (as well as for other Gresham land use districts).

Suggested changed to 0320(2):

(2) Residential or employment-oriented zoned areas ~~within 1/2 mile of~~ contiguous to a mixed use development area zoned as provided in Section (1) may be included within the boundary of a climate friendly area, if in compliance with (a) or (b) and (c).

(a) Residential areas with minimum residential densities ~~or existing residential development~~ equal to or greater than the densities provided in Section (6); or

(b) ~~Existing e~~Employment areas with minimum employment densities ~~uses~~ equal to or greater than the number of jobs per acre provided in Section (6). Residential uses shall not be permitted except in upper stories of mixed-use buildings.

(c) Strong pedestrian connections shall be established between the residential and employment areas allowed under this section and the mixed-use development area provided in Section 1. Examples include direct and convenient pedestrian routes, alignment of driveways, streets and blocks, building orientation that frames streets between the residential and employment areas and mixed-use development area, consistent streetscape elements, and other techniques.

Commentary: The intent of the changes to the first paragraph is to emphasize that the pattern of the residential and/or employment areas are next to the mixed-use development area and in combination create a single CFA. The current language would have allowed the other areas to be disconnected from the mixed-use development area. I don't think that the 1/2 mile language is necessary but if there is a concern that some of the development in a residential or employment area is too far away to walk then the language could be added such as "No part of the boundary of an area provided for in Section 2(a) or (2(b) shall be further than 1/2 mile from nearest boundary of a mixed-use development area as provided in Section 1 as measured by a straight line."

I suggest deleting references to "existing" development in (a) and (b) as what is existing is not a land use requirement which is the subject of 0320 rules. What is important is what will be allowed and required once the land use requirements for the CFAs are adopted by the local jurisdictions.

I suggested the language allowing for residential in the employment areas when it is part of a mixed-use building as I have seen that as a best practice. Standalone residential would not be allowed. Also there would be no requirement for a minimum residential density nor would this allowance be a factor is demonstrating the 30% residential units capacity requirement of the rulemaking. Any units built could be consider a "bonus".

I suggest (c) as walkability is a key element of CFAs and including this requirement helps emphasize that key characteristic. I think it also addresses a concern raised in work group meeting about ensuring that the (a) and (b) are accessible to the mixed-use development area.

2. The second issue is 0315(1) regarding the draft rule that when it came to the requirements that city of “10,000 or more shall designate climate friendly areas sufficient to accommodate at least thirty percent of the total identified number of housing units necessary to meet all current and future housing needs” that “no portion of a climate friendly area required by this Section may be narrower than 1,000 feet in width”. Several work group participants raised concerns that the provision would be to limiting or problematic when designating CFAs on the ground.

In response to the question “what is the purpose of this requirement” my understanding of the staff response was a concern that allowing multi-family units on narrower corridors to count towards the requirement percentage of housing units in CFAs could result in the units only being located on what some think of as less desirable transit corridors located on arterials as opposed to more desirable (calmer or no streets) mixed-use areas and that this was an issue of equity.

In response to the question of the source for this concern staff provided a [link](#) in the chat box which turned out to be a short article “Upzone the Side Streets!” in the online e-magazine SLATE. The article was subtitle “Putting apartments on busy roads and houses on quiet ones is an injustice”, was written by Henry Grabar, and posted on 12/9/2021. I personally did not find the article as one that supports the 1000 foot provision. The author writes that it is the “planner’s article of faith to encourage dense development along major corridors and nowhere else” and that this results rental housing (multi-family) only being on busy arterials. The author then quotes from another [article](#) written by Daniel Oleksiuk of the Sightline Institute (25 Oct 2021). This article in titled “Confining Rental Homes to Busy Roads Is a Devil’s Bargain” and centers on Vancouver, BC. Mr. Grabar quotes from Mr. Oleksiuk “instead of planning for housing options in locations that maximize the health and well-being of residents, policymakers are mandating that people who prefer more compact, energy-efficient, and lower-cost homes can only live on traffic-choked arterial streets—and must suffer all the bad health consequences.”

The article also states that “it makes sense to put more housing near transit ... but that logic should apply to neighboring streets as well. A side-street that’s a short walk from transit is also an excellent candidate for a high-rise.”

Although I understand the concern about limiting multi-family only to arterial streets but it is not clear to me why there is a concern that might happen as a result of this rulemaking. Nor I’m I certain of what the intended outcome the provision is: wider transit corridors (500 feet to a side?) or limiting CFAs to center like areas? Given that the draft rules only apply the CFA designation in the Portland metro area to UGMFP Title 6 centers (Central City, Regional, Station and Town, I presume) and not to the Corridors and Main Street Title 6 designations it seems that the purpose provision is to limit the 30% housing capacity requirement be met in centers only.

I would note that Oregon's metropolitan areas are all engaged in implementing the missing middle housing rule making which, over time, will result in more attached housing options near transit lines and centers.

If the intent of the draft rules is that a CFA is intended to only apply to center type areas that should be made clear in the rules. I would also suggest that there needs to be a role for transit corridors and linear main streets located outside of a center area as part of creating climate friendly areas and communities. And that the rules should address those places that will also result in reductions in VMT and GHG emissions by planning for corridors as places will support walking and transit by having a mix of uses in walking distances. I will address this issue in my next section.

Finally one element that I feel has been missing from draft rules is urban design requirements related to the relationship of buildings to streets including larger arterial type streets. You will note that attention that Gresham's civic neighborhood and downtown plan districts pay to the semi-public realm between a building and street it faces. Gresham does have a corridor design district as well as specific pedestrian and transit criteria (7,0210) starting on page 20 of the PDF the link goes to.

Suggested changed to 0315(1):

(1) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of 10,000 or more shall designate climate friendly areas sufficient to accommodate at least thirty percent of the total identified number of housing units necessary to meet all current and future housing needs over the planning period by using the calculations in Section (2). A local government may designate one or several climate friendly areas in order to accommodate at least thirty percent of housing units. ~~No portion of a climate friendly area required by this Section may be narrower than 1,000 feet in width.~~

Commentary: It seems to me that local jurisdiction planners can deal with the urban pattern. The built environmental will influence how the areas can be plan for to accommodate the intent of these rules and it may be impractical to accommodate 1,000 feet. For example in my neighborhood of NE Portland Fremont Avenue is a Title 6 "main street". The designation is applied to one lot depth on the north and south sides of the street. To the north of the designation is a cemetery and south are established single-family house development. Earlier in the rulemaking I shared photos of three mixed-use multi-story buildings with ground floor commercial and under multi-family units (one no parking, one parking for a fee, and one structured parking with EV charging per unit). These are all on the north side. Since I shared the photos two multi-story multi-family developments have been built on the south side. Fremont has a bus line and a number of commercial opportunities. Why wouldn't this be a desired CFA despite not being 1,000 feet in width?

Like project staff I don't want to repeat mistakes of the past. However, planning for climate friendly and equitable communities of the future, I believe, needs to plan for the dual

role that centers and corridors should have in achieving the State's goals. I also believe that we should be planning for corridors (as well as centers) to be desirable places to live.

*I also note that there is similar language in **0315(3)** for smaller jurisdictions. It is not clear why the draft rules suggest "at least 25 acres of land" to be designated CFA or why "no narrower than 500 feet in width". What is the basis of 25 acres? I assume that the 500 feet is the issue of corridors and equity similar to the 1000 foot provision by why does it work for these smaller cities but not for the larger ones and why is this width restriction needed? it is hard to understand if this rule meeting the objective without a demonstration using a real place or at least a hypothetical situation. Why is this language needed rather than allowing these jurisdictions to identify CFAs based on needed performance?*

3. The third issue is 0310(1) as it relates to only identifying centers as CFAs as well as 0315(1) as it relates back to 0310(1). The Metro 2040 Growth Concept Plan envisioned four areas — Centers, Corridors, Station Communities and Main Streets — as the principal centers of urban life. [Note that Station Communities regard light rail transit areas.] Although I understand that the Portland Metropolitan area is unique in Oregon due, in part, to the population size of Portland, there are communities with the Metro area that are not unlike the communities in the other Oregon metropolitan areas that the rule making will apply to. And that there are good reasons why this urban form pattern should be considered in the rulemaking and that CFAs are not limited to centers but also incorporate these other land use forms.

Considering transit corridors. In 1998/99 a Gresham project implemented the 2040 Growth Concept Title 6 for corridors in Gresham (which coincided with Gresham's designated transit streets). This project is described in Gresham's Comprehensive Plan: Policy 10.319.1 Transit Corridor Plan Area. As noted in policy summary: "Corridors are along good quality transit lines, feature a high-quality pedestrian environment and convenient access to transit. Typical new developments include rowhouses, duplexes, 1-3 story office and retail buildings and mixed commercial and residential use developments. Recommended average density is 25 persons per acre. The 2040 Growth Concept map generally included parcels within (or partially within) 360 feet of the street right-of-way in the Corridor district."

The project did apply corridor land use districts generally to parcel within or partially within 360 feet of transit corridors and also identified and designated mixed-use corridor zoning to where there was a gap of more than 1/2 mile between commercial districts.

The 2040 Growth Concept Main Street designated focused on historical main streets that often featured commercial at the ground floor with housing above and was characterized as pedestrian friendly. Main streets can be found within centers or outside of centers such as the main street I described earlier.

The Metro 2040 Growth Concept, as noted above, considered the Title 6 areas as the principal centers of urban life. The CFAs required in the draft rules should result in them being the principal centers for the other Oregon metropolitan areas if Oregon's goal for

climate change adaptation are going to be met. RAC members have expressed concerns that the 30% residential requirement is too low. RAC members have also expressed concerns that there is no similar requirement for employment. I would concur with those concerns — if Oregon is to create climate friendly and equitable communities the CFAs need to a principle focus of urban living.

Suggested changes to 0310(1) and 0315(1):

0310(1) “Climate friendly area” is defined in OAR 660-012-0005(6). Cities and counties shall designate climate friendly areas in places that contain, or are planned to contain, a mixture of allowed uses as provided in OAR 660-012-0325. Climate friendly areas may be designated in centers, including planned or existing downtowns, neighborhood centers, or other districts. Climate friendly areas may also be designated in corridors that are at least within or partially within 360 feet of a planned or existing transit streets. Climate friendly areas may also be designated in main streets that are an existing historical main street within or out of a center. Climate friendly areas shall be designated in areas that are served, or planned for service, by high quality pedestrian, bicycle, and transit services. ~~Cities and counties may not designate climate friendly areas where development is not allowed under authority of Statewide Planning Goal 7. Climate friendly areas may be designated in areas subject to Statewide Planning Goal 7 if the local government has adopted requirements for development that will mitigate potential hazards to life and property.~~

0315(1) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of 10,000 or more shall designate climate friendly areas sufficient to accommodate at least thirty percent of the total identified number of housing units necessary to meet all current and future housing needs over the planning period by using the calculations in Section (2). A local government may designate one or several climate friendly areas in order to accommodate at least thirty fifty percent of all new housing units and to accommodate at least fifty percent of all new non-industrial jobs. ~~No portion of a climate friendly area required by this Section may be narrower than 1,000 feet in width.~~

Commentary: The intent of the additions to 0310(1) is to call out the corridors are also CFAs. I don't know if there is a more up to date figure other than 360 feet but that is what I know as a valid standard. The reason for “partially” is to avoid split zoning a parcel in the case where only the front part of the parcel is within 360 feet of the street. The language is intended not to preclude a jurisdiction choosing a wider designation. Main street is added to allow jurisdictions to utilize and as needed update existing main streets as CFA even when it is not within a center.

Why is there a need to call out Goal 7 in this rule? Wouldn't this be true even if it wasn't stated here? Unless it is necessary I would suggest deleting that language. Confusion can occur when unneeded language is included.

0315(a) replaces 30% for residential with 50% and to clarify this is regarding new housing. It also adds the 50% for non-industrial employment as employment in CFAs is

critical aspect of achieving Oregon's climate and equity goals. I had previously recommended deleting the 1000 feet in width provision.

4. The fourth issue I would like to address is to update the 0005 definition for "Climate Friendly Area" for the changes I have already suggested and a couple of other areas.

Suggested changes to 0005 "Climate Friendly Area" definition:

"Climate Friendly Area" means an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas can be centers, corridors and main streets. These areas are served by, or planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key destinations within the city and region. They feature a high quality pedestrian environment. To maximize community benefits these areas typically do not contain or require large parking lots, and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors, residents, and employees. Climate friendly areas will reduce the reliance on ~~single-occupant~~ light motor vehicle trips for residents, workers, and visitors by providing more proximate destinations within climate friendly areas, improved connectivity to key destinations elsewhere in the community, and enhanced alternative transportation options.

Commentary: This clarifies that CFAs include centers, corridors and main streets. The intent of adding "high quality pedestrian environment" is to emphasize that development needs to foster a desirable place to live or work. This is nuance difference from high quality infrastructure.

This replace "single-occupant" with "light". This rule making effort was initiated to take action to reduce light vehicle trips by replacing them with walking, biking, transit trips. For some time there has been emphasize on reducing single occupancy trips, primarily commute trips. This rulemaking has not been about single occupancy trips but rather making it practical for more trips to be completed without driving regardless of the purpose or occupancy of the trip e.g. a family walking to a restaurant, a couple going on a date by transit, and being able to do daily trips by other than car. I don't recall any conversations during the RAC meeting being this rulemaking being about SOV trips. This proposed change doesn't preclude the fact that it should lead to fewer SOV commute trips but captures the broader intent of the draft rules to reduce light vehicle trips.

5. The fifth issue I would like to address is 0315(2) regarding the issue of how to calculate housing that can be accommodated in CFAs. It appears that this rule is intended to be done as part of the designation of climate friendly areas as provided for in 0315(4) which as currently written is being done prior to adoption of land use requirements and comprehensive plans as provided in 0315(5). It seems problematic to calculate capacity without context to the planned zoning designation and development standards for the CFAs.

It is my experience that capacity is a function of minimum and maximum allowed densities and so I am not certain why the rule refers instead to building square footage. Certainly setbacks and heights have to accommodate maximum densities (as well as minimum densities) but the assumption seems to be that jurisdictions will somehow not provide the appropriate maximum standards to accommodate possible development?

It is hard to be able to support this rule as I am not able to understand if the calculations in this rule will result in the right amount of land be designated as CFA. It would be helpful if staff could provide a real life example (perhaps using one of the not-Portland area lands where some analysis related to scenario planing or existing conditions work has been done.

I have several questions:

- Where the rule says “based on net zoned area” what zoning is being referred to? Current zoning? Zoning anticipated to comply with 0320? (which may not yet have been decided a year into the process? Or the actual zoning that a jurisdiction will decide complies with the rules and meets the local conditions? It seems that asking for this to be accomplished before zoning decisions instead of with zoning decisions is problematic.
- What is net zoned area for the purpose of this rule? Sans public right-of-way, parks, plazas? Vacant, infill or redevelopable land? Sans natural lands?
- Is required landscaping considered “any other relevant development standard(s) that would limit buildable square footage”? Parking?
- Is it reasonable to assume that maximum height (or 85 feet!) will always be utilized? That seems unlikely to me and would result in overestimating what will actually occur.
- Why 30% of full buildable area assumption for residential use? Is it somehow related to the according 30% of residential units or some other origin?
- Regarding the language for allowing additional square footage for affordable housing bonuses. Where does this come from? In my experience you may find the height bonuses may work in downtown Portland but in places like Gresham its not height or density bonuses that result in affordable housing but financial assistance (such as transit oriented tax exemptions). Is it reasonable to assume that by having such bonus provisions more development will occur outside of Portland? And also is this existing zoning or is it planned zoning for CFAs?

I not sure how to suggest amending this rule except to suggest using more conventional approaches of determining infill and redevelopment opportunities over the planning horizon along with utilizing allowed and requirement zoning. I would also note that capacity for employment should also be calculated

6. The sixth issue I would like to address is the general lack of guidance regarding design elements necessary for CFA’s. As I have noted in earlier in this document (especially

see issue 1 and issue 2 and links provided) Gresham implementation of its centers and corridors include an emphasis on design. Developing successful CFAs is not just a matter of an intent of mix of uses, density and height but also of design.

I do recognize that challenge of drafting rules that while providing effective guidance and requirement can accommodate the different places that local governments will be designating as CFAs. One approach would be to add a rule, perhaps to 0320, that require adoption on comprehensive plan policies of design principles that could transcend those different places and to provide that DLCDC will develop a model ordinance that a local government could adopt or use adapt to their circumstances.

Below are the design principles that Gresham has adopted for the Civic Neighborhood Plan District (a center). I am not suggesting that these would be exact principles to include as draft rules but rather to illustrate the type of principles that could be considered as rules for comprehensive plan policies and to guide developing a model ordinance to assist local government in planning for CFA development.

4.120 CIVIC NEIGHBORHOOD DESIGN PRINCIPLES

The design principles identified in this section shall be used as approval criteria to help interpret the Civic Neighborhood Design Guidelines and standards.

A. Reflect Neighborhood Identity: *Natural features, public spaces, active streetscapes, and high quality, timeless developments create a strong neighborhood identity and sense of place. High levels of development intensity establish a district that is attractive, stimulating, active, and safe.*

B. Support a Mixed-use Community: *Developments provide a rich mixture of complementary uses including a variety of commercial, residential, and institutional uses supporting a convenient, urban lifestyle. The mix of uses and variety of housing types supports a diverse population, generate 18-hour activity, and provides options for jobs, housing, shopping, and services.*

C. Provide Pedestrian and Transit Orientation: *Pedestrian-oriented design support and encourage multi-modal transportation options including walking, driving, biking transit, and other modes in a functional, safe, and visually attractive manner.*

D. Create Active Streetscapes: *Building, site, and street design support multi-modal users, are scaled appropriately for their location, and promote active and engaging streets and public spaces and the pedestrian level.*

E. Enhance Connectivity: *Interconnected streets, sidewalks, transit routes, and trails form a pedestrian friendly transportation network to and within the neighborhood, which is convenient, safe, and accessible by multiple modes of travel.*

F. 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 identify, support urban tree canopy, and serve as centers of activity and social interaction.*

G. Utilizes 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; supports residents' health; and maximize a building's positive impact on the built and natural environment.*

H. Promote High Quality Design: *Create aesthetically pleasing, durable architecture with diverse, innovate design that enliven the public realm and contribute to the sense of place, neighborhood, and pride in the City.*

I. Design at a Human Scale: *Promote development that is oriented towards and welcoming to pedestrians, creates a strong relationship between the building and the street, and creates enjoyable, pedestrian scaled spaces and streetscapes for people to occupy.*

7. The seventh and last issue I wanted to address is 0320(5) and (6) which as I understand it (5) is considered to be a prescriptive based approach and (6) is a performance based approach. In both cases, I believe, the intent is to ensure that the density and mix of housing and employment is a high enough levels to provide the destinations and distances that allow for walking, biking and transit trips in place of light vehicle trips.

It is my experience that provisions for attaining the desired densities and mix should be based on minimum standards. In (5) although there are minimum residential density requirements there are no minimum employment density requirements. Instead there is a reliance on establishing a maximum height standard. In my experience in Gresham maximum heights were not been a barrier to development nor were they often utilized. Demonstrating that the desired density will occur do to a maximum hight allowance is, I believe, unrealistic.

Although the Pleasant Valley Plan District is located in a community with more than 100,000 population its town center and other sub-districts were created to accommodate the planned population of Pleasant Valley as expected by Metro at the time of it being brought into the UGB which was approximately 12,000 population and 5,000 jobs. Both the TC-PV and MUE-PV subdistricts have a minimum FAR requirement of 0.5 and a minimum height of 2-stories. Other commercial subdistricts located in the PVPD but not specifically associated with the Town Center — Employment Center (EC-PV) and Neighborhood Center (NC-PV) — have FAR requirements of 0.4 and 0.35 and a minimum height of 22 feet and no requirement respectively. You will find that generally there are minimum FAR and heights required in Gresham's other center plan districts.

Although it appears that the rules have gone away from requiring that there be no minimum required front (or side) yard setback you will find in many of Gresham's center subdistricts that have a zero or other minimum setback but also establish a maximum setback. For example both the TC-PV and MUE-PV have zero minimum setback requirements for all sides but have a five foot maximum (TC-PV) or 10 foot maximum (MUE-PV) for front and street side yards (0 for the other sides).

I would recommend to, at the least, revise the draft rules to require a two-story minimum height for all of the categories and perhaps a 0.35 to 0.50 employment and mixed-use buildings FAR requirement differing based on the size of the community.

The first paragraph of (06) says "will result in" and the subsequent subsections requires the local governments to "facilitate". I would suggest that the language of rule make it clear that the development regulations need to set minimum requirement to achieve the standards. Also I am not clear what the reason is for using the term "facilitate" which sounds more like "allow" to happen rather than "require" to happen. That should also be clarified.

Also are the numerical requirement e.g in (a) of at least 20 homes and jobs to mean a total of 20 home and jobs combined or 20 homes and 20 jobs? I assume its the former but I have had this question asked of me so I would suggest it be clarified. Also how were these figures arrived at? They do seem to somewhat correlate with Metro's Title 6 people per acre standards. It would helpful to be able to understand how the figures will result in the needed mix and densities.

END OF DOCUMENT