

[May 24 2023]

Dear Casaria,

Here are my notes /observations on the RAC1 pack. My regrets that I can't make the meeting.

Thank you for forwarding them on to the rest of the team.

kind regards

Michael [Szporluk]

### **660-012-005 Definitions**

(2) "accessible dwelling unit" (page 17 of 53)

**Comment:** The definition provided is inaccurate and misleading. "Accessible dwelling units" are not constructed to accommodate persons with disabilities. They have been and can be constructed to accommodate anyone and everyone. In fact, many non-disabled people occupy and prefer to occupy units that are accessible (*which is actually a challenge, because it means a shortage in supply of those who actually require accessible units*). Research shows there is more demand for accessible units than what is commonly thought, especially amongst older persons and their households. Bearing in mind the demographic trends, we should adjust building codes to require the development of a greater percent and overall number of accessible units.

There are standards which, when met, signify that a unit is accessible. The ADA offers one set of standards. There are other standards, such as universal design, which are considered higher than the ADA – and we should strive for those higher standards.

(3) "accessible" (page 17 of 53)

**Comment:** Accessible means the unit was constructed using the principles and standards of universal design (which is considered a higher standard than the ADA). Compliance with ADA means, merely, not breaking the law. It's the floor, not the ceiling.

(14) equitable outcomes (page 18 of 53)

(c) "adequate housing"

**Comment:** to be achieve an equitable outcome, either we need to specify that housing also needs to be accessible, or within the frame of "adequate" it needs to be understood that one element of adequacy is "accessibility."

(41) “reasonably direct” (page 21 of 53)

**Comment:** what does "significant amount of out-of-direction" mean? isn't that relative? In whose view?

(51) “transportation needs” (page 21 of 53)

Can we specify here and elsewhere as appropriate the need for transportation to be accessible for all users?

**660-012-0012: Effective Dates and Transition (pages 22-24 of 53)**

**Comment:** I’d like clarification as to why these changes have been allowed (a delay of 2 ½ more years – from June 2027 to Dec 2029). What’s the rationale? Where’s the urgency?

Paras (3), (4) and (5) even seems to allow cities and counties to propose alternative dates that could have the effect of delaying this further.

**660-012-0100: Transportation Systems Plans in Metropolitan Areas (pages 24-25 of 53)**

**Comment:** can a core element [see para (2)] be that the system plan should incorporate and advance progressive accessibility standards (ADA at a minimum, not maximum)?

Para 2(g) a record of engagement

**Comment:** this should include a record of engagement with persons with disabilities and their representative organizations.

**660-012-0135: Equity Analysis (page 26 of 53)**

**Comment:** an equity analysis will need to demonstrate that it is: (a) aware of the needs of persons with disabilities, (b) acknowledge or recognize that actions are needed to ensure greater equity, (c) develop strategies (in conjunction with those communities) and then (d) implement specific actions to achieve stated outcomes/objectives.

**660-012-0215: Transportation Performance Standards. (pages 30-31 of 53)**

**Comment:** Para (3) states: “The transportation performance standards must evaluate at least two of the following objectives for the transportation system, for any or all modes of transportation.” “at least two” seems a pretty weak requirement. Accessibility, for one, should be a requirement, not an option.

**660-012-0330: Land Use Requirements (pages 37-38 of 53)**

**Comment:** Para (2) specifies possible exemptions. Re (2)(f), how would exemptions provide more accessibility for persons with disabilities? Can someone explain the intent behind that rationale for exemptions?

**660-012-0405: Parking Regulation Improvements (pages 39-40 of 53)**

**Comment:** how does para (1) affect the provision of dedicated parking spaces allotted for persons with disabilities? Why shift the requirement in para (4) only for those include more than half an acre? Why not retain the ¼ acre requirement? What will be the requirements for those developments between ¼ acre and ½ acre?

RE: Para (4)(a)(B) – payment of \$ 1500 per spot is nothing. How was that amount arrived at?

RE: Para (4)(a)(C) – why was tree canopy requirement reduced to 40%?

RE: Para (4)(b) – what does “other site considerations” mean and how would those considerations be evaluated and by whom?

**660-012-0415: Parking Maximums and Evaluation in Mo 1 re Populous Communities (page 41 of 53)**

RE: Para (1)(d)

**Comment:** why would all these other parking options exempt? Won't this just have the effect of shifting how/where parking is developed, instead of reducing the parking (which is what we want to do)?

**660-012-0430: Reduction of Parking Mandates for Development Types (page 42 of 53)**

RE: Para (3):

**Comment:** Does “facilities and homes” include businesses / services that focus on providing services to/ for persons with disabilities? If not, why not?

**660-012-0445: Parking Management Alternative Approaches (page 44 of 53)**

RE: Para 1(a)

**Comment:** Why only two of these five required? Why reduced from earlier requirement of “three of five”?

**660-012-0505: Pedestrian System Inventory (page 45 of 53)**

RE: Para 2:

**Comment:** Could we add a requirement for cities to make improvements in areas that are known to place persons in vulnerable conditions? In other words, in areas / intersections where several pedestrians have been hit/injured or killed, could that trigger a requirement for the city/jurisdiction to do something to reduce the likelihood of subsequent crashes/killings?



May 25, 2023

Bill Holmstrom, Land Use and Transportation Planning Coordinator  
Department of Land Conservation and Development

Re: Comments on Climate Friendly and Equitable Communities Draft Rule Amendments

Dear Bill and DLCD Team:

The City of Tigard continues to support both the goals and the implementation of the Climate Friendly and Equitable Communities rules.

We appreciate the Department's quick work to address technical and other fixes in the rules to make them more workable and clear.

I am attaching our comments on the May 15 draft of the rules as presented in the Rules Advisory Committee meeting of May 25.

I apologize in advance that you will find some grammatical fix suggestions that go well beyond the technical fixes you are proposing and that was part of LCDC's charge. It's a habit for me when reviewing code that I flag these things when I see them. Feel free to take these or leave them as your time and scope allows.

If you have questions on any of these, or if there is anything that is unclear, please let me know.

Best regards,  
Schuyler Warren  
Senior Planner

## 660-012-0005: Definitions

(11) “Commercial parking lot” means a site without a primary use where vehicle parking spaces are rented or leased. It does not include shared parking.

Suggest either:

Add comma: “Commercial parking lot” means a site without a primary use, where vehicle parking spaces are rented or leased. It does not include shared parking.

Or better yet, reword: “Commercial parking lot” means a site ~~without a primary use~~ where the primary use is renting or leasing vehicle parking spaces are rented or leased. It does not include shared parking.

(14) “Equitable outcomes” means outcomes that burdens underserved populations less than and benefits underserved populations as much or more as the city or county population as a whole. Examples of equitable outcomes include:

Fix tense, maybe add commas: (14) “Equitable outcomes” means outcomes that burdens underserved populations less than, and benefits underserved populations as much or more as, the city or county population as a whole. Examples of equitable outcomes include:

(d) Increased safety for people in public spaces, transportation and community development;

You all seem to use the oxford comma in lists, so suggest: (d) Increased safety for people in public spaces, transportation, and community development;

(20) “Major” means, in general, those facilities or developments that, considering the size of the urban or rural area and the range of size, capacity or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the immediate neighborhood:

Comma? (20) “Major” means, in general, those facilities or developments that, considering the size of the urban or rural area and the range of size, capacity, or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the immediate neighborhood:

(21) “Major transit stop” means existing and planned transit stations, including light rail stations and other transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in a transportation system plan and existing stops that:

Semicolon? (21) “Major transit stop” means existing and planned transit stations, including light rail stations and other transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in a transportation system plan, and existing stops that:

(b) Are located in a transit-oriented development or within one-quarter mile of an area planned and zoned for:

(A) Medium or high-density residential development; or

(B) Intensive commercial or institutional uses within one-quarter mile of land uses in paragraph (A); or

(C) Uses likely to generate a relatively high level of transit ridership.

Should this list include CFAs?

(b) Are located in a transit-oriented development or within one-quarter mile of an area planned and zoned for:

(A) Medium or high-density residential development; or

(B) Intensive commercial or institutional uses within one-quarter mile of land uses in paragraph (A); or

(C) Uses likely to generate a relatively high level of transit ridership; or  
(D) A climate-friendly area.

(24) “Minor transportation improvements” include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways, or expressways; new collector or arterial streets, road realignments or addition of travel lanes.

Comma? And are the commas and semicolons correct at the end of the list? (24) “Minor transportation improvements” include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way, and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways, or expressways; new collector or arterial streets; road realignments; or addition of travel lanes.

(25) “Multi-unit housing” means five or more attached housing units on a single lot or parcel. A dwelling unit may be attached to another dwelling unit vertically or horizontally. Multi-unit housing does not include middle housing types, as defined in ORS 197.758, but does include five or more attached condominium dwelling units located on a collectively managed lot or parcel.

Strongly suggest moving away from any definition that involves lot lines. This is especially blurry after SB458 and middle housing land divisions. Timing is also an issue – condo plats and 458 divisions can happen at any time. Suggest instead to just consider any five or more attached units as multi-unit.

(287) “Parking mandates” means requirements to include a minimum number of off-street parking spaces with development, ~~or~~ redevelopment, alterations, changes of use, or a fee-in-lieu of providing parking for residential development.

Suggest maybe: (287) “Parking mandates” means requirements to include a minimum number of off-street parking spaces with development, ~~or~~ redevelopment, alterations, changes of use, or a fee-in-lieu of providing parking for residential development, but does not include off-street parking spaces required to under the provisions of the Americans with Disability Act.

(324) “Pedestrian facility” means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian facilities include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian facilities are generally hard surfaced. In parks and natural areas, pedestrian facilities may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities may also include rights of way or easements for future pedestrian improvements.

Comma? (324) “Pedestrian facility” means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian facilities include but are not limited to sidewalks, walkways, accessways, stairways, and pedestrian bridges. On developed parcels, pedestrian facilities are generally hard surfaced. In parks and natural areas, pedestrian facilities may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities may also include rights of way or easements for future pedestrian improvements.

(332) “Pedestrian plaza” means a small semi-enclosed area usually adjoining a sidewalk or a transit stop that provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete, pavers, bricks, or similar material

and include seating, pedestrian scale lighting, and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance, or an intersection and connect directly to adjacent sidewalks, walkways, transit stops, and buildings. A plaza including 150-250 square feet would be considered “small.”

Comma? (332) “Pedestrian plaza” means a small semi-enclosed area usually adjoining a sidewalk or a transit stop that provides a place for pedestrians to sit, stand, or rest. They are usually paved with concrete, pavers, bricks, or similar material and include seating, pedestrian scale lighting, and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance, or an intersection and connect directly to adjacent sidewalks, walkways, transit stops, and buildings. A plaza including 150-250 square feet would be considered “small.”

(36) “Performance measure” means an indicator used to evaluate progress towards meeting performance targets in OAR 660-012-0905.

Wondering if a definition of “performance target” is also needed.

~~(4239)~~ “Refinement Plan” means an amendment to the transportation system plan, that resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.

Comma? ~~(4239)~~ “Refinement Plan” means an amendment to the transportation system plan, that resolves, at a systems level, determinations on function, mode, or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.

~~(474)~~ “Shared parking” means parking spaces used to meet the parking mandates for two or more uses, structures, or parcels of land, to the extent that the owners or operators show the overall demand for parking spaces can be met by the shared parking.

Just wondering if the concept of demonstrating meeting “overall demand for parking spaces” is in line with the rest of the parking reforms. Could this last clause be struck?

~~(5148)~~ “Transportation Needs” means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this division. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this division, and attaining the state’s goals for greenhouse gas emissions reduction, especially those for avoiding principal reliance on any one mode of transportation.

Missing word? ~~(5148)~~ “Transportation Needs” means estimates of the movement of people and goods consistent with an acknowledged comprehensive plan and the requirements of this division. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this division, and attaining the state’s goals for greenhouse gas emissions reduction, especially those for avoiding principal reliance on any one mode of transportation.

## **660-012-0012: Effective Dates and Transition**



(d) Metro shall amend the urban growth management functional plan in conjunction with its next growth management analysis under ORS 197.296 and no later than December 31, 2024, to require local government adoption of Region 2040 centers and land use regulations as described in the acknowledged urban growth management functional plan. Upon adoption of a Region 2040 center and land use regulations, local governments must ensure that all applicable provisions of this division are met, including OAR 660-012-0415(1) and OAR 660-023-0435(2). Within the Metro urban growth boundary, a county with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services, or a city shall comply with the adopted requirements of the urban growth management functional plan by December 31, 2025.

Suggest clarifying that provisions must be met when adopting or amending.

#### **660-012-0100: Transportation System Plans in Metropolitan Areas**

(5) The development of a transportation system plan shall be coordinated with affected cities, counties, transportation facility owners, and transportation service providers, and transportation options providers.

Scrivener fix: (5) The development of a transportation system plan shall be coordinated with affected cities, counties, transportation facility owners, ~~and~~ transportation service providers, and transportation options providers.

#### **660-012-0110: Transportation System Planning Area**

(be) When a county develops a transportation system plan for a portion of the urban area within an urban growth boundary, both transportation system plans must have the same planning horizon year. This subsection does not apply in urban areas with more than one city, or in the Portland Metropolitan Area.

Should this actually be “urbanizable area” to be consistent with the language in the earlier provisions, since it’s applying to counties? It states earlier that “the unincorporated area within urban growth boundaries is the urbanizable area.”

(be) When a county develops a transportation system plan for a portion of the urbanizable area within an urban growth boundary, both transportation system plans must have the same planning horizon year. This subsection does not apply in urban areas with more than one city, or in the Portland Metropolitan Area.

#### **660-012-0135: Equity Analysis**

(b) An engagement-focused equity analysis must be conducted:

(A) When making a major update to a transportation system plan for an urban area under 5,000 in population, as provided in OAR 660-012-0100(2);

(B) When making a minor update to a transportation system plan, as provided in OAR 660-012-0105(4)(d);

(C) When designating a climate-friendly area, as provided in OAR 660-012-0315(4)(c); and

(D) When choosing to authorize a proposed facility, as provided in OAR 660-012-0830(2)(f).

Suggest clarifying two things:

1. Does this apply when adopting 2040 Centers?
2. Does this apply when amending a CFA or 2040 Center?

(f) Report back and share the information learned from the analysis and unresolved issues with people engaged as provided in subsection (a).

Not readily clear where the report back in subsection (a) is that is being referred to. Can this be clarified?

## 660-012-0210: Transportation Modeling and Analysis

(2+) A city or county relying on transportation models to project future volumes of motor vehicles ~~or mathematical analysis of the transportation system~~ to make a land use decision shall do so consistently with this rule.

I think it's 'consistent?': (2+) A city or county relying on transportation models to project future volumes of motor vehicles ~~or mathematical analysis of the transportation system~~ to make a land use decision shall do so consistently with this rule.

Or "in a manner consistent with this rule?"

(54) The city or county shall not modeling or analysis must demonstrate that the ~~make a land use decision will not~~ that would increase vehicle miles traveled per capita. The land use decision may include actions to reduce vehicle miles traveled per capita.

This wording is still a bit weird. We've moved away from using 'shall not' for prohibitions. Is there a way to turn this to say that the land use decision must not increase VMT, and that this must be demonstrated by the modeling?

## 660-012-0315: Designation of Climate Friendly Areas

(6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and clearly identify the climate-friendly elements to areas in their comprehensive plan maps, comprehensive plans, zoning maps, or zoning codes; indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements and findings for the climate-friendly element of the comprehensive plan, code, or map amendment shall include the following:

The semicolon makes this first sentence unclear. Suggest:

(6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and clearly identify the climate-friendly elements to areas in their comprehensive plan maps, comprehensive plans, zoning maps, or zoning codes. ***These climate friendly areas must be indicated in these adopted documents through the use of*** ~~by~~ land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements and findings for the climate-friendly element of the comprehensive plan, code, or map amendment shall include the following:

## 660-012-0325: Transportation Review in Climate Friendly Areas

(1) Cities or counties shall use the provisions of this rule to review amendments to comprehensive plans or land use regulations in lieu of the provisions of OAR 660-012-0060 when the amendment is:

(a) To adopt a climate-friendly area as provided in OAR 660-012-0310 through OAR 660-012-0320, or a Region 2040 center; or

(b) Within an adopted climate-friendly area or Region 2040 center.

This is still not clear with regard to:

- The nexus question – does touching any part of a CFA trigger this provision
- The extent question – does triggering this provision then require a full analysis of the whole CFA? What if only a portion is being amended?
- The amendment question – this applies when adopting a CFA or 2040 Center; does it also apply when amending a CFA or 2040 Center?

(3) Cities and counties considering amendments to comprehensive plans or land use regulations within an adopted climate-friendly area or Region 2040 center must make findings including a highway impacts summary as provided in section (5) if:

(a) A city or county is reviewing a plan amendment within one-quarter mile of a ramp terminal intersection, adopted Interchange Area Management Plan area, or adopted ODOT Facility Plan area, or;

(b) The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing traffic on the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.

Same questions – nexus and extent. CFAs and 2040 Centers could be very large. It seems unreasonable to include full highway impact summary when portions of the CFA could be very distant from the facility.

Suggest some reasonable guardrails on this – 1/2 mile or as deemed appropriate by ODOT, but in no case more than X miles from the facility?

(5) A highway impacts summary must identify how the transportation system may be affected by implementation of the climate-friendly area. The highway impacts summary must include:

(a) A summary of the existing and proposed development capacity of the climate-friendly area based on the proposed changes to the comprehensive plan and land use regulations;

(b) A summary of the additional motor vehicle traffic generation that may be expected in the planning period, considering reductions for expected complementary mixed-use development, additional multimodal options, and assuming meeting goals for reductions in vehicle miles traveled per capita; and

(c) A summary of traffic-related deaths and serious injuries within the climate-friendly area in the past five years.

(b) in this section is a heavy lift, and one that is not well-defined. Determining trip generation for an entire CFA could be a lengthy and costly enterprise, and given the amount of flexibility inherent in the land use regulations that are to be applied in these areas, one that does not have a clearly stated set of expectations or parameters. In addition, the reductions are also ill-defined. No suggestions to offer at this stage for a fix, but would like to advocate for some better definition of what this report includes and how it's expected to be performed, similar to some of the other more well-developed provisions in the rules.

### **660-012-0405: Parking Regulation Improvements**

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments with more than 50 parking spaces shall provide preferential parking for carpools and vanpools;

Suggest a provision that allows this standard to be met in another way. Carpools and vanpools have not been a popular option even when the spaces have been provided over the past decade.

(2) Cities and counties shall adopt policies for on-street parking and land use regulations for off-street parking that allow and encourage the conversion of existing underused parking areas to other uses.

Some clarity is needed on how policies for on-street parking conversion would work. Are these Comprehensive Plan policies? Are they in adopted documents? Engineering standards? A lot of what governs on-street parking is not subject to PAPA notices or DLCD review. This one feels a bit undercooked at the moment. Since on-street spaces are almost exclusively owned by governments, the “allow and encourage” provision does not clearly apply. Maybe this should be its own separate rule as (3), and with specific provisions for how it is to be implemented.

(B) Payment of \$1,500 per new parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;

Suggest making this a minimum of \$1,500 and allowing cities and counties to scale up as appropriate or make it explicit that it is indexed to follow the Seattle Construction Cost Index like other fees.

(b) Developments must provide ~~street~~ either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments ~~but~~ are not required to provide ~~them~~ trees along drive aisles. The tree spacing

and species planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations; and

This language change addresses our earlier comments and we would want to see the 30 percent canopy coverage exception remain. In the RAC, there was confusion expressed over this 30 percent canopy exception and the 40% allowance. Please explain without making fundamental changes to this. There also seems to be some confusion that it conflicts with the solar option, which it does not, as solar could be installed anywhere on site.

(c) Developments must provide pedestrian facilities between building entrances and pedestrian facilities in the adjacent public right-of-way~~street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.~~

We much prefer this amended language. It is far more straightforward and allows for the development of clear and objective standards. Street-like design and driveways are terms that are open to interpretation. Buildings built up to driveways do not make sense and conflict with standards to bring buildings up the edge of right-of-way, and to place parking to the rear of buildings.

### **660-012-0410: Electric Vehicle Charging**

(3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to ~~accommodate~~serve 40 percent of all vehicle parking spaces.

We have concerns that this rule does not adequately define when a parking space is served with electrical service capacity. The same problem exists in the state building code. There should be a clear standard for where conduit must be terminated in order to meet the criterion.

Our code says:

2. Standards. Electrical service capacity is considered to be provided to an off-street parking space:
  - a. When all of the standards of ORS 455.417 and OAR 918-460-0200 are met, and
  - b. When the required electrical conduit is terminated at a point:
    - (i) Within 18 inches of each of up to two adjacent spaces, or
    - (ii) Within 24 inches of each of up to four adjacent spaces, where a buffer of at least 30 inches is provided between facing spaces.

### **660-012-0415: Parking Maximums and Evaluation in More Populous Communities**

Just a suggestion that perhaps Metro should be required to update the UGMFP to make their parking maximums align with these, or strike them altogether.

### **660-012-0830: Enhanced Review of Select Roadway Projects**

We support the changes in this section as written. Expanding allowances to carry forward projects that have no clear near-term construction or development timeline would be in contravention to the purposes of examining and updating our approaches to transportation planning with both climate and equity at the forefront. Most roadway projects currently in TSPs were probably added with little to no consideration of VMT reduction, and some may not have any multimodal consideration at all. Further, most TSPs relied

almost exclusively on motor vehicle mobility standards, particularly volume to capacity ratios, to justify their construction. This is to the detriment of statewide goals.

**660-012-0910: Land Use and Transportation Performance Targets**

Please clarify if Metro's performance targets can or should make cities within Metro also accountable to those same performance targets through the UGMFP or other means.

**From:** Buehrig, Karen <[KarenB@clackamas.us](mailto:KarenB@clackamas.us)>  
**Sent:** Wednesday, May 31, 2023 2:58 PM  
**To:** MEYER Cody \* DLCD <[Cody.MEYER@dlcd.oregon.gov](mailto:Cody.MEYER@dlcd.oregon.gov)>  
**Cc:** Hughes, Jennifer <[jenniferh@clackamas.us](mailto:jenniferh@clackamas.us)>; Fritzie, Martha <[MFritzie@clackamas.us](mailto:MFritzie@clackamas.us)>; Stasny, Jamie <[JStasny@clackamas.us](mailto:JStasny@clackamas.us)>; Jessica Pelz <[Jessica\\_Pelz@washingtoncountyor.gov](mailto:Jessica_Pelz@washingtoncountyor.gov)>; 'Joseph Auth' <[Joseph.Auth@hillsboro-oregon.gov](mailto:Joseph.Auth@hillsboro-oregon.gov)>  
**Subject:** RE: CFEC TAC Meeting Agenda

Cody,

Thank you for helping to facilitate a Technical Advisory Committee (TAC) for the 2023 CFEC Rules Advisory Committee. Clackamas County staff has been following the development and revision of the rules associated with Climate Friendly and Equitable rule committee work. Unfortunately, Clackamas County does not have staff available to attend the TAC meeting scheduled on June 1<sup>st</sup>. It may be that Jamie Stasny listens into the meeting in between other meetings that she already has on her calendar.

Below are some questions and comments that we have regarding the sections of the rules that were discussed by the full RAC on May 25<sup>th</sup>, 2023.

I have highlighted in yellow the sections that will be the focus of discussion at tomorrow's TAC meeting.

Please let me know if any of these questions are answered during the TAC meeting.

Thank you - Karen

1. Rule 660-012-0012: Modification of some effective dates to align with major TSP update.

Questions:

- a. Is there a specific place that jurisdictions are expected to look to, especially Counties, for the population information to determine if they have passed a population threshold? (Section 4 (f) A)
- b. Does removing the references listed in 5 d and c remove the requirement to do these things now? It seems like it is but I could be wrong.

Comments:

- a. Supportive of allowing jurisdictions to applying for alternatives dates when they need to and the removal of the 3 (d)
- b. Supportive of aligning 4(b) with a major TSP update
- c. I have not thought much about the impacts of the clarifications that have been added to 4 (d). 0415 is about Parking Maximums in larger cities and 0435 is about Parking Reform in Climate Friendly areas. **It think that it is interesting that in the sections 0415 and 0435 reference maps dated July 21, 2022. It seems that conflicts will be created for any Region 2040 center that is adopted after July 21, 2022.** It seems that there could be changes to the 2040 center locations across time.
- d. Supportive of 0210 aligning with major TSP update

e. I don't really understand how the provisions in section 0350 (1) relate to jurisdictions in the Metro area, so I am unclear on if this change of date is significant to us.

2. **Rule 660-012-0210** – Change to narrow the scope of the land use decisions affected by this rule

Questions:

a. Is the intent to focus on the similar types of actions that are impacted by 0660-012-0060?

i. *Possible rewording to state:*

(1) When transportation models to project future volumes of motor vehicles are being used for an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) except expansions of an urban growth boundary, the model must account for changes in Vehicle Miles Traveled per capita that would result from any transportation projects proposed as a part of the action

(2) The assumptions and inputs used with the modeling must be consistent with acknowledged plans

(3) The amendments to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) except expansions of an urban growth boundary, shall not increase Vehicle Miles Traveled per capita. The land use decision for these amendments may include mitigations to address VMT per capita increases caused by the transportation projects proposed as a part of the land use decision.

b. Is the reference to expansion of an Urban Growth Boundary about the act of expanding the boundary or is it about the associated actions, such as adopting comprehensive plan/zoning designations for these areas?

c. For subsection 0210 5, there still is a lot of uncertainty on how this will be done.

i. Will each city, county or Metro be asked to create a base VMT per capita number that will be used as the base VMT per capita that cannot be increased?

ii. It would be helpful for someone to walk through an example, such as Comprehensive Plan / ZDO amendments that would increase housing density from Single Family Residential to High Density Residential and have a new roadway extend through the development. If the area is currently vacant. If the site is 10 acres, would the VMT per capita be calculated on the 10 acres vacant SFR compared to the 10 acres HDR? Or is it the VMT for the entire city? How would it be different if the area was being changes to a commercial zone?

iii. Is the intent to include possibly include various Transportation Demand Management Strategies into the land use decision action? If this is the case, then perhaps it should be said more directly

3. Rules 660-012-0310-0320: Changes to Climate Friendly Areas (CFAs) as a part of the temporary rules.

Comment:

a. I haven't paid much attention to this section. 0310 states that 0310, 0315 and 0320 does not apply within the Portland Metro area

4. Rule 660-012-0325 – Clarifying language for comprehensive plan and land use regulation amendments in CFA and 2040 centers

Comment:

- a. I haven't put much thought into this section either. I would love someone to walk me through it and share their understanding of this section.

5. **Rule 660-012-0405** – Changes to rules regarding to what must be provided during new development of new large parking lots

Question:

- a. I haven't dug very deeply into these rules either. Question: is 0405(5) duplicative of direction under 0415? It seems unnecessary.

6. Rule 660-0440 – Clarifications on parking reform near transit corridors

Question:

- a. I am concerned about the section 5.b which discusses "adopting a map" and then annual changes to the map. Can you describe what is expected with respect to "adopting" a map? Can this be done outside of amending the ZDO or Comprehensive Plan?

7. **Rule 660-012-0830** – Clarification to exempt review of certain projects that increase vehicle capacity

Comment:

- a. There is a need to establish and be clear about the INTENT for this Enhanced Review

Questions:

- a. Both in this section and 0810: Streets and Highway System requirements, ODOT is oddly missing. The language focuses on Cities and Counties, but what is ODOT's role for planning their facilities and undertaking the Enhanced Review when the capacity project is on their roadway?
- b. It seems that there are projects that "increase vehicle capacity" that emerge out of a Major TSP project, and then there are those that may be included in a specific facility plan or some type of action outside of a major TSP update.. If they are included in the Major TSP update, all of the stuff in 0830 is a bit duplicative of what is required during a Major TSP update (equity analysis, equity focused engagement, coordination with other jurisdictions, public engagement, review of other modes, etc. ). Those coming out of a Major TSP could more simply be responded to by requiring some specific reporting in 0810.
- c. How would an authorization report be any different that the documentation required for a major TSP update?
- d. 0830 should be focused on projects that emerge from a facility plan or something separate from a Major TSP update.

Karen Buehrig



**From:** [Pauly, Daniel](#)  
**To:** [CFEC DLCD \\* DLCD](#)  
**Subject:** Comments for TAC/RAC  
**Date:** Thursday, June 1, 2023 1:14:24 PM  
**Attachments:** [image001.png](#)

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I am still reviewing all the new rules, but at the TAC juncture I would share the following

The current language in 210 does not work with the Wilsonville approach to Comprehensive Plan designations and zoning, especially for new growth areas. We typically adopt a Comprehensive Plan designation along with a transportation plan etc. with a Master Plan and then rezone concurrent with annexation which in turn is concurrent with a development proposal. The rezoning must be consistent with the previously established Comprehensive Plan Designation. This rezone with annexation is really a technical step in the process that does not change any planned use in the transportation model. As written 210 would trigger review of each of these routine rezones during development. Likely other jurisdictions have technical or routine actions covered by the draft 210 language that should not trigger review.

Below is a suggested edit to clarify the intent and provide an out if a land use decision actually does not involve any change to type or intensity or development, transportation systems, or impact.

(1) This rule applies to land use decisions that are an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map), except expansions of an urban growth boundary, that change the type or intensity of development allowed on one or more parcels of land increasing transportation demand from a previously acknowledged transportation model.

**Dan Pauly, AICP**  
*Planning Manager*  
City of Wilsonville

503.570.1536  
[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)  
[www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)  
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

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**From:** [Michael Szporluk](#)  
**To:** [TAYLOR Casaria \\* DLCD](#); [HOLMSTROM Bill \\* DLCD](#); [YOUNG Kevin \\* DLCD](#); [GREENE Kirstin \\* DLCD](#); [MANVEL Evan \\* DLCD](#)  
**Subject:** Re: Climate-Friendly and Equitable Communities RAC Packet 2  
**Date:** Thursday, June 8, 2023 9:35:15 AM

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Dear Casaria,

Thanks for the packet.

I've looked at it quickly and while I appreciate the change in language to "accessible dwelling unit", I am concerned that my comments on the meaning of equity when it comes to housing have not been addressed.

I've long advocated for using the term "adequate housing" and I see that has been added (page 6 of 68), but it is not defined. Because "adequate housing" may be a term that's not understood by folks (*ie. people will mean very different things when they use the term*), I think it would behoove DLCD to define it, and I believe DLCD should define it as the UN defines it. I've shared a link that describes the six criteria or elements of adequate housing previously, and of course one of the elements is accessibility. Here is another link - with a broader background on the right to adequate housing in international law and examples of that right:

<https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing#:~:text=Under%20international%20law%2C%20to%20be,services%2C%20schools%2C%20and%20employment.>

the definition of the term "equitable outcomes" (on page 6 of 68) could, of course, have as examples, "accessible housing for persons with disabilities, their families, and friends" and "the right to live independently and in the community."

With respect to "equity" and "equity analysis" [660-012-0135], I think it important to spell out the different communities that need to be taken into account. I see the reference to 660-012-0125, yet I think it important to note that there are barriers in the environment that make access to opportunities and services inequitable for persons with disabilities (other communities that have inequitable access to opportunities and services do face barriers as well, but those barriers are different).

I'd be happy to talk with folks about this before or after the meeting. That said, I'll be on vacation from 14 June to 4 July.

Kind regards

Michael

On Wednesday, June 7, 2023 at 11:35:50 AM PDT, TAYLOR Casaria \* DLCD <[casaria.taylor@dlcd.oregon.gov](mailto:casaria.taylor@dlcd.oregon.gov)> wrote:

Good afternoon. Here is the packet of materials for the next Climate-Friendly and Equitable Communities Rulemaking Advisory Committee meeting. That meeting is scheduled for Monday, June 12 from 9am – 12 (noon). A livestream of this meeting will be available on YouTube at <https://www.youtube.com/@OregonDLCD>. If you have any questions, please let us know.

Best,

Casaria

### Casaria Taylor

Rules, Records, and Policy Coordinator | Policy Office

Pronouns: she/her

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Cell: 971-600-7699 | Main: 503-373-0050

[casaria.taylor@dlcd.oregon.gov](mailto:casaria.taylor@dlcd.oregon.gov) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)

