



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

Charge to the Department and the Rulemaking Advisory Committee for Climate-Friendly and Equitable Communities Rulemaking by the Land Conservation and Development Commission



Summary

This charge from the Land Conservation and Development Commission is intended to provide guidance to the department and the Rulemaking Advisory Committee (RAC) for the Climate-Friendly and Equitable Communities Rulemaking. LCDC initiates this rulemaking activity, guides it, and will ultimately decide what rules to adopt. The rules are meant to implement climate pollution reduction actions to comply with Oregon's climate pollution reduction targets and Executive Order 20-04.

The commission expects that the rulemaking process itself will take approximately twelve to fifteen months to complete. Upon adoption, the department and commission intend to continually review the state's progress to ensure that the adopted rules are working as desired, and will make rule or programmatic changes as necessary.

Desired Outcomes of Rulemaking

The commission charges the department and the Rulemaking Advisory Committee with recommending rules that will achieve these outcomes:

1. Take action with a sense of urgency and lasting programmatic response as mandated in Executive Order 20-04;
2. Meet Oregon's climate pollution emission reduction goals and specifically, the Division 44 climate pollution reduction targets and Statewide Transportation Strategy targets;
3. Support affordable, healthy living by developing actions that reduce transportation costs and increase housing choice and supply;
4. Improve the capability, through capacity building and interagency collaboration, of local governments, regional entities, community-based organizations, and health providers to plan for and reduce climate pollution;
5. Follow the lead of, and design processes to accommodate impacted communities, such as tribal communities, communities of color, rural communities, coastal communities, lower-income households, and other communities traditionally underrepresented in the public process;
6. Develop metrics that can be used to compare jurisdictions' equitable outcomes in achieving climate pollution reduction targets; and

7. Develop a process through which local jurisdictions can define and create accountability around community-specific metrics related to pollution and environmental impacts for the under-represented or environmental justice communities they serve.

General Rulemaking Principles

The commission expects that the department and Rulemaking Advisory Committee will follow these principles in co-creating rule amendments through an equitable process that follows the lead of Black, Indigenous, and other communities of color, rural communities, coastal communities, lower-income households, and other communities traditionally underrepresented in the public process:

1. Rules must be clear and understandable by the public, local governments, and state agencies.
2. The amended rules will mainly apply to local jurisdictions in Oregon. Existing rules also apply in part to LCDC, DLCD, and other state agencies. The state will maintain a role in coordinated land use and transportation planning.
3. To the extent possible, the amended rules must shift the existing ways we do things, rather than simply place new requirements on top of existing requirements.
4. Policy changes must be primarily aimed at jurisdictions within metropolitan areas. Less populated areas will have fewer changes. Rules must take population into account.
5. Transportation planning requirements will differ between urban and rural areas.
6. The rules must be scheduled to apply as quickly as is reasonable. Some requirements will be phased in over time.
7. The rules must be enforceable.

Rulemaking Actions to Meet Desired Outcomes

In order to achieve the desired outcomes and to implement Executive Order 20-04, LCDC will amend the following rules, as needed:

- Transportation Planning Rules (OAR Chapter 660, Division 12)
- Metropolitan Greenhouse Gas Reduction Target Rules (OAR Chapter 660, Division 44)
- Metropolitan Housing Rules (OAR Chapter 660, Division 7)
- Interpretation of Goal 10 Housing Rules (OAR Chapter 660, Division 8)

These amendments may include the following actions, and other actions as recommended by the department or the Rulemaking Advisory Committee:

1. Require Climate-Friendly and Equitable Land Use and Transportation Planning and Land Use Regulations

Rules must build on existing requirements to implement a set of enhanced requirements for local governments to use in local land use and transportation planning, and for implementation through land use regulations.

- Enhanced requirements for plans to center the needs of marginalized communities, including low-income people, people of color and Oregonians living with disabilities.
- Each requirement could vary how or if they apply depending on the population of the jurisdiction, location within a metropolitan area, or whether the jurisdiction has adopted a scenario.
- Some requirements could apply immediately, and others phased in over time.

Requirements will include:

- A. Require jurisdictions to allow high levels of development in **climate-friendly areas**, including city and town centers, and corridors with high levels of transit. Rules will require jurisdictions to allow dense housing, mixed-use development, and limit auto-centric land uses. Rules will require a high level of pedestrian-oriented design standards, and investments in walking, cycling, and transit infrastructure.
- B. Require **high quality pedestrian, bicycle, and transit** infrastructure planning. For pedestrian networks, rules will focus on complete networks in climate-friendly areas and access to transit, schools, and other services. For bicycle networks, rules will focus on a connected network of neighborhood greenways and protected bikeways on major corridors, allowing cyclists of all ages and abilities to access the complete network. For transit networks, rules will focus on priority corridors, with investments to improve transit travel time, improve access to stops and stations, and promote compact, mixed-use development patterns near stops and stations.
- C. **Limit minimum off-street parking mandates.** Rules will limit jurisdictions ability to mandate development of off-street parking except in particular cases.

- D. **Limit use of motor vehicle congestion standards.** Rules will not permit jurisdictions to plan for or construct transportation facilities based solely on motor vehicle congestion performance standards. For transportation system planning, project selection, system operation, and for review of land use changes, jurisdictions may use performance standards based on network connectivity and completeness, safety, pollution reduction, or other objectives.
- E. **Prioritize and select** projects within transportation system plans that generally support achievement of GHG reduction targets. Rules will require plans to have a “financially constrained” list of planned projects based on estimated project costs and projected revenue. Pedestrian, bicycle, and transit projects will be given relatively high level of priority. In metropolitan jurisdictions that have an adopted plan to reduce climate pollution, investments and actions must be aligned with the adopted plan when updating a prioritized project list.
- F. **Support electric vehicle charging** facilities. Rules will require planning for electric vehicle charging infrastructure in key parking locations, including multi-family residential and employment locations.

2. Require Planning for Climate Pollution Reductions in Metropolitan Areas

Require local governments in metropolitan areas to develop, adopt, and implement plans that are designed to meet the greenhouse gas emission reduction targets in the Metropolitan Greenhouse Gas Reduction Target Rules (OAR Chapter 660, Division 44).

The Eugene-Springfield and Salem-Keizer areas would be initially required to complete this work, with other metropolitan areas following in the future. Rules will prescribe a coordinated method of planning across the region. Rules will be clear about how decisions are made and how to integrate regional and local plans.

- A. Establish a process for local governments to adopt a regional scenario plan, with review and approval by the commission.
- B. Establish strong interim requirements, including some of the elements in part 1 above, that will be in effect prior to adoption and implementation of a scenario plan in each metropolitan area.
- C. Allow for flexibility for jurisdictions that have adopted and implemented a scenario plan.
- D. Require reporting on local progress toward meeting regional greenhouse gas reduction targets, or proxy targets.

Items Not in Rulemaking Scope

This rulemaking is focused on changes to how we guide coordinated and use and transportation planning in Oregon to reduce climate pollution. A range of other actions are needed to reduce climate pollution, both inside and outside of the land use and transportation sectors. The commission may undertake other rulemaking activities in the future to address other climate change-related issues of concern.

The following items are not included in this rulemaking activity:

1. Actions or activities that do not fall within the commission's ability to adopt rules under ORS 197.040.
2. Changes to the reduction targets in OAR 660-044-0020 or 660-044-0025.
3. Substantial modifications to OAR 660-012-0060, 660-012-0065, or 660-012-0070.
4. Climate change adaptation actions.
5. Climate pollution reduction actions aside from land use and transportation planning.
6. Changes to building codes, solar standards, or other related regulations that do not fall within LCDC's purview.