

Climate-Friendly and Equitable Communities Rulemaking

Summary of Written Testimony at LCDC Hearing March 31, 2022 with Staff Responses

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
1 – Washington County Board of Commissioners	<p>Funding needed. No more regulation in Metro area. Delay TPR updates.</p> <p>Updated standards don't apply to ODOT – causing problems for local communities trying to meet these rules.</p> <p>Case studies needed.</p> <p>Delay implementation.</p>		<p>The state has identified resources to support this work in addition to existing resources.</p> <p>The rules treat the Metro region differently than the rest of the state to respect the existing work in the region.</p> <p>ODOT as well as other transportation facility providers will be required to adopt updated transportation performance standards in the next few years.</p>
2 – 1000 Friends and advocates	Increase employment capacity in CFAs: 50% non-industrial employment p	0315 Div 8 0050	Thirty percent residential assumption is in part to allow space for other use types, such as office. Average space needs per office worker are between 150 and 300 square feet, which should allow significant capacity for office and services employment. One reputable source for EOAs provides assumption of 35 employees per acre for office and commercial service uses. At 300 sq. ft. per employee, a building of 10,500 square feet would accommodate 35 employees.
2 – 1000 Friends and advocates	Require cities consider all the Housing Production Strategies labeled as “direct” approaches for best addressing displacement and affordability issues. Either require cities adopt specific minimum set of strategies, or set a specific benchmark for strategies	0315 Div 8 0050	The updated draft requires local governments to adopt affordable housing and anti-displacement measures, per commission direction.
2 – 1000 Friends and advocates	Block length issue	0320(5)	Draft rules include 350' max. block length for large development sites, per commission direction.
2 – 1000 Friends and advocates	NACTO issue	0600 series	Per commission direction, updated draft refers to NACTO standards.

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2 – 1000 Friends and advocates	CFA zoning by 2024	0012	Extending CFA zoning deadline to Dec. 31, 2024, further changes possible with revised schedule.
2 – 1000 Friends and advocates	TSPs by 24/45	0012	Providing timing options to commission.
2 – 1000 Friends and advocates	Land use allocation to CFAs to inform plan updates by 2024; Rule 340 requires allocations as part of CFA designation but 012-0012 now allows CFA designation to be extended to 2027 via work program option	0340	Clarified land use assumptions for CFAs.
2 – 1000 Friends and advocates	UGB expansions address CFAs starting in 2024	Div 8 0010	No direction from commission to advance this deadline.
2 – 1000 Friends and advocates	Fiscally constrained TSPs must meet 20-30% VMT reduction targets	0180(3)(c)	Took this into consideration and found making this direct connection was problematic to implement. The major problems are in connecting the regional targets to the local TSPs and the aspirational nature of the targets with the fiscal realities that vary across each jurisdiction.
3 – City of Medford	Centers of population growth and economic activity in rural areas, like Medford, must provide transportation facilities that enable the development of land for housing and employment that meet the needs of an entire region – limiting road expansions in Medford could push development elsewhere		The rules are designed to give local governments the needed flexibility to meet local and regional travel needs. Some potential projects will require an additional level of analysis. The agency will continue to monitor implementation of the rule and propose adjustments if necessary to meet the state’s objectives.
3 – City of Medford	The proposed rules do not create any rules for the State		The state is working across a variety of agencies and programs to meet statutory requirements and to meet the objectives in Executive Order 20-04. This rulemaking is only one element of that wider effort, and many other state efforts are required.

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3 – City of Medford	Concerns about TPAU models or those in development (as is the case for the “Activity Based Model” in Southern Oregon) will accurately assess the impact of individual development or “capacity-increasing” transportation improvements on VMT/capita.		DLCD is working closely with ODOT TPAU and the Oregon Modeling Statewide Collaborative to deliver the tools and guidance needed to support these new requirements. This work is identified in the CFEC Implementation Plan.
3 – City of Medford	Rushed/failed consensus		These rules have been developed over two years with representatives from all eight MPOs, and scores of meetings and discussions.
3 – City of Medford	Equity problems with Climate-Friendly Areas.		See response in endnote 1 on final page .
3 – City of Medford	Costs of parking provisions on commercial/Multifamily development		These build on existing requirements for large parking lots in the TPR. Large parking lots have externalized costs. Considered this comment but have not made a change.
3- City of Medford	Workplan timeframe too tight	0012	Simplified the requirements to apply for alternative dates and providing an extended option for the commission to consider.
3- City of Medford	Requirement to update TSP by June 30 2026 – can this be a minor update?	0012(4)	The requirements for TSP updates have been substantially modified and clarified.
3- City of Medford	Within 1 year of passing pop threshold is difficult to enforce; do it at next TSP update	0012(9)(b)	Timing of elements have been reviewed, and the commission will have choices.
3- City of Medford	Push back reporting year to 2023	0012(15)(a)	The first reporting year is now 2023, with first report due in 2024.
3- City of Medford	The words “identified function” and “planned function” are proposed to be removed from several subsections. Recommend leaving these words in the rule. They have helped the City of Medford require development to construct off-site connectivity in circumstances where a developer wanted to build a project that was only served by one local street.	0060	The modifications to rule 0060 are intended to provide local governments more flexibility when adopting performance standards as provided in rule 0215. Performance standards may include function.

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3- City of Medford	This part of the rule doesn't actually include any requirements and transportation options programs are one of the ways that real changes in auto dependency could happen. We have had voluntary programs in effect in the Rogue Valley for decades but have seen little result. It seems like an oversight in this rulemaking to not have any actual requirements in this section	0145	This rule has been developed in coordination with ODOT. Additional transportation options rules are expected from DEQ in the next year.
3- City of Medford	Subsection 3.c states cities and counties are responsible for coordinating with other local jurisdictions for "regional solutions for intercity travel." This is very difficult for local jurisdictions to do effectively because they do not have authority over the other local jurisdictions involved. State should do this.	0145	Local governments are expected to help identify these needs, but implementation of solutions will require work at many levels, including the state.
3- City of Medford	Subsection 2.a limits the projects that jurisdictions can place on the financially constrained list of a federally required regional transportation plan (RTP). This requirement will likely prevent the very types of projects this rule is supposed to encourage from being eligible for federal funding. ODOT's ARTS program uses safety data to make data-driven decisions on project selection for federal safety funds. Safety data changes every year when the most recent data is released. So, if an important safety project was not identified at the time of the TSP update, it will be ineligible for federal funding because it wasn't identified in the snapshot in time when the TSP was updated. Also, in Medford's most recent TSP there was programmatic funding for bike and pedestrian projects (i.e. so much money per year for each category) without identifying specific projects. This proposed limitation would make a multi-use path, or sidewalk infill project ineligible to be included in the RTP list. Recommend providing an exception to this limitation Page 6 of 7 that allows projects to be	0180	Projects must be in a local TSP to be funded through the RTP today – that is not a change in the rules. The updated rules require projects to be within the financially-constrained list of the TSP.

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	included in the RTP list if it can be shown that the project will make progress towards the performance measures or targets in the TSP.		
3- City of Medford	Subsection 2 requires jurisdictions to account for changes to VMT/capita that would result from any transportation projects proposed as part of a land use decision. This is an example of the rushed process and putting the rulemaking before the tool making. We do not currently have the tools available to estimate VMT/capita impacts of small transportation projects such as a new signal or turn lane	0210	Provided an extension of the effective date for this tool for the development of guidance and tools. DLCDD is working closely with ODOT TPAU and the Oregon Modeling Statewide Collaborative to deliver the tools and guidance needed to support these new requirements. This work is identified in the CFEC Implementation Plan.
3- City of Medford	Subsection 6 the terms used in (b) through (h) should be defined. They are called objectives but the objectives of “efficiency” or “mobility” can mean different things to different people	0215	These terms are being kept broad to allow local governments flexibility.
3- City of Medford	Minimum densities and size requirements for CFAs (both areal and dimensional) continue to be a concern.	0320	See endnote 1 on final page .
3- City of Medford	Alternative language was included in League of Oregon Cities comments in February, allowed jurisdictions to integrate a range of housing types into CFAs provided that they achieve the minimum densities prescribed by the rule.	0320	This has been included in the current draft rules.
3- City of Medford	28 foot lanes problem; Medford has had to restrict parking on one side of these	0810	Rewrote this requirement to be clearer about the intended flexibility available to local governments.
3- City of Medford	Inflationary adjustment to \$5m	0830	This amount has been increased tenfold from earlier drafts, and may be adjusted in future rulemakings if necessary.
3- City of Medford	Unfunded mandate; why do we need reporting each year? Ton of work with no clear purpose – state should pay for it	0900	Reduced the requirements for the annual minor reports. This should require a low level of effort and no new data collection.
4 – City of Springfield	Purpose should include improvements to driving	0000 (3)(a)	Did not make this change.
4 – City of Springfield	Want additional clarification that TSP amendments through Jun 30,	0012	Clarified rule 0012 provisions allowing incremental TSP amendments during the

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	2027 are not subject to section 0105		transition period that do not necessarily meet all updated requirements.
4 – City of Springfield	<p>Unclear scope of this rule. Group bike parking in one section – move to 0630</p> <p>Subsection (4)(g) could conflict with 30% in CFAs</p> <p>Inconsistent bikeway vs. bicycle way terminology; match ODOT design guidance</p>	0045	Rule 0045 is an existing rule which will continue to apply outside of metropolitan areas. As much as is practical, not making changes to existing requirements in these areas.
4 – City of Springfield	<p>Confusing wording, cross-references in sub (2) between major and minor update; combine 0100 and 0105 instead of cross-referencing.</p> <p>Change “to be updated” to “that may be updated”</p>	0100	Made clarifying changes in both rules 0100 and 0105 and simplify the role of a minor TSP update.
4 – City of Springfield	Confusing cross-references and wording; could remove (4)(a) if combined with 0100.	0105	Made clarifying changes in both rules 0100 and 0105 and simplify the role of a minor TSP update.
4 – City of Springfield	Revise (2)(b) and add minor update	0105	This change was made.
4 – City of Springfield	Communities don’t have choices on priorities	0120	Staff believes there is substantial flexibility for local governments to set priorities.
4 – City of Springfield	Lack of resources to address underserved engagement.	0125	Funding this biennium, will continue to work on future funding
4 – City of Springfield	<p>How is information re: above average concentrations going to be used in equity analysis</p> <p>Geographic areas and above average is too limiting; some populations (people experiencing homelessness) can’t ID geographic.</p> <p>Instead of “above average” should say “disproportionate” to include areas with too few members.</p>	0125 and 0135	<p>Redrafted 0135 to acknowledge data constraints and adjusted the wording to say disproportionate.</p> <p>Section 0135(1) explains how cities should use the information.</p>
4 – City of Springfield	Equity analysis in 0135 is broader than 0125(3); combine 0125 into 0135 and use disproportionate	0125 and 0135	Redrafted these sections.
4 – City of Springfield	<p>Constrain Equity Analysis to past/current Land Use and Transportation decisions</p> <p>Lack of clarity on what the key</p>		<p>Focused language on land use, transportation and housing.</p> <p>Made this change to reference (2)(a)</p>

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	indicators are in (2)(h) – should this be indicators of key community outcomes in (2)(a)?		
4 – City of Springfield	<p>Don't just focus TO on commute trips</p> <p>Add definitions for "Commute Trip Reduction consultation" and "parking cash out" as those terms are used in (3)(a)</p> <p>Add state agencies into the list in (2) and public transportation system operators.</p> <p>Change non-driving in (2)(a) to be other than single occupancy vehicles</p>	0145	<p>These rules were written to build on DEQ employer rules and ODOT Commute Trip Reduction program. (1) and (2) include references to programs for trips other than commute. This rule has been written with cooperation from ODOT.</p> <p>Made some clarifications, including some noted here.</p>
4 – City of Springfield	<p>Define transportation facility or service much more narrowly</p> <p>Duplicative with modal inventories elsewhere in the rule, so what purpose does this serve?</p>	0150(2)	This rule provides overall direction on inventories required in other rules, as referenced in section (1). Some clarifications have been made.
4 – City of Springfield	<p>Remove (1)(e) deadline; subsection (1)(c) already works as a check</p> <p>Clarify that a refinement plan can be adopted without triggering a TSP update, either major or minor</p> <p>Remove (2) as it is redundant and confusing to Project Development Rule 0050(1) and (4) re: EIS.</p>	0190	The rule has been changed to remove the deadline. Adoption of a refinement plan is an amendment to the TSP. Section (2) is borrowed from existing rule language.
4 – City of Springfield	<p>Remove section. What is the problem this addressing?</p> <p>Or define temporary projects as until planning horizon.</p> <p>Read letter</p>	0200	The purpose of this rule is to be clear that certain temporary projects may be put into place without a TSP amendment. Adjusted the timeline to the end of the planning period.
4 – City of Springfield	Vague and concerned overbroad. Does multimodal level of service (MMLOS) meet accessibility or not?	0215	<p>This rule has been written with cooperation from ODOT. The rule provides broad flexibility to local governments to consider a range of standards meeting a range of objectives. A standard like MMLOS could reasonably be considered to meet multiple objectives. The state understands additional tools will need to be developed.</p> <p>Changed timelines to provide more time to implement this rule.</p>

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4 – City of Springfield	Delete (1)(e)(E) re: annexation	0310	To facilitate development in CFAs, these areas must be readily urbanizable. Consequently, a streamlined annexation process is warranted. Amended this section to reduce and clarify success rate parameters.
4 – City of Springfield	Revise (1)(f) re: minimum width and replace with minimum acreage	0310	Minimum width is necessary not only to reduce segregated uses, but also to ensure the non-linear proximity of uses in CFAs. Abutting high density residential and employment uses will count towards this minimum width. Unzoned interior rights-of-way included within this dimension.
4 – City of Springfield	(d) Local governments shall assume that residential dwellings will occupy <u>a percentage of the buildable square footage within climate friendly areas that is determined by current or predicted future market trends within the climate friendly area, which must be supported by findings and analysis.</u> <u>Alternatively, the local government may assume that residential dwellings will occupy 30 percent of the buildable square footage within climate friendly areas in lieu of adopting findings and analysis to support a different percentage.</u>	0315	Revised Rule -0320 to allow development and utilization of alternative CFA methodology as part of outcome-oriented standards process. This would allow for the desired approach and provide more local government flexibility.
4 – City of Springfield	Revise (8) to include allowance for density transfer bonuses within multiple phases of a development: <u>“(8) Local governments may adopt the following provisions into development regulations for climate friendly areas, or may follow the requirements in section (9). Density transfers between multiple phases of a development may be allowed to meet the minimum residential densities.</u>	0320	This flexibility would be allowed through the outcome-oriented standards approach in 660-012-0320(9).
4 – City of Springfield	Remove (2)-(7) requirement for multimodal transportation gap summary during this work as being done during TSP updates	0325	This rule has been written in cooperation with ODOT. A process to study the transportation effects of the climate-friendly area is necessary, in lieu of the current -0060 process. Many CFAs will

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			be adopted outside of a TSP update process.
4 – City of Springfield	Change (4) to only apply to UGB expansion areas after this rule goes into effect, as follows: “Cities and counties with areas added to an urban growth boundary <u>after the effective date of these rules...</u> ” to help with North Gateway UGB expansion	0350	Requested change incorporated.
4 – City of Springfield	Add “regionally significant” to (2) so that it reads “Key destinations include, but are not limited to, <u>regionally-significant</u> destinations that are:”	0360	This doesn’t seem to be necessary. Existing rule language allows local government discretion in determining key destinations (see (2)(m)). Is the thinking that these should be required on the list? How would that term be defined?
4 – City of Springfield	Need resources for parking management	0400	Most Oregon cities over 15,000 people have been able to fund parking management through a mix of permits, meters and enforcement. Will continue to work on guidance to assist.
4 – City of Springfield	Concerns trees block vision	0405	Staff will add to guidance; trees are part of the current TPR requirements and can be successfully selected to address visibility concerns.
4 – City of Springfield	Unclear	0410(2)(b)	Clarified
4 – City of Springfield	Clarify	0435(c)	Clarified
4 – City of Springfield	Alternatives in 0445 are illusory; state what remains in (1)(b)	0445	Buildings that are not near frequent transit, not TOD, not mixed-use, not long-vacant, not change of use, expansion, redevelopment, not in historic district, not within ½ mile walk of Climate-Friendly Area not LEED or Reach Code and are: Residential: Single-family homes, 2+ bedrooms in MF/duplex/tri/quad Commercial: Larger commercial (10+ employees, 3000+ sq ft) except bars, taverns, schools
4 – City of Springfield	Revise 660-012-0505(2), 660-012-0605(3), and 660-012-0805(2) to state “This must include all reported incidents from the most recent five years of available crash data.”	0505, 0605, 0805	Changes made to reflect using the most recent available data.

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4 – City of Springfield	Clarify 660-012-0510(5)(b) “access-focused arterial and collector street” meaning.	0510	Updated and clarified.
4 – City of Springfield	<p>Add “accessways” to 660-012-0605(1).</p> <p>Revise pedestrian and bicycle inventories to include full city geographic area. Revise 660-012-0505(1) and 660-012-0605(2) accordingly.</p> <p>Revise 660-012-0610(2)(c) as follows: “high volumes of traffic or high-speed traffic.”</p> <p>Remove requirement for charging E-Bikes from commercial, as at home charging or indoor charging is sufficient</p>	0600 to 0630 (and 0505)	<p>Updates added accessways to the list of bicycle facilities.</p> <p>The geographic scope of required pedestrian and bicycle inventories has been developed in coordination with ODOT. The rules allow additional facilities to be inventoried, but do not require it.</p> <p>Clarified the wording in 0610(2).</p> <p>Removed the charging requirement; Building Codes Division states it is their authority as it is electrical.</p>
4 - City of Springfield	<p>Clarify scope of 660-012-0705(3).</p> <p>Remove “Cities must allow transit service providers to construct amenities at stops outright, with limited permitting requirements. These amenities include but are not limited to: pedestrian facility repair and extension, signage, lighting, benches, and shelters.” from (3)(a) and remove (3)(b) which states, “Cities shall limit on-street parking at transit stop locations at the request of a transit service provider.”</p> <p>Remove or clarify what “gap in transit miles per capita” means in 660-012-0720.</p> <p>Remove “The purpose of identifying these gaps is to illustrate the need for transit service operating funds for services operated within the planning area. The transportation system plan need not make provisions for funding operations of transit services directly.” from 660-012-0720(2).</p>	0700 series	<p>0705(3): The rule is intended to include regularly scheduled services open to the public, both privately and publicly operated. Will clarify in guidance.</p> <p>0710(3): These requirements were put into place after conversations with transit providers. Open to adjusting here, but it is critical that cities prioritize transit service at transit stops.</p> <p>0720: It is critical to highlight the gap in transit service, even though this is not directly controlled by the city. Transit service per capita data will be available from Lane Transit District and compared with the Statewide Transportation Strategy. The additional statement clarifies the purpose of this data in the TSP.</p>

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4 – City of Springfield	<p>Remove 660-012-0810(5)(a) to reflect that city governments do not manage ODOT’s freeways. Include a statement in the response to comments in the rulemaking to clarify that 660-012-0830(1)(a)(B) does not apply to the entire influence area of an interchange, but only to the interchange itself.</p> <p>Revise 660-012-0830(1)(b)(A) to allow adjustment for inflation: “Changes expected to have a capital cost of less than \$5 million <u>as of the effective date of this rule, adjusted annually based on the Consumer Price Index-Urban West Region, rounded up to the dollar.</u>” As an alternative to the CPI-U West, the National Highway Construction Cost Index could be used.</p> <p>Add dedication to 660-012-0830(b)(B) to read, “Changes that reallocate <u>or dedicate</u> right of way to provide more space for pedestrian, bicycle, transit, or high-occupancy vehicle facilities.”</p>	0810 and 0830	<p>These rules were developed in close coordination with ODOT. ODOT does have statutory authority and responsibilities for state highways, however state agencies must also act consistently with local comprehensive plans.</p> <p>0830(1)(b)(A): This amount has been increased tenfold from earlier drafts and may be adjusted in future rulemakings if necessary.</p> <p>0830(1)(b)(B): Did not make this change because dedication for these facilities is not a covered proposed facility under (a). Subsection (b) is a set of exceptions to subsection (a).</p>
4 – City of Springfield (high priority)	<p>Change 660-012-0900(1) as follows, “Cities and counties outside of the planning area of Metro shall report annually <u>every other year</u> on progress toward meeting the requirements in division 44 and this division.”</p> <p>Move 660-012-0900(6)(g)(B) to section (7), so that it is included with major reports as opposed to all reports.</p> <p>Revise 660-012-900(7)(b)(B) as follows: “Baseline projections of expected outcomes from existing the adopted <u>city or county transportation system</u> plans.”</p>	0900	<p>0900(1): The annual minor reports have been adjusted to be a very low effort item that does not require additional data collection.</p> <p>0900(6)(g): Moved the entire subsection on ORS 184.899 to major reports.</p> <p>0900(7): Changed this to “acknowledged plans.” TSPs may or may not include all relevant parts of the local comprehensive plan.</p>
4 – City of Springfield	Provide resources necessary for ongoing performance measure analysis.	0905	Included in ODOT funding
4 – City of Springfield	Revise the first sentence of subsection (2) as follows: “Cities and counties that do not have a land use and transportation	0905	This change was made.

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	scenario approved by the commission as provided in OAR 660-044-0120 shall report on the specific actions, including capital improvements and the adoption of policies <u>or programs</u> that they have or will undertake to reduce pollution and increase equitable outcomes for underserved populations.”		
4 – City of Springfield	Clarify how “safe and convenient marked pedestrian crossings” in subsection (b)(B) is defined and allow for ability to track incremental progress that enhances the pedestrian network	0905	“Safe and convenient” is pulled from ODOT’s level of pedestrian traffic stress. Will allow tracking using that methodology.
5 – Mike Wells	A one-rule-fits-all approach will not work for cities as diverse as Albany and Portland. The rules require high density levels. Has LCDC analyzed whether these density levels are achievable?		The rules contain tiered requirements depending on city size. Outcome-oriented option does not include minimum densities.
6 – Tualatin	Timeline aggressive. Funding challenge. Parking and equity. Delay and do more work.		These points have been discussed at length. Giving Commission options on timing. Parking and equity was discussed starting on page 22 of this memo to RAC meeting 6.
7 – City of Eugene	The housing capacity method in 660- 012-0315(2)(a) is not limited to calculating capacity for the 30% target on residential land, whereas this provision requires maintaining capacity for the 30% target on residential land resulting in the entire 30% target being required to be met on residential land which is not how the capacity would be calculated. This is a disconnect for Eugene	Div. 8 - 0010	Current Housing Needs Analyses factor in residential development in mixed use zones. This would not be a departure from current practice.
7 – City of Eugene	We have concerns about how to demonstrate that we’ve promoted the production of accessible units in CFAs?	Div. 8 - 0050(4)(a)	State and federally funded affordable housing developments often include requirements for accessible units. Beyond that, the city might consider incentives for the production of accessible units above building code requirements.
7 – City of Eugene	What does “high quality” mean for ped/bike/transit infrastructure in CFAs Clarify how this applies in	0005	Language is intended to allow local governments to define high quality facilities, rather than providing a statewide definition.

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	neighborhood centers; we think that sidewalks, basic bike facilities (neighborhood greenway or bike lanes) and 30-minute transit service should be sufficient.		
7 – City of Eugene	<p>Consider rewording (c) to: “A proposed work program must demonstrate how early progress will be made toward meeting...”</p> <p>Consider revising (c) to allow all elements of the work program to be completed by the deadline of the last HCA instead of June 30, 2025. This would allow jurisdictions to align their CFA and HNA work as much as possible.</p> <p>Clarify the parameters of (g); can a jurisdiction amend their work plan? Also seems to have high discretion and no sideboards about how much the timeline can be amended.</p> <p>The process to request an alternative work program is cumbersome and time consuming (requires an LCDC public hearing) and comes with no guarantees. This is a major disincentive, because if we don’t get approved, we will have little time left to meet deadlines.</p> <p>Consider replacing with a blanket extension of at least 18 months to all effective dates to account for the necessary detailed technical work, meaningful equitable public engagement and formal public hearings process.</p>	0012(3)	<p>Updates made to substantially change rule 0012 to simplify requesting alternative dates, and to provide more flexibility.</p> <p>The commission will have choices.</p>
7 – City of Eugene	Both (4) and (8) reference deadlines for adoption or updating TSPs. It also appears that an updated TSP may be necessary for adopting CFAs and Scenario Planning. Given that none of these effective dates line up, it will be challenging to continually update our TSP as required under this rule.	0012(4)	<p>Rules have been clarified about when TSP updates are needed in the interim period.</p> <p>TSP update not required for CFA designation, only multimodal gap summary. TSP update should follow CFA decisions.</p>
7 – City of Eugene	Change the deadline to adopt the CFA comp plan element and land use regulations to be the same	0012(5)	Climate friendly area designation needs to happen

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	deadline as the HNA/HCA when there will likely be other comp plan amendments.		soon and can work from prior HNA/HCA.
7 – City of Eugene	Provide confirmation that this level of specificity is available for the cities this applies to. Some of the population groups identified are not part of Census data or have high margins of error. Populations that may be difficult to ID: (d) immigrants, including undocumented immigrants and refugees; (e) people with limited English proficiency; (f) people with disabilities; (k) LGBTQIA2S+	0125	Language clarified re: best data available. Two levels of equity analysis created.
7 – City of Eugene	Goal of equitable engagement vs. deadlines in rules.	0130/0135	Clarified equity requirements and rules in 0120 through 0135.
7 – City of Eugene	Concern about resources and revamping performance methodology. Provide a model code to help local jurisdictions with a clear and objective and consistent baseline that is tied to the deadline for implementing the changes (particularly related to the new methodology that jurisdictions would otherwise need to create from scratch).	0215	Taken into consideration
7 – City of Eugene	“climate friendly areas shall be located in close proximity to areas planned for or provided with high density residential.” Does this need to be revised to reflect the allowance to do CFAs in medium density areas per – 0320(8)(c)?	0310	No, this is a locational consideration, not the allowance for abutting residential or employment areas to qualify from 660-012-0320(3). Those areas would calibrate to the associated Climate Friendly Area intensity.
7 – City of Eugene	Q. re: high quality infrastructure	0310(1)(c)	Allows local governments to define high quality facilities, rather than providing a statewide definition.
7 – City of Eugene	Requires the CFA to be contiguous to the city limits. That may not make sense in a UGB expansion area depending on things such as size of expansion, geography etc. -Also, if the city limits are not adjacent the proposed CFA area yet, this could limit the location of CFAs along corridors just because annexation hasn’t happened	0310(1)(e)(A)	To facilitate development in climate friendly areas, these areas must be readily urbanizable in the near term.

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7 – City of Eugene	-What does the requirement for the CFA to be “readily serviceable” with utilities mean? Is it the same as: “(9) “Serviceable” means the city or county has determined that public facilities and transportation facilities, as defined by OAR 660, divisions 011 and 012, currently have adequate capacity for development planned in the service area where the site is located or can be upgraded to have adequate capacity within the 20-year planning period.” (660-09-0005)	0310(1)(e)(B)	Revised rules to define “readily serviceable.”
7 – City of Eugene	Additional considerations: -Consider adding an exception for allowing less than 750’ width if the rest of the entire lot is included in the CFA, to avoid bisecting a lot. Consider removing prescriptive standards like dimensions	0310(1)(f)	Revised dimensional standard to clarify that internal rights-of-way are to be included in the measurement. Please clarify the lot split issue.
7 – City of Eugene	For consistency, replace with language similar to that used for the HB 2001 (ORS 197.758(4)(c) and (e)): This section does not apply to: ... (c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065; (e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land’s potential for planned urban development.	0310(2)	ORS 195.065 includes services beyond the core urban services identified.
7 – City of Eugene	develop a template for cities completing the Climate Friendly Area capacity methodology	0315	Working to provide this with implementation funds.
7 – City of Eugene	“30% of total identified number of units to meet current and future housing needs over the planning period” -Re: Current identified need: Still unclear how “current” dwellings applies since they are not part of an “identified need,” unless they are supposed to be part of the need/growth that has already been met in the planning period? Could revise to 30% of identified need during the planning period, including housing units built since beginning of planning period.”... (more in letter)	0315	Because the target identified in the Statewide Transportation Strategy identifies the goal as at least 30% of housing located in climate friendly areas by 2035, reducing the zoned capacity of CFAs based on housing production elsewhere would undermine achieving the goal.

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
7 – City of Eugene	<p>Too prescriptive, requires analysis of each lot throughout the Climate Friendly Area (even though it says it’s a block level analysis). More appropriate to proforma analysis than long range planning. Difficult and extremely time consuming to do over multiple climate friendly areas across the city with multiple zones.</p> <p>For Eugene to conduct this analysis, we would need to contract with our local COG. Based on an earlier but similar version of the proposed capacity methodology, they estimated it will take 20-30 hours (or over \$3,000) to do an initial capacity analysis...</p> <p>Consider allowing existing dwellings to count towards capacity without being part of the capacity calculation because residentially zoned land may have more existing housing than the proposed assumption of a max of 30% of the building envelop. A threshold could be added, such as “local governments may include additional capacity for existing dwellings if a lot is at 90% of maximum allowed density” (lots more in letter)</p>	0315(2)	<p>Conversations with Lane Council of Governments staff indicate they are able and willing to do this analysis.</p> <p>Revisions provide option for local governments to develop alternative methodology to determine when 30% of housing needs have been accommodated.</p> <p>Goal is not to cap housing in climate friendly areas at 30% but to build in climate friendly development as cities grow.</p>
7 – City of Eugene	<p>Should this be revised to “and <i>whether</i> utilizing either existing or anticipated development standards within each climate friendly area?” Otherwise, this statement is redundant</p> <p>-Should the citation be to OAR 660- 012-0310(1)?</p>	0315(4)	<p>Rule amended to clarify land use requirements in climate friendly areas.</p> <p>Revised citation to -0310(1).</p>
7 – City of Eugene	Don’t like one-year timeframe for CFA study		The funding is available now and direction has been to act with urgency
7 – City of Eugene	Submit reports to... DLCD? ODOT? Clarify.	0315(5)(c)	Division 12 is administered by DLCD. Any references to the ‘department’ means DLCD. Rules use “Oregon Dept. of Transportation” when referencing that agency in rule.
7 – City of Eugene	Revise the deadline for submitting the CFA study to account for 90	0315 and 0012	Expanded time allowed for CFA zoning and comp plan

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
	<p>days of department review in the overall timeline...</p> <p>Revise the deadline for submitting the CFA study to account for 90 days of department review in the overall timeline</p>		<p>amendment adoption to Dec. 31, 2024.</p>
<p>7 – City of Eugene</p>	<p>The allowance to provide ADA dwelling estimates based on best available data is helpful, but only if there is at least some data that is readily available and staff availability for such a research project. Consider deleting the reference to reporting on existing accessible dwelling units initially and only requiring them to be tracked and reported on for new dwellings going forward.</p>	<p>0315(6)</p>	<p>The rules allow cities to use the best available data. Setting a baseline is important for tracking progress.</p>
<p>7 – City of Eugene</p>	<p>(3) Revise to “calculated...based on...development standards in these areas” rather than based on land use requirements. Development standards is the language in section - 0315(2). - (3)(a) and (b) and (8) Clarify if the outcome-based densities are the minimum achieved in each CFA or overall CFAs together, the latter would work better for a variety of CFA types.</p>	<p>0320(3) and (8)</p>	<p>Rule amended to address these issues.</p>
<p>7 – City of Eugene</p>	<p>(4) What does serve the public mean?</p> <p>Suggest adding a definition or adding a list of exclusion examples such as for maintenance buildings, jails, mental health facilities, or other government uses that might have special land use needs (fairgrounds) or would not be appropriate for a non-downtown type of CFAs. -As recently clarified by DLCD staff, revise to further clarify intent, for instance: “shall prioritize locating public-facing or public gathering government facilities...”</p>	<p>0320</p>	<p>Amended to “government facilities that provide direct service to the public”</p>
<p>7 – City of Eugene</p>	<p>Add acknowledgment that public access is required only if findings can demonstrate consistency with constitutional requirements.</p>	<p>0320(5)</p>	<p>Legal counsel from the Oregon Department of Justice advises local governments are enabled to make that determination.</p>
<p>7 – City of Eugene</p>	<p>Revise to allow medium density-type climate friendly areas (which</p>	<p>0320(6)</p>	<p>Allowed building heights will serve to restrict the intensity of development. Outcome-</p>

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
	are allowed per – 0320(8)) to have a maximum density		oriented approach allows more flexibility.
7 – City of Eugene	Consider more descriptive language if intended to include or exclude certain uses from the description of a mixed use building, e.g., replacing “other spaces” with “other non-residential uses” or listing out those uses like industrial, education, recreation, eating and drinking.	0320(8)	Proposed change made.
7 – City of Eugene	Reconsider maximum height limitations in these, 50 feet and 60- feet respectively	0320(8)(c)	Outcome-oriented approach allows alternative standards.
7 – City of Eugene	If the intent is that additional CFAs may be adopt less intense regulations than the one 25-acre CFA is required to meet, similar to subsection (8)(c), revise the reference to be to subsections (9)(a) or (b).	0320(9)(c)	Proposed change made.
7 – City of Eugene	This is too prescriptive; doesn’t allow some good exceptions and adjustments	0330	Revisions provide more flexibility.
7 – City of Eugene	Clarify what is meant by “large” sites must be designed with a connected network of public streets.	0330(3)(e)	Intent is to allow local governments to develop appropriate definitions and standards here.
7 – City of Eugene	Regarding applicability, consider further defining when the use of a motor vehicle is considered accessory to the primary use; a drive-through use (which is listed) makes sense and if that is the only use then just list that instead of saying including drive- through uses, otherwise list more uses because they are not intuitive (e.g., gas station?). For instance, the Eugene land use code identifies parking areas for the principle use as an accessory use and therefore would be subject to these standards, is that the intent?	0330(5)	Intent is to allow local governments flexibility to develop appropriate definitions and standards here.
7 – City of Eugene	Consider revising “access to goods and services” to the “ <i>ease of</i> access to goods and services must be equivalent to...”; presumably we don’t want pedestrian walkways that are driveway-widths in all places.	0330(5)	Proposed change made.

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
7 – City of Eugene	Clarify if this is city-wide Revise second sentence to be directed at developing standards: <u>“The regulations for these districts must allow development of no-car or low-car streets...”</u>	0330(6)	Moved to section (7). Planned Unit Development process would be sufficient to meet this standard, if allowed in residential and mixed-use districts.
7 – City of Eugene	Consider revising so ODOT and ODA only receive notice when an application is within a certain number of feet from an airport or state transportation facility. - (C)Clarify what it means for applications to “affect” private access roads.	0330(7)	This language is based on existing rules, and is not a change.
7 – City of Eugene	Clarify why these assumptions are limited to assuming existing comp plan designations? As an example, if we are adopting at the same time as adopting the UGB, which may include comp plan changes,	0340	This section revised and clarified.
7 – City of Eugene	Uncouple the allowance for a UGB expansion from whether or not reports have been submitted per OAR 660-012-0900,	0350	This is a compliance tool.
7 – City of Eugene	-Confirm if it is feasible to demonstrate that a UGB expansion will result in a reduced VMT city wide --Concerns about prohibition of assuming any VMT-increasing facility during UGB expansion analysis. -Provide more flexibility, with tradeoffs, such as requiring more ped/bike facilities.	0350	Subsection 0350(2)(b) requires transportation planning assumptions that are developed to make decisions about an urban growth boundary expansion to be consistent with performance targets set under OAR 660-012-0910. The rule does not prevent an otherwise allowed UGB expansion from proceeding if the city has not met VMT targets. Transportation planning assumptions should be making progress toward meeting targets. This may affect assumptions about transportation facilities within the existing UGB or the areas considered for expansion.
7 – City of Eugene	Consider relocating (3) to Urban Growth Boundaries, OAR 660-024-0020.	0350	Not legally able to amend OAR chapter 660, division 24 at this time as it was not in the charge nor Secretary of State notice.
7 – City of Eugene	Drop childcare from key destinations as it often shifts locations (homes)	0360	Cities allowed discretion to limit to large, long-term childcare facilities.

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
7 – City of Eugene	Simplify and make alternatives in 0445 more realistic	0400 series	Taken into consideration and slightly adjusted but generally retained existing language
7 – City of Eugene	Clarify extent of development that would trigger this, e.g., 20% expansion of building footprint	0445 (1)(b)(F)	Split the subsection and clarified a threshold at 30% for expansion, below which mandates would not apply
7 – City of Eugene	Pricing 10% of on-street parking is untenable	0450	Reviewed parking map of Eugene’s permits and meters. While a larger task, this task has a way to pay for itself being done. Did not accept this change.
7 – City of Eugene	What is the goal, if cities provide spaces for shared bikes and other small scale mobility devices can it be counted towards meeting bike parking minimums of (2)-(5)?	0630	This seems reasonable, depending on the type of facility parking could be used for many types of vehicles/devices. Broadened some language in section (1) of the rule.
7 – City of Eugene	<p>First report should be two years</p> <p>The reporting requirements will require a fair amount of work. -</p> <p>Local governments already have to send notice of adoption of land use regs and plans. Why the redundancy?</p>	0900	Reduced the requirements for the minor reports.
8 – Association of Oregon Counties/ League of Oregon Cities	Concerns about Timelines, Resources, Complexity, Prescriptive Nature		This has been a conversation at the commission for several meetings. Refined timelines and will continue to work with partners to find resources. Have continually adjusted the balance between clear requirements and flexibility.
9 – Realtors	<p>Commission should take a pause and study the impacts of the proposed rules on housing production, affordability, and homeownership.</p> <p>Minimum density requirements should be eliminated or set based on each city's unique circumstances. Requiring unachievable minimum density standards will lead to less, rather than more, development in climate friendly areas. And the rules as drafted will limit homeownership opportunities in climate friendly areas.</p>		See endnote 1 on final page .

Exhibit/Commenter	Issue	Rule <small>(Division 12 unless noted otherwise)</small>	Response
<p>10 – Clackamas County Board of Commissioners</p>	<p>concerns regarding the clarity and feasibility of how the rules will be applied; the need for more time and resources to ensure the rules actually help us achieve our climate goals, and the need for exemptions or exceptions</p> <p>It is unclear how the proposed rules will be implemented in the Portland Metro area -- As written, it is difficult to determine which elements will or will not be led through the Metro Regional Transportation Plan. This will create confusion for local jurisdictions and is an inefficient use of resources. Jurisdictions in the Portland Metro area have been working together under the direction of the Metro Climate Smart Strategy and the Regional Transportation Plan to address many of the topics covered by the proposed rules. It is logical that Metro should continue to lead on the appropriate solutions within the Portland Metro area.</p> <p>Because of the complexity and vagueness of the proposed rules, it is questionable whether Clackamas County and other impacted jurisdictions could feasibly implement the performance standards within our development review processes as well as through our comprehensive plan and land use actions.</p>		<p>Made a number of clarifying changes to the rule language to be more clear and consistent, including clarity on Metro and metro area jurisdictions.</p>
<p>11 – Cortright and McCurdy</p>	<p>Climate Friendly Area studies are eligible for Federal highway funds</p>		<p>Taken into consideration and shared with agency partners; not related to rules but implementation</p>

Exhibit/Commenter	Issue	Rule <small>(Division 12 unless noted otherwise)</small>	Response
12 – Deblasi	<ol style="list-style-type: none"> 1. Get rid of the street hierarchy system (arterial, collector, etc.) and replace it with urban residential, urban commercial, rural residential, rural commercial and highway. 2. Ban cities from permitting construction (residential or commercial) that presents the back of the building or home/backyard to the street. 3. Require cities to utilize NACTO standards to urban street design. 4. Ban suburban style apartment complexes (large 2-3 story buildings surrounded by large parking lots) and instead use "Missing Middle" design standards and internal street grids. 5. Require urban street speed limits to max out at 30 mph on commercial and 20 on residential streets. And anytime an area is added to the UGB, the street speeds and design must conform to urban standards. 6. Ban urban street lane widths greater than 10.5 feet. Residential streets cannot exceed 34 feet wide when on-street parking is available on both sides. 7. Ban right turn lanes into commercial development or multi-family development. 8. Require sharper turn radii. 9. Limit entry/exits along commercial streets. 		<p>Item 1: The rules do use the existing street functional classification hierarchy, but also require local governments to consider the land use context and expected users of each facility.</p> <p>Items 2 & 4: Draft OAR 660-012-0330 requires pedestrian-oriented site design standards.</p> <p>Item 3: Draft OAR 660-012-0610 requires local governments to plan for a connected, safe, and low stress bicycle network for all ages and abilities, and references NACTO standards.</p> <p>Items 5-9 are street design details that go beyond the scope of this rulemaking. Cities will likely use many of these tools in response to requirements in the rules to make streets safer for people to walk and bike.</p>
13 – JARDHO report	Addressing barriers to homeownership people of color		Appreciate the background information. climate friendly areas consistent with housing supply task force policy options, specifically, “zoning that allows high-density residential development in a half mile radius around high-capacity transit station areas and within a quarter-mile of frequent-service/rapid-service transit lines to build up to the allowed height without additional review or approvals”
14 – R Krishnan Realty	Please do not permit buildings without parking garage at least one garage for a home.		Considered but did not make this change. The rules allow the market to decide on including garages for many buildings.

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
15- Beaverton City Council	Need resources to meet these timelines. Workplans need flexibility. Resources to support EVs. Make this bold <i>and</i> implementable.		Taken into consideration. Continue to work to identify additional resources and provide options on timelines. Various state agencies are working to find EV resources.
16 – K Bennett	I cannot imagine an eight-story building in Bend! Please adjust rules/laws to lower that height		Outcome-oriented option allows flexibility in Climate-Friendly Area implementation.
17 – Cornelius Mayor Dalin	Document economic analysis. Include freight. Assess alternate actions would achieve the same at lower economic impact. One size does not fit all. Parts of the Statewide Transportation Strategy aren't in this rulemaking. Impact statement is inadequate re: impact on smaller jurisdictions.		Fiscal, housing, and racial equity impact statements were found to meet applicable requirements. DLCD has secured funding to assist local governments with implementation in the near term, and plans to ask for additional funding for this work in the next biennium.
18 – “RM”, Bend	Oregon needs to pair the new rules with additional funding to the affected cities for infrastructure improvements and additional funding for mass transit.		DLCD is working with agency partners, including OHCS and ODOT, to identify implementation resources.
19 – Happy Valley	Several unanswered questions and concerns about how the rules would be implemented within a variety of state, regional, county and city facilities, rules, and planning efforts. Questions range from those seeking clarity within the rules themselves to how they fit within existing frameworks. Prior to adoption, there should be more certainty about how the rules will be implemented. Finances. Case Studies. Prescriptive. Heavy burden.		Clarified rules and implementation. General concerns have been discussed at length with Commission. Rules have been adjusted somewhat in response to local government concerns, and DLCD has worked with partners to identify at least \$19 million to assist with implementation.
20 – H Wershow, Bend	We want a green dense city full of apartments and bikes		Considered and working to meet many of those goals.
21 – M Walker	Not pragmatic, should raise price of gasoline		The price of gasoline is not under LCDC authority.
22 – Realtors	Pause rulemaking. Eliminate density requirements.		See response in endnote 1 on final page
23 – TOGO	TO Plan (or TOM plan) should be a requirement for some developments within CFA's. The TPR already requires identifying and has not resulted in any		The transportation options rule was developed in coordination with ODOT.

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
	<p>meaningful TDM/TO.</p> <p>Should add in “Requirements for Transportation Options plans, as defined by the TSP, including increased focus on priority populations, developed in partnership with the City and the local TO provider”</p> <p>Cities would review the development requirements much like the planning review already in place, if X development is required to have a TOM Plan according to the local's TSP, then the planner seeks to secure and review that plan in partnership with local TO program coordinators. Adding the language in d. to 0145 for equity</p>		<p>Additional transportation options rules are expected from DEQ in the next year. The rules do not prohibit local governments from requiring a TO/TDM plan with development.</p>
24 – City of Sherwood	<p>Process lack of compliance with rulemaking requirements time resources nexus on parking and equity more flexibility</p>		<p>Half of the RAC members live in the Portland Metro area. Metro jurisdictions were given many ways to engage in the rulemaking, including three parking reform-specific meetings, and staff met directly with the Sherwood City Council, held a separate meeting residents, and toured the city. The nexus between parking and equity is explained starting on page 22 in a memo to the RAC meeting 6.</p> <p>Other concerns are addressed in response to other comments.</p>
25 - City of Springfield additional	<p>Specific concerns about Eugene-Springfield’s scenario planning work to date and what this would require; previously emailed staff on this</p>	44-0110	<p>Continuously consulting directly with city and MPO staff on requirements and resources.</p>
25 – City of Springfield	<p>Concerns repeated in Exhibit 41</p>		<p>See responses to Exhibit 41</p>
26 – Miller Elementary Bend	<p>Please fulfill your promise to “transform Oregon’s communities to be safe, equitable, sociable, and pleasant places where driving is not required, and the amount of driving is reduced.”</p>		<p>The rules work toward this end.</p>
27 – Gary Schaff	<p>Require rules: 1. construct protected bike lanes on arterial and collector streets of sufficient width to allow one</p>		<p>These rules provide for local planning of the bike network, but do not prescribe the solution on any particular</p>

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
	<p>bicyclist to overtake and pass another slower cyclist</p> <p>2. design and redesign local streets (i.e. not arterial and collectors) to achieve 95th percentile speed of 20 MPH using engineering designs - including chicanes, one-way car/truck traffic restrictions, narrowed streets, and raised pavements at each intersecting street.</p> <p>3. place priority on the construction of a complete bicycle network and to require completion of the planned network by 2035.</p>		<p>facility. The rules require planning for a connected network that is comfortable for all ages and abilities. This may be accomplished through a variety of means. These types of facilities are expected to be prioritized.</p>
28 – Gary Schaff	<p>Weird department would suggest specifying street infrastructure design standards in the TPR is beyond the Commission’s authority when the existing TPR requires “Bikeways shall be required along arterials and major collectors.” Requiring “protected bike lanes” on arterial and collector streets and establishing a 20MPH street design standard on local streets are analogous.</p>		<p>These rules were developed in coordination with ODOT.</p> <p>The rules require planning for a connected network that is comfortable for all ages and abilities.</p>
29 – N Copley, Bend	<p>Climate Friendly and Equitable Communities rules are of utmost importance in defining the future of the community I love by ensuring that Oregon’s land use planning system meets the demands of the climate crisis and plans for resiliency and adaptation.</p>		<p>The rules work toward this end.</p>
30 – OR APA	<p>Find the resources to get TSPs done and set firm TSP update deadline of Dec 31, 2025</p>	0012	<p>This timeline is too soon considering the resources available. Some TSP updates may be complete by this time.</p>
30 – OR APA	<p>Unify CFA, parking, parking max deadlines to Dec 31, 2024</p>	0012	<p>Providing timing options to the commission.</p>
30 – OR APA	<p>No need for work program; doesn’t make sense – allow one-year no cause extension of above instead</p>		<p>The alternative dates allows additional flexibility that is necessary for the state and local governments to identify resources and appropriate timing in each jurisdiction.</p>
30 – OR APA	<p>Remove exemption for <5k, <10k VMT</p>	0160	<p>Taken into consideration but did not make this change.</p>
30 – OR APA	<p>Revise (1)(f) as follows: <u>At least one climate friendly area must have a minimum area of 25 acres.</u></p>	0310	<p>Minimum width is necessary to support synergy of uses in a non-linear orientation in</p>

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
	<u>Additional climate friendly areas must have a minimum area of 12 acres. Where a climate friendly area includes or abuts an arterial or a highway, the climate friendly area must have a minimum width of 500 feet. Climate friendly areas shall have a minimum width of 750 feet.</u>		climate friendly areas (ability to walk in more than two directions to access jobs, housing, and services).
30 – OR APA	Revised the last sentence of (1): A local government may <u>shall</u> designate one or several climate friendly areas in order to accommodate <u>to have a capacity for</u> at least thirty <u>fifty</u> percent of <u>all new</u> housing units and for at least <u>fifty</u> percent of new non-industrial employment	0315	Don't have consensus to increase zoned capacity in CFAs.
30 – OR APA	e 3(a) and (b) and add (c): Residential areas with minimum residential densities or existing residential development equal to or greater than the densities provided in Section (6); or (b) Existing <u>Employment uses areas with minimum employment densities</u> equal to or greater than the number of jobs per acre provided in Section (6); or (c) <u>Compliance with residential densities in (a) or jobs per acres in (b) may be accommodated by aggregate density or jobs per acre of such areas.</u> Revise (5) by replacing a maximum block length of 500 feet with the previous draft rule of 350 feet or 400 feet. Delete (6): Development regulations may not include a maximum density limitation	0320	Requiring minimum employment densities would be challenging for local governments to implement, and could have significant consequences for economic development. Block length standards developed with compromise for smaller lot redevelopment, with 350 foot maximum block length for development of 5.5 acres or greater.
30 – OR APA	Parking maximums for more cities, no population threshold	0400-0450	Added parking maximums for lower population cities in line with existing TPR.
30 – OR APA	Wait to do scenario planning until have adopted CFAs. Don't allow Central Lane to use 2015 scenario plan	Div 44 0015	Taken into consideration but decided to stay with approach on Division 44.
31 – Cascade Policy Institute	Error in 75% vs. 80% reduction in handout. State agencies shouldn't do this. Emissions should be measured not		Fixed error conflating the Governor's order of 80% reduction with the 75%. Other issues not consistent with Oregon statute, which is

Exhibit/Commenter	Issue	Rule <small>(Division 12 unless noted otherwise)</small>	Response
	by emissions but in relation to other things.		about “greenhouse gas levels,” not GDP, or Executive Order.
32 – Grants Pass Fire Rescue	Concerns about narrow streets		This requirement will be rewritten to be clearer about the intended flexibility available to local governments.
33 – Commonworks consulting	Should provide minimum standards or benchmarks to assess whether the actions a local government plans to take are likely to have any impact on (or have impacted) affordable housing development or displacement within climate friendly areas (CFAs). Require adoption of one or more things from Anti-Gentrification Toolkit		Consistent with Commission direction, there are now requirements for local governments to adopt strategies to promote affordable housing and mitigate displacement in climate friendly areas. Progress will be evaluated in regular housing production strategy reports.
34 – CFEC Support Book	3) CAA(Bend) members would like to ensure affordability height bonuses are still allowed and viable in climate friendly areas so that the City is still able to offer valuable incentives to encourage Affordable Housing development.		Height bonuses are allowed for affordable housing and accessible housing in 660-012-0315(2)(c).
35 – Rogue Advocates	Support; reiterate points made in December letter: <ul style="list-style-type: none"> - Increase size of CFAs to hold more housing - Tighten deadlines - Aim higher 		Considered these points but did not make these changes.
36 – Urban Greenspaces Institute	Don’t delay; add green infrastructure in guidance if not rules		Have provided commission options in timing. Intend to include green infrastructure in guidance.
37 – Eugene Realtors	One-size fits all Study to see if market supports density Contradict consensus HB2001		Taken into consideration but did not make this change. These rules supplement HB 2001 rather than supplanting it.
38 – Oregon Home Builders Association	OAR 660-012-005(3) definition of “accessibility” and “accessible”: The definition of “accessibility in ‘the context of transportation is, “the ability to reach destinations in a safe, convenient, and comfortable way.” While this is certainly a commendable idea, it is unclear what many of these embedded terms mean in a legal context, and how a local government will be able to adopt land use and subdivision		Changed accessible to be aligned with ADA.

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
	<p>regulations that are clear, and objective based upon this definition. For example, OAR 660-012-0045(3)(d)(B) requires an “accessible” (convenient and comfortable) route of travel between destinations within new subdivisions. The concept of convenience and comfortability are highly subjective and nebulous standards, and it is uncertain whether a local government will be able to adopt subdivision design regulations that implement these concepts in a clear and objective way.</p>		
<p>38 – Oregon Home Builders Association</p>	<p>Definition of “people with disabilities”: The draft rules define “people with disabilities” as different from the federal Americans with Disabilities Act (ADA) and existing Oregon state law. See ORS 174.107, ORS 496.018, ORS 659A.104. Revisit this definition to make sure it is aligned with existing law.</p>	<p>0005(36)</p>	<p>Aligned definition with ADA.</p>
<p>38 – Oregon Home Builders Association</p>	<p>OAR 660-012-0215(3) includes undefined performance standards: As discussed below, 0215(3) creates a list of new performance standards that must achieve the following objectives: reducing climate pollution; equity; safety; network connectivity; accessibility; efficiency; reliability; and mobility. However, none of these terms are defined in the rules, except for accessibility. If local governments and developers are going to be required to analyze projects based on these criteria, these terms must be clearly defined.</p>		<p>The rules require local governments to develop and adopt specific performance measures, based on the general guidance provided in the rule.</p> <p>The rule provides flexibility but the adopted standards must be specific.</p>
<p>38 – Oregon Home Builders Association</p>	<p>OAR 660-012-0330(4) requires “slow neighborhood streets comfortable for families”: OAR 660-012-0330(4) requires cities and counties to have land use regulations in residential neighborhoods that provide for “slow neighborhood streets comfortable for families” but it is unclear what this means. Specifically, it is unclear what “comfortable for families” means. Are these families that are driving</p>	<p>0330(4)</p>	<p>This definition provides flexibility for local governments to define these terms more precisely and appropriately for the local context. Local standards must be clear and objective.</p>

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
	cars on the streets or are they pedestrians? What does a family mean in this context? Does this mean young children, or could this be childless households? And what is ultimately “comfortable” for the amorphous idea of family? highly subjective, undefined, and will be difficult for a local government to adopt clear and objective design standards based upon the proposed language.		
38 – Oregon Home Builders Association	OAR 660-012-0215 must the performance standards achieve the objectives of OAR 660-012-0910 (reduction of greenhouse gas as defined in Division 44) or must the standards achieve objectives related to equity, reducing climate pollution, safety, accessibility, reliability, and mobility?	0215	The rule requires local governments to make findings on achieving the objectives of 0910 when adopting the performance standard into the local TSP. The rules provide broad guidance for performance standards, however once adopted, the performance standard must be clear.
38 – Oregon Home Builders Association	Conflicts with HB2001; strike minimum density		All middle housing types are possible consistent with minimum density standards. Local governments may choose outcome-oriented approach to avoid applying minimum densities. See response in endnote 1 on final page
38 – Oregon Home Builders Association	it is unclear what “direct pedestrian access” means in this context	0330(2)	Language allows local government flexibility to define this term. Local standards will provide more detail.
38 – Oregon Home Builders Association	“slow neighborhood streets comfortable for families,” “efficient and sociable development patterns,” and provide for connectivity within the neighborhood and to adjacent districts. these terms are vague and highly subjective	0330(4)	Language allows local government flexibility to define this term. Local standards will provide more detail.
38 – Oregon Home Builders Association	Don’t add complexity to UGB expansion process		Taken into consideration but decided not to accept this suggestion based on the direction in the executive order.
39 - Fair Housing Council	Establish minimum standards or benchmarks for incorporating the Housing Production Strategies (HPS) developed under earlier processes, esp. the “Direct” HPS strategies, into the CFEC rules for CFAs	0300 series	Consistent with Commission direction, there are now requirements for local governments to adopt strategies to promote affordable housing and

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
	Adopt rules that proactively call for measurable goals for affordable housing and housing choice access for protected class groups to live in inclusive and environmentally friendly neighborhoods		mitigate displacement in climate friendly areas. Progress will be evaluated in regular housing production strategy reports, along with performance measures.
40 – Springfield Utility Board	Try to remove restrictions that stop development. Fund implementation. Let cities do their own thing. Require local agencies report their efforts to achieve greenhouse gas reduction and address equity.		Much of the rules work to remove restrictions to development. This rulemaking was initiated in part because previous efforts have not succeeded.
41 – League of Oregon Cities/ Association of Oregon Counties	Technical details		Refined the draft rules.
41 – League of Oregon Cities/ Association of Oregon Counties	Funding needed		The state has identified resources to support this work in addition to existing resources. The state will be undertaking some parts of the required work on behalf of local governments. The agency is working with local governments who have produced initial cost estimates to further understand and refine these estimates. Additional funding will be required in future biennia and the agency is working to prepare a request for the 2023-25 biennium.
41 – League of Oregon Cities/ Association of Oregon Counties (high priority)	Rulemaking requirements in 197.040 not met		Findings for the rulemaking are included in the staff report, per advice of DOJ.
41 – League of Oregon Cities/ Association of Oregon Counties	Accessibility definition	0005 and 0705	Changed accessible to be defined as complying with ADA.
41 – League of Oregon Cities/ Association of Oregon Counties	Expand “Committed transportation facilities” definition to include those with PE done – FHWA issue	0005	This is an existing definition that applies statewide that has not changed.
41 – League of Oregon Cities/ Association of Oregon Counties	(8) “Area, Net” definition: Remove “street” from “public street rights of way” to make it “public rights of way,” to allow exclusion from net	0005	(8): Proposed change made.

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	<p>area other types of public rights of way such as pedestrian accessways and multi-use paths.</p> <p>(13) “Committed transportation facilities” definition: Revise to read, “means that proposed transportation facilities and improvements which are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six Year Highway or Transportation Improvement Program.”</p> <p>(14) “Demand management” definition: Elsewhere in the rules, “alternative modes” has been changed to “non-driving.” Update this language for consistency.</p> <p>(26) “Minor transportation improvements” definition references “an approved corridor.” What does this mean? Approved by whom? Please clarify.</p> <p>(33) “Pedestrian District” definition: Revise subsection (c) to state “which have or could develop are planned for a network of streets and accessways...”</p> <p>(45) “Separated or protected bicycle facilities” definition: Revise to read “means bicycle facilities that are physically separated or protected from motorized traffic by barriers that prevent intrusion into the bicycle facility. Physical protection may include parked motor vehicles. Separated or protected bicycle facilities may be unidirectional or two-way. Separated or protected bicycle facilities minimize conflicting traffic at intersections and other vehicular accesses to the street or highway.” The proposed definition is too strict. Cities and counties should be able to use tools that significantly inhibit intrusion, rather than prevent it entirely, such as curbs and flexible delineators and not have to install jersey barriers, cable barriers, or other more significant separation that can physically redirect motorized vehicles in all places where this applies. Removing the</p>		<p>(13): This is an existing definition that applies statewide.</p> <p>(14): This definition has been updated.</p> <p>(26): This existing definition applied in existing rules that will continue to apply outside of metropolitan areas.</p> <p>(33): This definition has been updated.</p> <p>(45): Made some changes to broaden this definition somewhat.</p>

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
	last sentence allows more flexibility and context sensitive design.		
41 – League of Oregon Cities/ Association of Oregon Counties	Clarify sequencing required under this rule is also eligible for work program flexibility: Subsections (8) and (9)(a) require cities and counties adopt land use regulation requirements and parking maximums at the time they update their transportation system plans. Local governments should be allowed to sequence workload that makes sense, even if it results in adopting those aspects in a different sequence.	0012	Added language around sequencing in updated language for setting alternative dates. Items connected to TSP adoption that can be modified are intended to be flexible, will try to clarify this.
41 – League of Oregon Cities/ Association of Oregon Counties	Maintain Work Program Flexibility: want CFA study element be added back into the work program flexibility	0012	CFA changes should be made ASAP, and funding is available to support studies in this biennium.
41 – League of Oregon Cities/ Association of Oregon Counties	change in the first reporting year from 2022 to 2023	0012	This change has been made. Provided as an option to the commission.
41 – League of Oregon Cities/ Association of Oregon Counties	“(3) Cities, counties, or Metro may choose to submit a work program to set effective dates or alternate deadlines for requirements in lieu of the effective dates, or deadlines, or <u>sequences</u> in sections (4) through (10) of this rule. Change first reporting year in subsection (15)(a) from 2022 to 2023, with reports due no later than May 31, 2024. Include subsection (11) in the items that are work program eligible in subsection (3).”	0012	Clarified sequencing is a consideration when developing and reviewing proposed alternative dates. Clarified that sequencing is a consideration when developing and reviewing proposed alternative dates.

Exhibit/Commenter	Issue	Rule <small>(Division 12 unless noted otherwise)</small>	Response
<p>41 – League of Oregon Cities/ Association of Oregon Counties (High concern)</p>	<p>OAR 660-012-0060 (Plan and Land Use Regulation Amendments) Subsection (1)(c) includes added language states “If a local government is evaluating performance based on projected levels of motor vehicle traffic, then the results must be” based on projected conditions measured at the end of the planning period in the TSP.</p> <p>Recommendation: Remove new proposed text from 660-012-0060(1)(c), keep rule as currently adopted: “(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP.”</p>	<p>0060</p>	<p>This language was added to rule 0060 as a wide range of performance standards are expected to be used than previously assumed under the rule.</p>
<p>41 – League of Oregon Cities/ Association of Oregon Counties</p>	<p>The definition of a “major update” in subsection (2) is too restrictive because it includes any change to the transportation system plan that is adopted fewer than 5 years from the planning horizon year.</p> <p>Revise subsection (2)(b) as follows: “(b) Any update where the adoption date is fewer than five years prior to after January 1 of the planning horizon year of the acknowledged plan.” Remove section (4) and add “minor update” community engagement requirements to rule 0120.</p> <p>Combine the remaining parts of rule 0105 with rule 0100 to make clearer what is required for a major and minor update, respectively, without the confusing cross references between these two rule sections.</p>	<p>0105</p>	<p>0105(2): Removed the 5-year limitation for major TSP updates.</p> <p>Made clarifying changes across rules 0100 and 0105, including simplifying the requirements for minor TSP updates.</p>

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
<p>41 – League of Oregon Cities/ Association of Oregon Counties (High concern)</p>	<p>Funding Projections are Flawed: The rules do not reflect transportation funding variability and inability to project accurately. Transportation funding is incredibly variable and cannot be accurately projected in the way that these rules require. Every city and county have a unique funding structure. There are the obvious mix of federal and state funds, but there are also local funds, grant dollars and other funding sources such that no-one financial plan could ever be applied.</p> <p>Recommendation: Significantly revise entire section to be more realistic or at the very least change subsection (3)(a) to TIP cycles. Revise (a) to read, “The expected amounts of funding for each Transportation Improvement Program time period year over the remainder of the planning period.”</p>	<p>0115</p>	<p>The draft rules provide a wide range of flexibility for local governments to identify potential funding sources.</p> <p>The need to identify funding into the future is unavoidable considering the requirement to develop a financially-constrained project list.</p> <p>Removed the requirement to identify expected year of funding.</p>
<p>41 – League of Oregon Cities/ Association of Oregon Counties (High concern)</p>	<p>Recommendation: Revise section 0155 to use consistent wording that all factors must be “considered,” to allow cities and counties the flexibility to determine which factors should have more or less weight, depending on the input received in the community engagement process. 660-012-01550 should include all applicable standards for the prioritization framework under Chapter 660, division 12. We urge removal of the duplicative and/or conflicting prioritization requirements in the following rules: • Unconstrained project list, OAR 660-012-0170(2)(a)-(b), • Financially constrained project list, OAR 660-012-0180(3) and (5) • Pedestrian system projects, OAR 660-012-0520(2) • Bicycle system projects, OAR 660-012-0620(3) • Public transportation system projects, OAR 660-012-0720(4) • Street and highway system projects, OAR 660-012-0820(3) Lastly, please clarify what “expected primary users” means</p>	<p>0155, 0170, 0180</p>	<p>These rules were developed in close coordination with ODOT. The draft rules provide flexibility for local governments to weight different factors depending on community values, and in coordination with underserved populations. Will consider some clarifying revisions but agency coordination on this point may be challenging.</p> <p>Rule 0155 is intended to provide a framework that is referred to in other parts of the rules, in combination with specific requirements in those parts of the rules.</p>

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	in the context of the requirements in (5)(b).		
41 – League of Oregon Cities/ Association of Oregon Counties (High concern)	We are concerned with the potential number of iterations that may be needed to model the financially constrained list. In addition, we reiterate our concerns regarding technical and resource constraints to developing and implementing local VMT models, constraints on model sensitivity, and the city’s limited authority to influence the policies that most affect VMT reduction. Recommendation: Provide resources necessary to complete the level of and number of model runs that are needed to implement this rule. Provide an explanation of what to do or an exception for situations in which it is impossible to achieve 660- 012- 0180(4)	0160	Considered, funding and guidance forthcoming to support implementation.
41 – League of Oregon Cities/ Association of Oregon Counties	We agree the TSP project list – as a whole – should help meet performance targets, we disagree that every individual project should be required to meet subsections (4)(a)-(d). Remove (4)(a) and (4)(c) to allow for projects that are needed to serve greenfield areas in existing UGBs and to enable safety projects that do not reduce VMT to be adopted into transportation system plans.	0170	Rule 0170 requires that cities and counties develop a method of prioritizing projects for including on the project list. Rule 0155 provides guidance on this. Local governments have flexibility in adding additional factors and determining weighting of factors.
41 – League of Oregon Cities/ Association of Oregon Counties (high concern)	Limiting projects in the RTP to the local TSP financially-constrained list is concerning. We are unaware of any legislative authority for DLCDC or LCDC to directly control the actions or decisions of an MPO, as subsection (2) does, even if federal law allowed it. Allowing up to 125% of the funding available in (3) does not acknowledge the drastically changing financial realities of transportation funding. Does (5) require us to re-do model runs every time we make even a small change to the TSP?	0180	The requirement to develop a financially-constrained list in the local TSP is a key part of the rules. Local governments have wide flexibility under the rules in 0115 to identify potential funding sources. 0180(5): Rule 0160 requires modeling of the constrained project list only for major updates to a TSP.

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	<p>Remove subsection (2). If necessary, it could be replaced with a requirement that cities and counties coordinate in developing federal financially constrained project lists based on the local TSP financially constrained list. Increase the flexibility of the financially-constrained project list to account for the funding variability realities that jurisdictions experience. Remove (5) or revise to allow more flexibility for small changes to TSP without requiring resource intensive modeling.</p>		<p>Subsection (2) is specifically written to apply to cities, counties, Metro, and the state; not MPOs. LCDR does not have authority over MPOs, and MPOs do not have state land use planning authority, however MPOs must coordinate with state land use agencies under <i>e.g.</i> 49 USC § 5303 and 23 CFR § 450.</p>
<p>41 – League of Oregon Cities/ Association of Oregon Counties (high concern)</p>	<p>Commercial and Mixed-Use Site Development: Clarify subsection (3) does not apply to mixed use industrial districts: “(3) Cities and counties must have land use regulations in commercial and mixed use districts (<u>districts that allow a mix of residential, office, and commercial uses within a development site</u>) that provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks. ”</p> <p>Reduce the overly broad scope of (3)(b) as follows: “No vehicular parking, circulation, access, display, or loading shall be permitted on-site between buildings <u>in new developments</u> and <u>fronting</u> public streets. Bicycle parking may be permitted.”</p>	<p>012-0330</p>	<p>Added additional flexibility and clarity in rule 0330 to provide for a wider range of situations. Exempted predominately industrial districts from requirements for commercial and mixed-use areas.</p>
<p>41 – League of Oregon Cities/ Association of Oregon Counties</p>	<p>Remove the requirement for a common horizon year for all MPO jurisdictions in subsection (1).</p> <p>Remove the first sentence of subsection (4). Alternatively, revise to more clearly state what the rule is requiring.</p>	<p>012-0340</p>	<p>(1): The rule requires local governments to develop future land use assumptions for both the planning horizon year of the local TSP and a common horizon year across the metropolitan area for regional transportation planning purposes. This could be the same year but need not be.</p> <p>(4): Revised this section to tie growth assumption for CFAs to the residential and</p>

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			employment targets from the outcome oriented standards in 660-012-0320(9).
41 – League of Oregon Cities/ Association of Oregon Counties	<p>Don't perpetuate stroads. Fire access. Oregon Fire Code. 28 foot streets. Lots of details here.</p> <p>ODOT manages the freeway system. 660-012- 0810(5)(a) requires cities to consider high-occupancy vehicle lanes, including transit lanes, and managed priced lanes on freeways. This requirement is outside city government authority</p> <p>Remove 660-012-0810(1)(c) because it adds nothing the City's prioritization requirements except to the detriment of prior facility planning work or other planning work.</p> <p>Remove 660-012-0810(4)(a) to eliminate categorization of arterials as local access priority, through movement priority, and arterial segments in CFAs.</p>	012-0810	<p>These rules were developed in close coordination with ODOT. ODOT does have statutory authority and responsibilities for state highways, however state agencies must also act consistently with local comprehensive plans.</p> <p>The purpose of the rules to categorize arterial segments is exactly to discourage "stroads," which try to accomplish both access and through movement and do neither well. Facilities should be planned to focus on one or the other and make necessary tradeoffs.</p> <p>Clarified the language around street width in 0810.</p>
41 – League of Oregon Cities/ Association of Oregon Counties	<p>Enhanced Review: This process is extensive, and it would be incredibly helpful to exempt all projects that have been adopted by May 1, 2022 or projects that are included in a Capital Improvement Plans prior December 31, 2023.</p> <p>Please clarify that "new and expanded interchanges" referenced in 660-012-0830(1)(a)(B) does not apply to the entire influence area of an interchange, but only to the interchange itself.</p> <p>Suggesting some clarity to make it clear the ODOT is responsible for the 0830 evaluation of their own projects, not local governments.</p> <p>The \$5 million in 660- 012-0830(1)(b)(A) will be eroded by inflation over time.</p> <p>In addition to the reallocation of</p>	0830	<p>Projects in existing acknowledged plans need not be reviewed under rule 0830 until the local government undertakes a major TSP update. The existing proposed projects would need to be reviewed.</p> <p>0830 projects will need to be reviewed by the local government regardless of facility owner. If the state would like a proposed facility to be in a local TSP, which is necessary to accomplish a project, the state will be expected to work with local governments to accomplish this.</p> <p>0830(1)(b)(A): This amount has been increased tenfold from earlier drafts, and may be adjusted in future rulemakings if necessary.</p>

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	right-of-way being an exception, we would like to see dedication of right-of-way to “provide more space for pedestrian, bicycle, transit, or high-occupancy vehicle facilities” be included in the exceptions to the Enhanced Review of Select Roadway Projects. For example, dedication of additional ROW needed for transit lanes should be allowed and encouraged without having to do the enhanced review process.		0830(1)(b)(B): This change is not necessary because dedication for these facilities is not a covered proposed facility under (a). Subsection (b) is a set of exceptions to subsection (a).
41 – League of Oregon Cities/ Association of Oregon Counties (High concern)	Enforcement for Compliance Reports is Concerning: The enforcement mechanisms provided in 0920(7) are outside of the authority provided to LCDC by the Oregon legislature. Because there is no legal authority for any of these enforcement actions, at minimum section (7) should be removed. Without a legal authority to take compliance action against cities and counties under section 0900-0920, we suggest reconsidering whether sections 0915 and 0920 serve any meaningful purpose. Remove subsection OAR 660-012-0920(7)(a)-(c), and further consider whether there is any legal purpose behind sections 0915 and 0920 generally. Post approved alternative work programs online.	0920	Oregon Department of Justice legal counsel has reviewed this draft rule. DLCD expects to post any approved alternative dates (formerly work programs) online.
41 – League of Oregon Cities/ Association of Oregon Counties (High concern)	Revise the definitions of “equitable outcomes” to be consistent with the division 12 rules: An “equitable outcome” is an outcome that “burdens underserved populations less than and benefits underserved populations as much or more as the city or county population as a whole.” Either replace “horizon year” with “planning period” in 660- 044-0110, or revise subsection (14) from “planning period” to “horizon year” and revise 660-044-0040 to be consistent	044-0005	Revised to include suggested edits.
41 – League of Oregon Cities/ Association of	Change the work program deadline in (2)(a)(A) to July 1, 2023	044-0015	Did not make this change. Clarified what is needed in a

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
Oregon Counties (High concern)			work program and provided timing options to the commission.
41 – League of Oregon Cities/ Association of Oregon Counties (High concern)	Publish proposed changes to current rules in track changes to enable easier referencing of current rules and what is changing. Correct the references and language in (3) and (4) so the draft rules make sense.	044-0030	A a summary of changes for each rule is in the commission packet. Updated references in (4).
41 – League of Oregon Cities/ Association of Oregon Counties (High concern)	Clarify the policies and strategies in (3) and the projections in (7) must meet the targets up to the “horizon year” and not all targets provided in OAR 660- 044-0025, to the extent that some targets may extend beyond a scenario’s horizon year	044-0110	Updated clarification.
42 – Oregon Trucking Association	The words efficient and economic have been deleted as descriptors of the freight system. These words should be restored as they describe the principle purpose of freight movement. OAR 660-012-005(31) - Definition of “Parking Spaces”. Add truck parking to exclusions in this definition so that the rules pertaining to parking do not include trucks and truck terminals.	0000(1)(f)	The purpose statement continues to support freight movement in (1)(b), (1)(h), (1)(i), and (1)(j). The principal purpose is movement, which remains. The definition of parking spaces does not include trucks. “means on and off street spaces designated for automobile parking...”
42 – Oregon Trucking Association	Limits consideration of freight users to industrial areas and along routes accessing key freight terminals. This provision ignores providing freight services to retail business, personal residences and others located in climate friendly areas. It is essential “last mile” freight services be prioritized along with industrial customers and freight terminals.	0155(5)(b)	Broadened this language to be more inclusive of other freight needs.
42 – Oregon Trucking Association	In communities with population over 100,000 requires provisions for emergency vehicle access and local freight delivery. This provision should be extended to cover climate friendly areas in all communities where they are permitted or required.	0330(6)	This requirement, now in section 0330(7), relates specifically to low-car districts. Overall, the rules require local governments to establish street standards that meet the needs of expected users, including for emergency vehicles and freight access.
42 – Oregon Trucking Association	Freight delivery should be added here. Nowhere in the rules does it mention truck loading zones.	0405(1)(d)	Added a provision to consider truck loading needs.

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
42 – Oregon Trucking Association	<p>Requires cities and counties to consider freight travel on designated freight routes and key freight terminals. Provision ignores providing freight services to retail business, personal residences and others located in climate friendly areas.</p> <p>it is essential “last mile” freight services be prioritized along with freight routes and freight terminals. Additionally, this rule should reference ORS 366.215 which prohibits the reduction in vehicle capacity on designated freight routes with certain exceptions.</p>	0810(6)(b)	<p>The rules require local governments to plan streets for their context and function, which include accommodating local freight needs.</p> <p>ODOT requested our rules not reference freight route statutes or rules.</p>
42 – Oregon Trucking Association	<p>Requires a city or county investigate tolling, facility pricing, cordon pricing and congestion pricing. These are all forms of tolling. ORS 383-004 requires the Oregon Transportation Commission to review and approve tolling on facilities under their jurisdiction. This provision should be limited to facilities under local government jurisdiction.</p>	0830(5)(h)(B)	<p>Cities and counties work in partnership with ODOT on all elements of roadway planning. The rules do not supersede any of OTC’s statutory authorities.</p> <p>Pricing is a key tool that will be necessary to meet the state’s goals.</p>
43- City of Portland high priority	<p>Tie to VMT to performance targets in Div 44</p> <p>(5) Cities and counties may only adopt a transportation system plan if the projected vehicle miles traveled per capita at the horizon year using the financially-constrained project list <u>meets the adopted performance targets under OAR 660-012-0910 and OAR 660-044-0020 or -0025 consistent with the Methods for Estimating Greenhouse Gas Emissions and Emissions Reductions in OAR 660-044-0030</u> is lower than estimated vehicle miles traveled per capita in the base year scenario.</p>	0160	<p>Considered but did not make this change. Rule states that projections of project list must be consistent with performance targets in 0910.</p>

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
43- City of Portland high priority	<p>clarity the intent in 44-0030 (3) “Metropolitan area greenhouse gas target modeling efforts must have modeled emission rates agreed to by the Oregon Department of Transportation and the department to ensure this compliance.”</p> <p>Please direct staff to clarity that “modeled emission rates” apply to fuel carbon intensity and not project impacts.</p>	44-0030(3)	Revised to ‘rely on emissions rates’.
43- City of Portland	<p>(3) Cities, counties, Metro, and state agencies shall adopt two or more performance standards. At least one of the performance standards <u>must demonstrate it is likely to result in support reducing climate pollution</u>, increasing transportation choices and avoiding principal reliance on the automobile. The transportation system plan must clearly state how to apply the multiple performance standards to a proposal that meets some, but not all, of the performance standards. <u>At a minimum, application of the performance standards must demonstrate compliance with the performance standard reducing climate pollution</u></p>	0215	Considered but did not make this change.
43- City of Portland	Move parking/electric vehicle code to June 30, 2023	0012	Parking reform phase 2 moved to June 30. Electric vehicle code aligns with Building Code Division update.
43- City of Portland	<p>allow developers the flexibility to install shared or dedicated circuits to support level 2 EV charging. Also, the EV charging requirements need to include ADA requirements that expand the equitable distribution and access to ADA accessible EV charging spots.</p>	0410	<p>Nothing in the rule prohibits shared/dedicated circuits.</p> <p>Building Codes Division advised attempts to boost ADA access was not our authority, and accessibility was covered in OAR 447 and forthcoming federal guidance.</p>
43- City of Portland	<p>44-0040 (4)(b) The preferred scenario <u>demonstrates how</u> it advances equitable outcomes in and for underserved communities, <u>including (a) reducing climate pollution, (b) reducing fatalities and serious injuries;</u> and (c) air quality.</p>	44-0040(4)(b)	Did not make this change; additional suggested outcomes are a regional discussion.

Exhibit/Commenter	Issue	Rule (Division 12 unless noted otherwise)	Response
43- City of Portland	we recommend adding medium duty “delivery vehicles,” to the GHG emissions target in 44-0005 (8) and a new definition of medium-duty vehicles to ensure that this growing source of GHG and VMT is evaluated.	44-0005(10)	Did not make this change; definition already includes references to commercial travel associated with households.
43- City of Portland	<p>intent of the language is to give credit for local actions to increase local area electric vehicle use and not to provide credit to wealthier areas that already have higher EV adoption rates, specifically:</p> <p>(a) Greenhouse gas emissions targets may differ from the targets provided in OAR 660-044-00250 and 660-044-0025 if local or regional programs or actions can be demonstrated to result in changes to vehicle fleet, technologies, or fuels above and beyond <u>projections of local adoption rates based on</u> the assumption in the Statewide Transportation Strategy, or agreed to by the Oregon Department of Transportation and the department. One example would be a program to add public charging stations that is estimated to result in use of hybrid or electric vehicles greater than <u>projections of local adoption rates based on</u> the statewide assumption in the Statewide Transportation Strategy.</p>	44-0030(3)(a)	Did not make this change; additional reduction credits are allowed only for demonstrated actions for vehicles and fuels at the local level, not adoption rates.
44- City of Eugene	an alternative work program to submit jointly with all jurisdictions still by December 1, 2022, which should be extended to July 1, 2023.	0012(3)(a)	The requirements to submit alternative dates have been reduced. The joint submission requirement has been removed. The commission will have an option to extend the date of alternative date submission.
44 – City of Eugene	Allow CFA study included in the alternative work plan, jurisdictions to leverage resources by bundle efforts		Funding is available to support this work, which needs to begin as soon as possible.
44 – City of Eugene	Requiring larger cities to complete a study of priced on-street parking, and repeat it every three years, is too costly.	0415(2)(a)	Moved to over 200,000 population
44 – City of Eugene	requiring larger cities to price at least 10% of on-street parking	0450	Considered this suggestion but did not make this change.

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	should be delayed and removed at this time given available city resources and the other proposed parking requirements.		
44 – City of Eugene	Agree with the City of Springfield submitted to DLCD dated March 25, 2022. Particularly regarding definitions, the compliance schedule, and the scenario planning land use components.		Incorporated suggestions.
45 – Realtors	Pause. Eliminate density requirements		Taken into consideration but decided not to accept this suggestion.

Endnote in response to multiple comments

Equitable outcomes have been reinforced in climate friendly area rules as follows:

- a. Rules amended to require allowance for attached single family dwellings and allowance for local governments to determine appropriate housing types able to meet density or alternative standards per outcome-oriented approach.
- b. Single-family detached dwellings are, on average, the most expensive housing type available. Climate friendly area provisions will allow for a broader variety of housing types, some of which will provide ownership opportunities. Other housing types will provide opportunities for those seeking rental housing.
- c. Climate friendly areas will only reduce residential land supply to the extent they are successful. If homes are not built in climate friendly areas, residential land needs will be met elsewhere.
- d. Revised rules will require local governments to adopt housing production strategies to facilitate the development of affordable housing in CFAs, along with anti-displacement strategies to mitigate for displacement of underserved populations that may otherwise occur.
- e. Climate friendly area rules incentivize the development of affordable housing and accessible housing in climate friendly areas.
- f. Climate friendly area rules include a requirement for local governments to identify potential climate friendly areas where there is the potential for displacement of underserved populations before rezoning decisions are made (using the Anti-Displacement and Gentrification Toolkit), allowing local governments to also adopt appropriate mitigation strategies to address potential displacement before it occurs.
- g. The only housing type that may be difficult to locate in climate friendly areas is single family detached housing, due to typical home and lot sizes (although Cottage cluster developments may be able to achieve minimum density requirements). Nothing in the climate friendly area rules precludes the development of detached single family homes elsewhere in the community. Typical, large-lot, single family detached housing development is not climate friendly. Making allowance for this type of development in a climate friendly area would completely subvert climate pollution goals (and likely equity goals as well, because such units would not be affordable).