

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: March 16, 2022 **Approx. Start Time:** 10 AM **Approx. Length:** 1 hour

Presentation Title: Proposed Climate Friendly and Equitable Communities Rules

Department: Transportation and Development

Presenters: Dan Johnson, DTD Director; Jennifer Hughes, Planning Director; Karen Buehrig, Long Range Planning Manager

Other Invitees: Jamie Stasny, Regional Land Use and Transportation Policy Coordinator; Cheryl Bell, Assistant Director of Development; Mike Bezner, Assistant Director of Transportation; Eben Polk, Sustainability Supervisor; Sarah Allison, Sustainability Analyst

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Board direction regarding submitting a comment letter during the public hearing process for the Climate Friendly and Equitable Communities rule adoption process.

EXECUTIVE SUMMARY:

For the past two years, the state Department of Land Conservation and Development (DLCD) has been developing proposed changes to rules designed to facilitate the achievement of the state's greenhouse gas emissions reduction goals. Referred to as the Climate Friendly and Equitable Communities (CFEC) rules, they propose significant changes to transportation planning and land use requirements. The proposed rules are intended to make it easier for Oregonians to meet their daily needs without having to drive, thereby reducing climate pollution.

In September 2021, staff briefed the Board on the CFEC Rulemaking Committee and the draft rules that were under development. At that time, the Board submitted a letter to the Land Conservation and Development Commission (LCDC) asking for the rulemaking process to be extended to allow for more coordination with local governments. A small amount of time was added to the schedule, which allowed the rulemaking committee to finalize their part of the process at their January 20, 2022 meeting.

On February 1, 2022, staff returned to the Board during Issues to request a full policy session to provide for deeper overview and discussion of the CFEC rules with an eye toward determining whether the Board would like to provide testimony to LCDC as part of the public hearing process to adopt the rules. A draft of the CFEC rules is published on the [Secretary of State's website](#). LCDC will begin their consideration for adoption at their meeting on March 31-April 1, 2022. DLCD staff will continue to work on additional changes in advance of the final hearing at the LCDC meeting on May 19-20, 2022.

Overview of the Proposed Rules

The proposed rules would set new standards for land use and transportation plans in Oregon's eight metropolitan areas -- Albany, Bend, Corvallis, Eugene-Springfield, Grants Pass, Medford-Ashland, Portland Metro, and Salem-Keizer. The rules are developed to be consistent with the Governor's Executive Order 20-04 directing state agencies to take actions to reduce and regulate greenhouse gas emissions.

The proposed rules focus on minor changes to Oregon Administrative Rules (OAR) 660-008-0010: Allocation of Buildable Land and more significant changes to OAR 660-012, the Transportation Planning Rule.

- The changes to OAR 660-008-0010 will not impact unincorporated Clackamas County because they are directed toward city requirements for preparing a Housing Capacity Analysis.
- The changes to the Transportation Planning Rule (OAR 660-012), however, will impact unincorporated Clackamas County.

The proposed rules would require local governments, including the County, to:

1. **Identify and plan for Climate Friendly areas as well as other guidance on land use throughout the urban area.** Climate Friendly areas are expected to facilitate the development of walkable, mixed-use neighborhoods. Because the Portland Metro region has already implemented similar requirements, climate friendly area rules will reinforce the region's Climate Smart Communities program and 2040 Growth Concept. Basically, through the implementation of the 2040 regional and town centers, the vast majority of Climate Friendly areas are already being implemented in the Metro area.
 - For unincorporated Clackamas County, we have already adopted the Clackamas Regional Center boundary and specific regional center land use regulation, so we anticipate that we are in substantial compliance with 660-012-0315 / 320 Designation of Climate Friendly areas and Land Use requirements in Climate Friendly areas
 - Sections 660-012-0330, however, directs that cities and counties must implement plans and land use regulations to support compact, pedestrian friendly, mixed-use land use development patterns in urban areas. This includes guidance on:
 - Block length and perimeter standards for pedestrian connectivity;
 - Site design regulations such as direction on where parking, circulation and other items can be located in relationship to buildings;
 - Land use regulations in residential neighborhoods that provide for slow neighborhood streets;
 - Guidance for auto-oriented land uses, and
 - For jurisdictions with urban areas over 100,000, reasonable land use regulations that allow for low-car districts.
2. **Update local Transportation System Plans**, including:
 - Prioritize system performance measures that account for all modes of transportation;
 - Prioritize investments for reaching destinations without dependency on single-occupancy vehicles, including walking, bicycling, and transit;
 - Increase engagement and center engagement on voices of underserved populations, regularly monitoring and reporting progress related to including underserved populations in the decision-making process;
 - Integrate reduction of Vehicle Miles Traveled (VMT) into transportation planning analysis, and
 - Plan for needed infrastructure for electric vehicle charging, including requiring new development to install electrical capacity for charging stations.

Again, since we are within the Portland Metro area, we have already been implementing some of the direction provided by the proposed rules. However, there are questions about the technical analysis tools that are used and how they should be applied.

The County will begin updating its pedestrian and bikeway plans over the next few months, and an update of the Transportation System Plan will start in 2023. Those projects will need to demonstrate compliance with the adopted CFEC rules.

3. **Implement Parking Reform** - Review and refine parking requirements with the goal of managing parking to meet expected demand, and to avoid over-building of parking. Attachment A, developed by DLCD, describes the intent of parking reform. Sections 660-012-0415-0450 include the specific requirements for parking reform. These include:
 - A. For jurisdictions with greater than 100,000 population, required parking maximums in certain locations;
 - B. Remove all parking mandates (minimums) in the urban area.
 1. If this is done, none of the other parking management options would be required.
 2. If parking minimums are retained, jurisdictions are required to remove parking minimums on certain uses, adopt actions that reduce the burden of parking mandates; and remove parking minimums in centers and transit corridors.
 - C. Implement a set of parking management approaches, such as unbundling of parking, requiring employers to provide flexible commute benefits or create parking districts managed with permitted parking.

In late fall 2021, the Board indicated an interest to spend more time understanding the appropriate amount of required parking for multifamily uses in the commercial areas and the impact on surrounding businesses in the area. At the time, staff noted that a comprehensive parking study was needed to inform future conversations around parking. The funding for the parking study has not been secured, but there are upcoming funding opportunities that may be appropriate, which would allow for a consultant to be hired to complete a parking management study,

The proposed rules have evolved during the rulemaking process. DLCD staff has also indicated they anticipate additional changes before the public hearings begin. Staff still has many questions about how the rules will be applied and interface with the Metro Regional Transportation Plan and other Metro functional plans.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$ Unknown What is the funding source? N/A

Updates to the Transportation System Plan will be funded by the Road Fund. Updates to the Zoning and Development Ordinance (ZDO) not related to the roadway system will need to be funded by the General Fund, which would require reallocation of existing staff resources. If a special study such as a Parking Management Study is undertaken, additional funding, most likely from a grant, would need to be identified since the work is outside of the scope of the proposed budget for next year, and consultant expertise will be needed.

STRATEGIC PLAN ALIGNMENT:

- **How does this item align with your Department's Strategic Business Plan goals?**
This item aligns with the intent of the Long-Range Planning program to provide land use and transportation plan development, analysis, coordination and public engagement services to residents; businesses; local, regional and state partners, and County

decision-makers so they can plan and invest based on a coordinated set of goals and policies that guide future development.

- **How does this item align with the County's Performance Clackamas goals?**

This item aligns with the County's Performance Clackamas goal to ensure long-term investments in infrastructure that will support the diverse needs of Clackamas County residents, including: a thriving economy, living wage jobs, housing and transportation alternatives, and a healthy environment.

LEGAL/POLICY REQUIREMENTS:

Presently, this item is moving into the LCDC public hearing process and will result in Oregon Administrative Rules that will direct Transportation System Plan and land use requirements. As drafted, compliance with the rules will be mandatory.

PUBLIC/GOVERNMENTAL PARTICIPATION:

DLCD has facilitated a rulemaking advisory committee over the past two years. The public hearing process on the proposed rules will start at the end of March.

OPTIONS:

Option 1: Direct staff to develop written testimony to LCDC for submittal as part of the public hearing process for CFEC rules adoption explaining Board concerns identified during the Policy Session and advocating for needed changes to the rules to address those concerns. Staff will return to the Board during Issues with a draft of the testimony for Board approval.

Option 2: Take no action.

RECOMMENDATION:

Option 1: Direct staff to develop written testimony to LCDC for submittal as part of the public hearing process for CFEC rules adoption explaining Board concerns identified during the Policy Session and advocating for needed changes to the rules to address those concerns. Staff will return to the Board during Issues with a draft of the testimony for Board approval.

ATTACHMENTS:

Attachment A: Improved Parking Management and Electric Vehicle Charging

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval *Dan Johnson*

County Administrator Approval _____

Improved Parking Management and Electric Vehicle Charging

As part of the Climate-Friendly and Equitable Communities rulemaking, DLCD is considering updating parking rules in Oregon's eight metropolitan areas and supporting electric vehicle charging.

Why Reform?

Housing Costs, Pollution, Walkability, Equity, and More

Excess parking has a significant negative impact on housing costs, business costs, the feasibility of housing development and business redevelopment, walkability, air and water pollution, climate pollution, and general community character.

Parking mandates force people who don't own or use cars to pay indirectly for other people's parking. Carless households tend to be the poorest households. Parking demand varies significantly from development to development; about one-sixth of Oregon renter households own zero vehicles. Rules should reflect that.

Proposed Rules: Decrease Costly Parking Mandates, Particularly for Certain *Types* of Development and in Certain *Areas*

The proposed rules encourage the diversity of parking needs to be met by the diversity of development. The rules would reduce costly parking mandates for desired *types* of development, such as smaller housing types, small businesses, and historic buildings. Rules would also reduce mandates in certain *areas*, where parking demand is lower per unit: areas with a higher concentration of jobs and housing, and walkable areas well-served by transit.

The rules give communities *options* to improve parking management. Those who adopt best practice parking policies would get more flexibility. The rules require *more populous cities do more* management of on-street parking, through studying parking usage and using permits or meters to manage location or time-specific demand. Good parking management reduces how much non-drivers subsidize those who drive.

The rules address *negative impacts of large parking lots* by requiring lots be designed to be pedestrian-friendly and include either solar power or trees. The rules also would require *50% of new residential parking spaces be capable of electric vehicle charging* (with conduit and electric capacity, but not yet wiring or chargers). Electric vehicles are a key part of meeting Oregon's climate pollution reduction goals.

Common Concerns: Parking with Disabilities, Parking Supply, and Areas of High Demand

The rules would *not* limit required parking for people with mobility-related disabilities.

Removing requirements to include parking in each development does not mean no parking will be built. Two decades of experience with lower parking mandates have demonstrated lender requirements and market dynamics usually result in parking being built.

However, just like today's parking rules, cities must sometimes deal with "spillover" parking, and where more people are trying to park than spaces exist. This calls for improved management of on-street parking spaces, not one-size-fits-all mandates. DLCD has publications, staff and grants to help with this.

Draft Rule Language is available at www.oregon.gov/lcd/LAR/Pages/CFEC.aspx

Questions?

Evan Manvel, Land Use and Transportation Planner, evan.manvel@dlcd.oregon.gov, 971-375-5979

