

Technical Memorandum

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Project# 27852

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RE: Sunrise Corridor Community Visioning – CFEC Compliance

Introduction

This memorandum describes recent climate-friendly and equitable communities (CFEC) rulemaking and program implementation and its applicability to the Sunrise Gateway Corridor Refinement Plan. The CFEC overview section focuses on the requirements in Transportation Planning Rule (TPR) Sections 660-012-0130 Decision Making with Underserved Populations; 660-012-0135 Equity Analysis; and 660-012-830 Enhanced Review of Select Roadway Projects. The subsequent sections describe historic and ongoing planning of the Sunrise Corridor and if the Sunrise Gateway Corridor Refinement Plan triggers the actions outlined in -0830.

CFEC Overview

What is CFEC?

The Department of Land Conservation and Development (DLCD) significantly updated Oregon Administrative Rules (OARs) through the Climate-Friendly and Equitable Communities (CFEC) rulemaking. The changes are to OAR 660 Division 12, also known as the Transportation Planning Rule (TPR), primarily focused on the eight metropolitan regions in Oregon – Albany Area, Bend Area, Central Lane (Eugene-Springfield), Corvallis Area, Middle Rogue, Rogue Valley, Salem-Keizer, and Portland Metro. In response to the CFEC rulemaking, a CFEC program has been created to help implement the requirements and reach the key desired outcomes of:

- Meeting legislative climate policy and goals, including monitoring and reporting progress over time
- Increasing housing and employment options
- Fostering vibrant downtowns and neighborhood centers
- Improving transportation choices and infrastructure for electric vehicle charging
- Creating connected, safe, and complete networks
- Promoting equitable outcomes
- Prioritizing transportation investments in climate-friendly areas (CFAs), in neighborhoods with underserved populations, and to create access to key destinations.

To reach these desired outcomes, [OAR 660-012](#) was modified with six edited sections, one deleted section, and 64 new sections. The new requirements are primarily found in the new sections and fall into several categories:

- Long-range transportation planning requirements (OAR Sections 660-012-0100 to -0115, -0140 to -0215, -0500 to -0820)
- Outreach and equity analysis requirements (OAR Sections 660-012-0120 to -0135)
- Land use planning requirements, including CFAs, parking reform, and electric vehicle charging (OAR Sections 660-012-0300 to -0450)
- Enhanced Review of Select Roadway Projects (OAR Sections 660-012-0830)
- Reporting requirements (OAR Sections 660-012-0900 to -0920)

For the most part, compliance with the changes to the TPR will be addressed during the next major update of the Clackamas County Transportation Plan.

Capacity-Increasing Roadway Project Requirements

Since the Sunrise Project adds vehicular capacity, this memo focuses on the requirements related to capacity-increasing roadway projects that are found in OAR Section 660-012-0830: Enhanced Review of Select Roadway projects.

OAR Section 660-012-0830 includes requirements for enhanced review of select capacity-increasing roadway projects. This required additional analysis is not a prohibition of capacity-increasing roadway projects. It instead creates a “speed bump” in the planning process that verifies a community has reviewed and shared the trade-offs and impacts of the capacity-increasing projects they are considering. Enhanced review is required by -0830 (1) (a) for the following types of roadway projects:

- A new or extended arterial street, highway, freeway, or bridge carrying general purpose vehicle traffic;
- New or expanded interchanges;
- An increase in the number of general purpose travel lanes for any existing arterial or collector street, highway, or freeway; and
- New or extended auxiliary lanes with a total length of one-half mile or more.

Section -0830 does allow for exceptions for projects with the following characteristics. Projects that meet one or more of the following **do NOT need to complete** the enhanced review as described in Section -0830.

- Notwithstanding any provision in subsection (1)(a), the following proposed facilities need not be reviewed or authorized as provided in this rule:
 - Changes expected to have a capital cost of less than \$5 million;
 - Changes that reallocate or dedicate right of way to provide more space for pedestrian, bicycle, transit, or high-occupancy vehicle facilities;
 - Facilities with no more than one general purpose travel lane in each direction, with or without one turn lane;
 - Changes to intersections that do not increase the number of lanes, including implementation of a roundabout;
 - Access management, including the addition or extension of medians;
 - Modifications necessary to address safety needs; or
 - Operational changes, including changes to signals, signage, striping, surfacing, or intelligent transportation systems.
- Notwithstanding subsection (1)(a), a city or county may carry forward a proposed facility in a major transportation system plan update without review as provided in this rule if it is a planned project in a transportation system plan acknowledged prior to January 1, 2023, and the project meets any of the following at the time of adoption of the update:
 - The project is included in a general obligation bond approved by voters prior to January 1, 2022;

- The project is included as a project phase other than planning in the State Transportation Improvement Program adopted by the Oregon Transportation Commission, or a metropolitan planning organization's transportation improvement program;
- **The project has received a decision under the National Environmental Policy Act of 1969; or**
- The project has been advertised for construction bids.

For the Sunrise project, the 2011 Final Environmental Impact Statement (FEIS) approval through NEPA exempts the project from needing to complete the enhanced review (see **bolded** bullet above). In addition, it is not anticipated that other facilities proposed as part of the Sunrise Community Visioning Project will meet the requirements of -0830, therefore the project will not need to develop authorization reports as outlined in -0830.

Clackamas County will be undertaking a major update of its Transportation System Plan starting in 2025. If there are other capacity-increasing roadway projects that are part of the County's current Transportation System Plan (TSP) which do not meet any of the exception bullets above, there will need to be a review of how Section -0830 applies to move them and what actions are needed to maintain them in the transportation system plan. The enhanced review described in Section -0830 includes conducting an engagement-focused equity analysis, reviewing alternatives to the capacity-increasing roadway projects, providing alternatives to governing bodies, and determining whether to select an alternative or proceed with the roadway project through completion of an authorization report.

Outreach and Equity Analysis Requirements

If the enhanced review process outlined in -0830 is required for select roadway projects and an authorization process is initiated, then the engagement focused equity analysis as outlined in OAR Sections 660-012-0120 to -0135 would be required. Section -0120 specially discusses engagement for TSP updates. Section -0125 defines underserved populations, who must be prioritized through community-led engagement and decision-making to meet the TPR. Section -0125 describes decision-making with underserved populations, including annual reporting, regular reports to governing bodies and the community, and centering voices of underserved populations at all levels of decision-making. Actions that could accomplish centering underserved population voices include considering the effect of plans on underserved populations, recognizing and working to reduce historic and current inequalities, and engaging in additional outreach activities focused on underserved populations. Section -0130 describes requirements to complete an equity analysis, which is intended to determine benefits and burdens on underserved populations.

When equity analysis is required, it includes the following elements. More information about what elements are captured within the Sunrise Corridor Community Visioning are included further below the Compliance with OAR Section 660-012-0830.

- (3) A city or county engaging in a major equity analysis shall conduct all the actions in the engagement-focused equity analysis in section (4). In addition, a city or county shall:
 - (a) Assess, document, acknowledge, and address where current and past land use, transportation, and housing policies and effects of climate change have harmed or are likely to harm underserved populations;
 - (b) Assess, document, acknowledge, and address where current and past racism in land use, transportation, and housing has harmed or is likely to harm underserved populations;
 - (c) Identify geographic areas with significantly disproportionate concentrations of underserved populations;
 - (d) Develop key performance measures as required in OAR 660-012-0905, or review existing performance measures, for key community outcomes as provided in subsection (4)(a) over time; and

- (e) Use the best available data in conducting sections (a) through (d).
- (4) A city or county conducting an engagement-focused equity analysis shall:
 - (a) Engage with members of underserved populations as identified in OAR 660-012-0125 to develop key community outcomes;
 - (b) Gather, collect, and value qualitative and quantitative information, including lived experience, from the community on how the proposed change benefits or burdens underserved populations;
 - (c) Recognize where and how intersectional discrimination compounds disadvantages;
 - (d) Analyze the proposed changes for impacts and alignment with desired key community outcomes and key performance measures under OAR 660-012-0905;
 - (e) Adopt strategies to create greater equity or minimize negative consequences; and
 - (f) Report back and share the information learned from the analysis and unresolved issues with people engaged as provided in subsection (a).

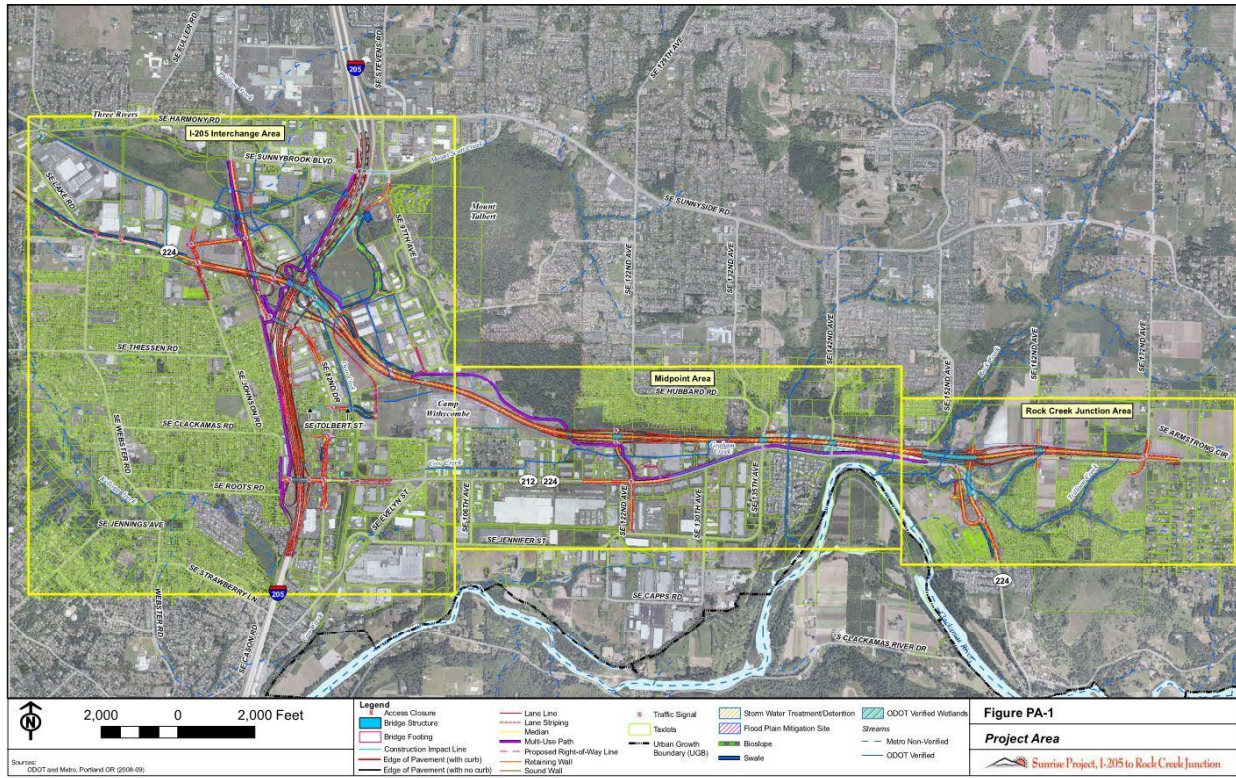
Sunrise History

The Sunrise Final EIS (FEIS) serves as the approved Preferred Alternative for the Sunrise Corridor, shown in Figure 1, having received a decision under the National Environmental Policy Act (NEPA) in 2011. The corridor is divided into three subareas:

- The I-205 interchange area, which included interchange improvements and the access-controlled segment between I-205 and SE 122nd Avenue, constructed in 2016,
- The midpoint area, including a new interchange at SE 122nd Avenue and extension of the access-controlled facility to roughly SE 152nd Avenue, and
- The Rock Creek Junction area including a new interchange at Rock Creek Junction (OR 224) and extension of the access-controlled facility to SE 172nd Avenue.

The FEIS Preferred Alternative addressed capacity and safety concerns for the existing facilities, but the 8-lane elevated facility comes at a substantial cost and with environmental and right-of-way impacts that would need to be mitigated.

Figure 1. Sunrise FEIS Concept



Sunrise Gateway Corridor Refinement Plan

The Sunrise Gateway Corridor Refinement Plan includes refined roadway design plans for the Sunrise Phase 2 (122nd to 172nd) segment in the 2011 Sunrise EIS. The Refinement Plan describes the engagement and process that was undertaken during both the Sunrise Gateway Corridor Concept Plan and the Sunrise Corridor Community Visioning project.

Sunrise Gateway Corridor Concept

In 2019, Clackamas County coordinated with the City of Happy Valley, Metro, and ODOT to review, analyze, and enhance the plans for Sunrise Phase 2 (SE 122nd Avenue to SE 172nd Avenue). The new concept that emerged was known as the Sunrise Gateway Corridor Concept.

As the Sunrise Gateway Corridor Concept was being developed, agencies and organizations throughout the Portland metropolitan area identified the need for greater regional transportation investments. In July 2020, the Metro Council referred the \$4.2 billion Get Moving 2020 transportation measure with projects and programs spanning the region to voters for the November 2020 ballot. The Sunrise Gateway Corridor Concept was the foundation for the Phase 2, Stage 1 project (SE 135th to SE 152nd Avenue) included in the measure. In addition to addressing safety and mobility, Get Moving 2020 reflected community goals and emphasized safety, transit, and traffic improvements across all modes. The Sunrise Gateway Corridor Concept took a safe systems based approach, providing better walking and biking connections throughout and promoting local connections via the backage road that comprises Phase 2, Stage 1.

The Sunrise Gateway Corridor Concept sought to:

- Identify costs and construction efficiencies from the original project

- Ensure recommended improvements are compatible with future growth
- Align features with Get Moving 2020 criteria
- Maximize return on investment
- Preserve the Sunrise Gateway Corridor right of way
- Identify phases to develop a four-lane corridor by 2040

The resulting concept from process is shown in Figure 2.

Sunrise Corridor Community Visioning

Although Get Moving 2020 was not approved by voters, the Sunrise Gateway Corridor remained a priority for Clackamas County and the region to support economic growth and prosperity. In 2021, Clackamas County, in partnership with ODOT, Metro, and the City of Happy Valley sought funding from the state legislature to look holistically at the Sunrise Corridor area and work with the community to define a new vision for the corridor. These conversations advanced and refined the Sunrise Gateway Corridor Concept through meaningful partnerships with the people living and working in and traveling through the area, and the business community. This shared vision recommends actions for land use, housing, community and environmental health, local transportation, and other infrastructure investments necessary to support a thriving future for residents, businesses and travelers. The Sunrise Gateway Corridor Refinement Plan is a key outcome of this process.

The Sunrise Gateway Corridor Refinement Plan still addresses the operational and safety needs in the corridor while also integrating the following additional benefits:

- Supports the viability of the Clackamas area for industrial use and facilitates the development of the Rock Creek Employment Center
- Ensures community livability and protects the quality and integrity of the corridor's residential uses.
- Minimizes and effectively mitigates adverse impacts to natural and cultural resources via reduction in the number of lanes included in the cross-section from the Sunrise FEIS, bringing the corridor from elevated to ground-level, and realignment of the existing OR 212 away from the Clackamas River.
- Reduced construction costs associated with the reduced cross-section and removal of elevated segments.

This Sunrise Gateway Corridor Refinement Plan identifies the next steps for the revised concept, including process for approval, securing funding, reviewing for NEPA reevaluation needs, further refining the design, and identifying construction funds.

Compliance with OAR Section 660-012-0830

As noted at the beginning of the document, 660-12-0830 allows a city or a county to carry forward a proposed facility in a major transportation system plan update without the -0830 enhanced review if it is a planned project in a transportation system plan acknowledged prior to January 1, 2023, and the project has received a decision under the National Environmental Policy Act of 1969.

The Sunrise Gateway Corridor Refinement Plan carefully describes how the input and refinements to the Sunrise project align with the adopted project Purpose and Need. It also documents the engagement and analysis completed to provide input into the design refinements.

The 2010 FEIS Preferred Alternative, which is exempt from -0830 review because it received a decision under NEPA, envisioned a six-lane, elevated, limited-access facility between the I-205 interchange and SE 172nd Avenue, with auxiliary lanes effectively creating an eight-lane facility between I-205 and Rock Creek Junction. Interchanges were proposed at SE 122nd Avenue and Rock Creek Junction. Highway 212 connections to SE 135th Avenue, SE 142nd Avenue, and SE 152nd Avenue would be undercrossings. In addition, at the proposed Rock Creek Junction interchange, the northern leg would extend to the northeast and connect to Rock Creek Boulevard at SE 162nd Avenue. This connection is not shown in FEIS exhibits but is reflected in previous transportation system plans for the City of Happy Valley. The southern leg

would have provided direct access to Highway 224. However, the Rock Creek Junction interchange is no longer viable as a residential neighborhood now exists where the "jughandle" connection to the old highway corridor would have been located, southwest of the proposed interchange.

With the revisions to the design proposed in the Sunrise Gateway Corridor Refinement Plan, the design of the Preferred Alternative would be modified to a four-lane cross-section and a split-diamond interchange at SE 162nd Avenue and SE 172nd Avenue.

This refinement maintains an access-controlled facility from I-205 to SE 172nd Avenue with reduced cost and impacts compared to the 2010 Sunrise FEIS Preferred Alternative, while still meeting the original FEIS Purpose and responding to the community and project partner feedback received. It provides operational and safety benefits for all modes along the existing Highway 212 and multi-use path network connectivity throughout and beyond the study area. As an added benefit, the alternative has four unique construction stages, allowing it to address near-term development pressures and funding uncertainty.

As this refined concept actually reduces the number of travel lanes from the proposed design of the adopted EIS, the Sunrise Gateway Corridor Refinement Plan would not trigger OAR Section 660-012-0830 enhanced review requirements.

It is important to highlight, however, that while the Sunrise Gateway Corridor Refinement Plan does not trigger the need for enhanced review of select roadway projects as outlined in section -0830, the ongoing Sunrise Corridor Community Visioning project included activities that meet and exceed OAR engagement requirements. Key actions include:

- Development of documents that establish historic conditions and identify a plan to address historical inequalities and strategies, including:
 - Historic Context Memo
 - A Health and Equity Framework (3a, 3b, 3c)
 - Community Collaboration and Engagement Strategy
 - PEL Framework
 - Evaluation Framework (3d, 4d)
 - Anti-Displacement Strategy (4e)
 - Economic Competitiveness Report
 - Summary Reports on outreach activities and data tracking
- Materials to ensure project information reaches the area's diverse community members and perspectives, including:
 - Project branding
 - Outreach materials and communications in 4 languages
 - Videos
- Activities to engage a wide range of people who live, work, and play in the study area (4a, 4b, 4c, 4f), including:
 - Public presentations and agency briefings
 - Development and maintenance of lists of project partners, stakeholders, and interested parties
 - Steering committee meetings
 - Leadership Cohort meetings
 - Stakeholder interviews
 - Online surveys – available in 4 languages
 - In Language Focus groups
 - Pop-up events
 - Open houses (with live translation), community meetings, and town halls

Figure 2. Get Moving 2020 Sunrise Gateway Corridor Concept

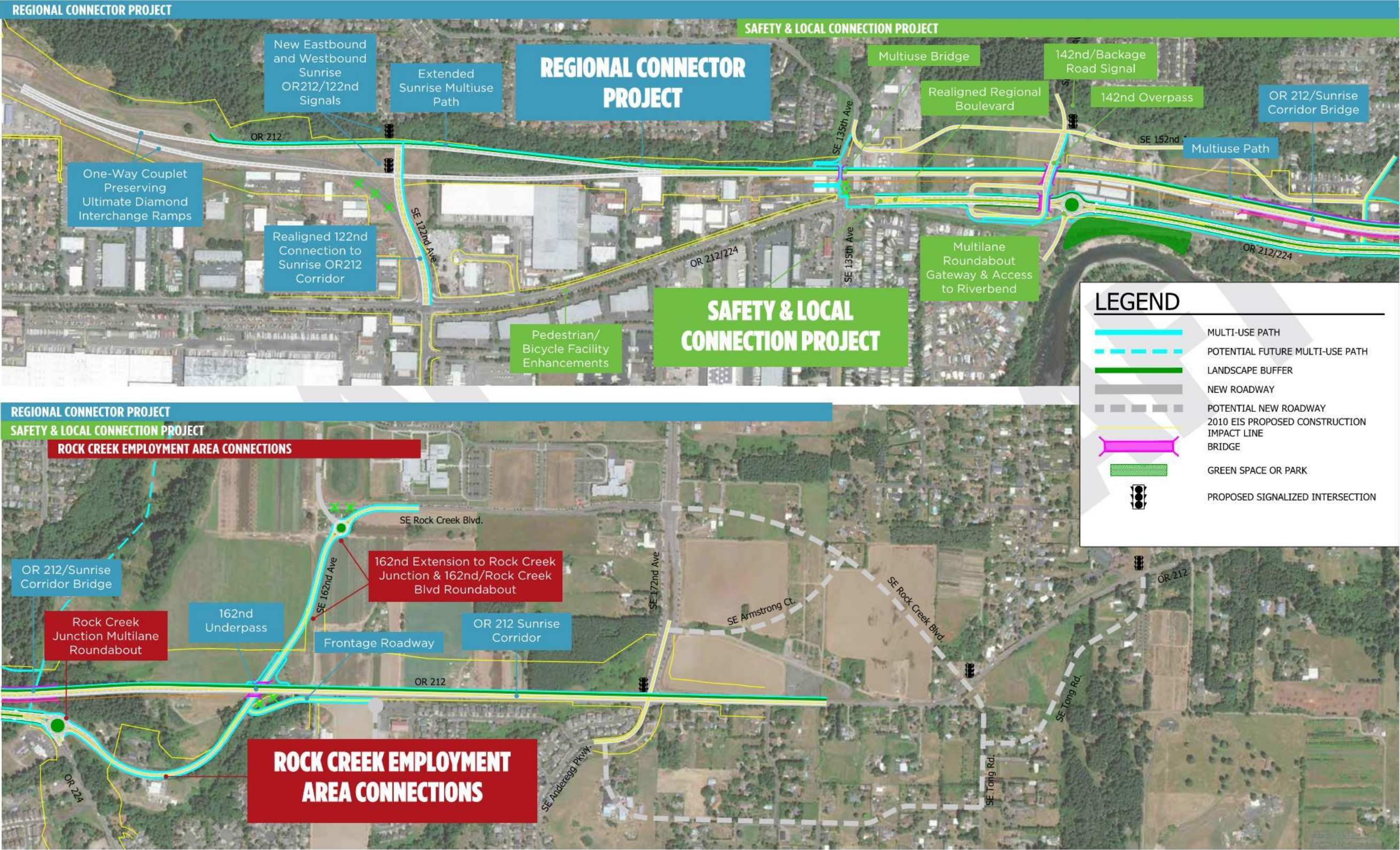
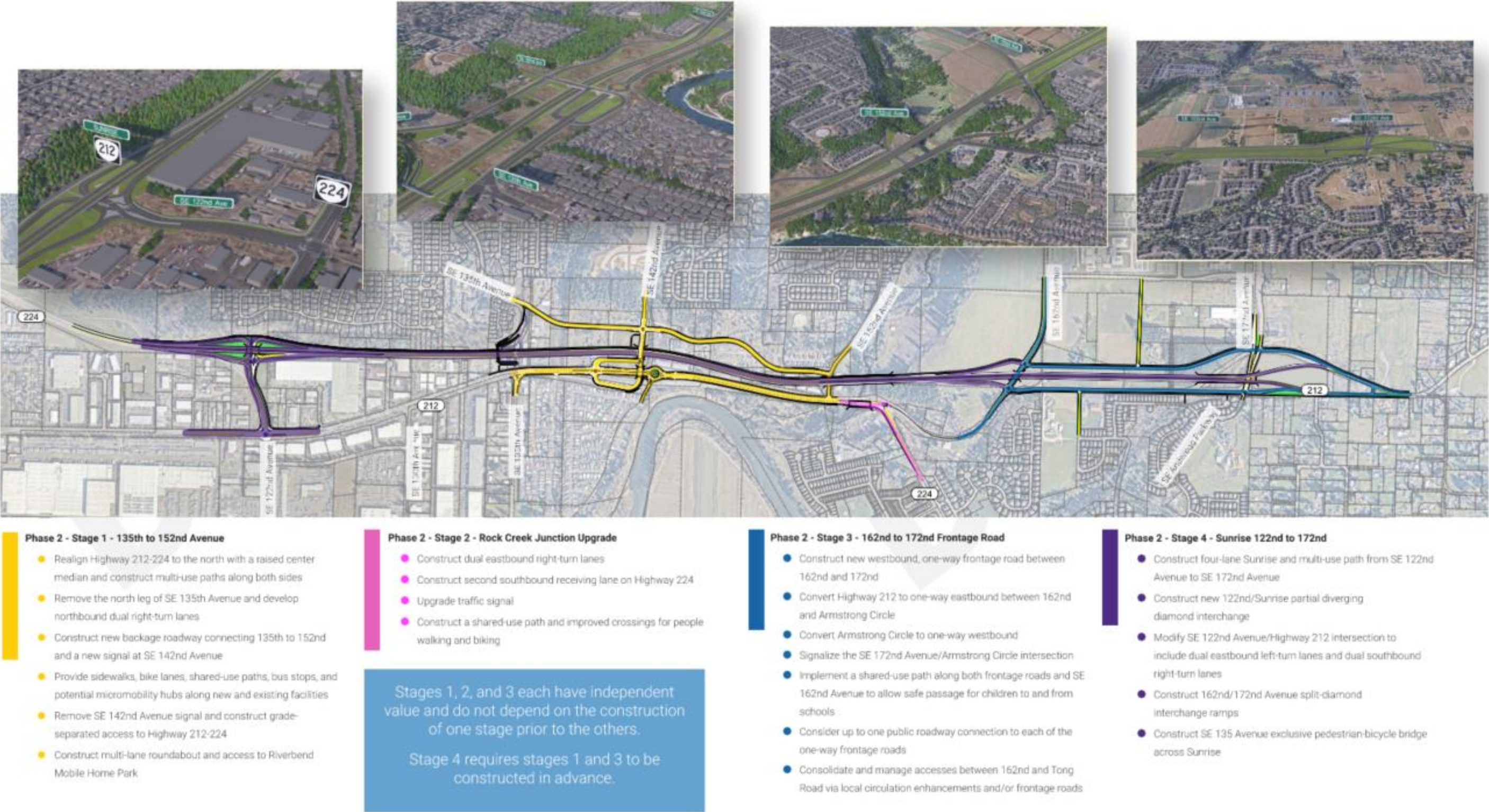


Figure 3. Sunrise Gateway Corridor Refinement Plan Alternative and Conceptual Construction Staging Plan



Concurrence with the Oregon Department of Transportation (ODOT) and Department of Land Conservation and Development (DLCD)

This memorandum was presented and discussed with staff at ODOT and DLCD. Staff were not able to confirm whether the Sunrise Gateway Corridor Concept was subject to -0830 enhanced review at this time. Staff will collaborate during the NEPA Reevaluation effort to determine whether -0830 is required.

Conclusion and Next Steps

The next steps to determine CFEC compliance and move the Sunrise Gateway Corridor Refinement Plan towards construction are:

Step 1: Support (by resolution) the Refinement Plan

Step 2: Secure Funding

Step 3: Perform the NEPA Reevaluation of the 2010 FEIS, determining -0830 applicability through this process

Step 4: Amend Refinement Plan into Local, Regional, and State Transportation Plans

Step 5: Design

Step 6: Construct