



## Memo

Date: January 28, 2022  
To: Clackamas County Board of Commissioners  
From: DTD Staff – Dan Johnson – Director of DTD,  
CC: Karen Buehrig – Long Range Planning Manager; Jennifer Hughes, Planning Director; Jamie Stasny, Regional Transportation & Land Use Policy Coordinator  
Subject: **UPDATED:** Climate Friendly and Equitable Communities Rulemaking Committee - Outcomes

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In September 2021, staff provided background information related to the Climate Friendly and Equitable Communities Rulemaking committee. At that time, staff requested that the Board submit a letter to the Land Conservation and Development Commission (LCDC) asking for more time for the Rulemaking process. A small amount of additional time was added to the schedule and the Rulemaking Committee will be finalizing their part of the process at their January 20<sup>th</sup>, 2022 meeting.

The Climate Friendly and Equitable Communities Rulemaking and Transportation Planning Rules document attached is a very high level overview of the background and purpose of the rulemaking. A significant portion of this work is focused on changes to the Transportation Planning Rule, Division 12 Oregon Administrative Rule (OAR) 660.

The amended rules would require local governments in metropolitan areas to:

- Plan for greater development in transit corridors and downtowns, where services are located and less driving is expected;
- Prioritize system performance measures that achieve community livability goals;
- Prioritize investments for reaching destinations without dependency on single occupancy vehicles, including walking, bicycling, and transit;
- Plan for and manage parking to meet expected demand, and avoid over-building of parking in areas that need housing and other services;
- Plan for needed infrastructure for electric vehicle charging; and
- Regularly monitor and report progress.

The schedule for LCDC public hearing and adoption of these proposed rule changes is as follows:

- Feb 3 and 4, 2022 – Review draft rules and discuss key policy questions
- March 31 and April 1, 2022 – First Public Hearing to consider draft administrative rules
- May 19 and 20, 2022 – Final Public Hearing and Adoption

As the Department of Land Conservation and Development is wrapping up the rulemaking process and advancing recommended code changes to the Land Conservation and Development Commission public hearing process. Though there will be future opportunities for the Board to submit comments and testimony, staff felt we didn't want to miss this opportunity to continue to share concerns we have heard from the Board in past sessions. As such, staff has prepared the attached letter for possible submittal into the public record giving the County standing on these issues and laying the foundation for future comments from the Board. In short it calls three concerns to light:

- Clarity: The need for additional clarity on specific topics,
- Time: The need for additional time to coordinate regionally and

- Resources: Assessment on how access to resources aligns with implementation timelines.

Does the Board have any questions or comments staff should consider before submitting the attached letter?

**Request:**

The proposed rules impact land use requirements and how planning for transportation facilities is conducted, as such staff wanted to inquire if the Board wished to schedule a Policy Session to learn more about the proposed rules. Furthermore, the Board may wish to submit comments during the Public Hearing process scheduled to begin at the end of March.

**Attachments:**

- Climate Friendly and Equitable Communities Rulemaking and Transportation Planning Rules



# Climate-Friendly and Equitable Communities Rulemaking

**Oregon is not meeting its goals to reduce climate pollution.** While some sectors have made significant progress, transportation-related climate pollution has increased. If current trends continue, Oregon will come nowhere near to meeting our 2050 goal.

**Transportation accounts for roughly 38% of Oregon's climate pollution.** On March 10, 2020, Governor Kate Brown issued [Executive Order 20-04](#), directing state agencies to reduce climate pollution. In response, the Oregon Land Conservation and Development Commission (LCDC) directed the Department of Land Conservation and Development (DLCD) to draft updates to Oregon's [transportation and housing planning](#) rules, and to convene a rulemaking advisory committee to help guide rule development.

**There are many benefits to reducing greenhouse gas pollution,** including better health outcomes, cleaner air and more choices for Oregonians on how to get to places they want to go.

**The rulemaking will significantly strengthen Oregon's rules about transportation and housing planning,** particularly in the eight areas with populations over 50,000 people (Albany, Bend, Corvallis, Eugene/Springfield, Grants Pass, Medford/Ashland, Portland Metro, Salem/Keizer). Some rule changes to reduce greenhouse gas pollution and increase transportation choice may apply to communities outside those areas.

**Oregon is committed to increasing equity.** Our state has a long history of discrimination and racism, including in our land use and transportation planning decisions. Rulemaking will focus on reducing pollution while also increasing housing choices and creating [more equitable outcomes](#) for all Oregonians.

Reducing driving is one of the most important ways to reduce pollution. Communities can reduce the number and length of driving trips by bringing land uses closer together, increasing the walkability of the built environment, and mixing land uses. When done well, this gives Oregonians more choices to take public transit, bike, or walk to get around.

Oregon's planning system is a partnership between state and local governments. State law and rules direct how local governments develop comprehensive plans, including land use and transportation elements. In order to meet Oregon's climate pollution reduction goals, state rules and local land use and transportation plans will have to change significantly. We know:

- Most new development will need to be in neighborhoods where shopping, employment, parks and housing are in closer proximity. These include city and town centers, neighborhoods close to centers and services, and along corridors with good transit service.
- Public investments in transportation need to be shifted toward increasing transportation options - making walking, cycling, and transit safer and more convenient.
- Plans for our transportation systems, at every stage, need to be focused less on ensuring motor vehicle mobility, and more on providing people with access to services and destinations.
- Our policies and how we enact them need to ensure the needs of all Oregonians, including historically marginalized populations, are met in an equitable and inclusive way.

The rules will help guide communities toward these outcomes.

## Questions?

Kevin Young, [kevin.young@state.or.us](mailto:kevin.young@state.or.us)

Bill Holmstrom, [bill.holmstrom@state.or.us](mailto:bill.holmstrom@state.or.us)

[www.oregon.gov/lcd/LAR/Pages/CFEC.aspx](http://www.oregon.gov/lcd/LAR/Pages/CFEC.aspx)



Courtesy Sightline



## Draft Rulemaking Adoption and Implementation Schedule

**September 2020** – Rulemaking initiated

**November 2020 - January 2022**

Rulemaking Advisory Committee meetings

**2021** – Community conversations and workgroups

**February 2022** – Draft rules to LCDC

**May 2022** – Rules adopted by LCDC

**2023-25** – All communities in the eight metropolitan areas adopt plan changes in accordance with rules

**2023** – Eugene/Springfield/Coburg and Salem/Keizer/Turner MPOs adopt local plans to meet pollution reduction goals

**2025 and beyond** – all metropolitan area communities adopt scenario plans to reduce greenhouse gas pollution



## Rulemaking Advisory Committee

Aimee Okotie-Oyekan, NAACP Eugene/Springfield Unit #1119

Alex Georgevitch, City of Medford Public Works

Alma Flores, REACH CDC

Ariel Nelson, League of Oregon Cities

Bandana Shrestha, AARP Oregon

Bill Graupp, Oregon School Board

Bradley Clark, City of Grants Pass

Candice Jimenez, Northwest Portland Area Indian Health Board

Cassie Lacy, City of Bend

Ellen Miller, Oregon Home Builders Association

Emma Newman, City of Springfield

Francisco Ibarra, Portland State University

Jairaj Singh, Unite Oregon

Jana Jarvis, Oregon Trucking Association

Julie Warncke, City of Salem

Kaitlin La Bonte Oregon Chapter of the American Planning Association

Kari Schlosshauer, National Safe Routes to School Partnership

Ken Anderton, Single Parent Community Member

Kyle Macadam, Oregon Realtors

LaQuida Landford, Homelessness Research & Action Collaborative, PSU

Lee Helfend, OPAL Environmental Justice Oregon

LeeAnn O'Neill, Allyship in Action and Bend Bikes

Mallorie Roberts, Association of Oregon Counties

Margi Bradway, Metro

Mari Valencia Aguilar, Washington County

Mary Kyle McCurdy, 1000 Friends of Oregon

Michael Szporluk, Disability Consultant

Nancy Evenson, Corvallis Sustainability Coalition

Noel Johnson, Oregon Smart Growth

Oriana Magnera, Verde

Paige West, Rogue Valley Transportation District

Paul Bilotta, City of Corvallis

Rebecca Descombes, Native American Youth and Family Center

Rob Inerfeld, City of Eugene

Ron Irish, City of Albany

Sarah Adams-Schoen, University of Oregon

Shane Witham, City of Keizer

Simeon Jacob, Asian Pacific American Network of Oregon

Vivek Shandas, Portland State University

Zack Geary, City of McMinnville

# Transportation Planning Rules

As part of the Climate-Friendly and Equitable Communities rulemaking to better comply with state goals for greenhouse gas reduction, Oregon's Land Conservation and Development Commission (LCDC) is considering updating rules guiding transportation and land use planning in Oregon's eight metropolitan areas.

## Why?

### Meeting Greenhouse Gas Reduction Targets for Oregon Metropolitan Areas

Since 1991, the Transportation Planning Rules (TPR or OAR Chapter 660, Division 12) have set transportation planning requirements for all Oregon cities and counties. These rules are designed to ensure coordinated land use and transportation planning, that plans include all modes of transportation, and in metropolitan areas, that plans increase transportation choices and reduce reliance on the automobile.

It has become clear over the last decade that Oregon's existing rules are not sufficient to meet our [Metropolitan Greenhouse Gas Reduction Targets](#). To reduce climate pollution, local governments need to improve their plans so different land uses are more connected, encouraging a walkable mix of destinations and accelerating investments in walking, biking and transit. To achieve these objectives, LCDC is expected to update the state's transportation planning requirements for local transportation plans and will deliver additional health, equity, and economic benefits to residents of Oregon.

### Proposed Rules: Updating land use transportation planning rules to reduce climate pollution

In collaboration with community service providers, planners and members of a Rules Advisory Committee, Department of Land Conservation and Development (DLCD) staff are proposing amendments to existing rules, resulting in updated state and local plans that meet the state's greenhouse gas reduction goals. DLCD and other state agency partners including the Oregon Department of Transportation will provide a range of new and amplified services to local governments to help meet greenhouse gas reduction goals, including grants, technical assistance, tools, and publications, to help local governments adopt plans that meet or exceed the state's greenhouse gas reduction goals.

The amended rules would require local governments in metropolitan areas to:

- Plan for greater development in transit corridors and downtowns, where services are located and less driving is necessary;
- Prioritize system performance measures that achieve community livability goals;
- Prioritize investments for reaching destinations without dependency on single occupancy vehicles, including in walking, bicycling, and transit;
- Plan for and manage parking to meet demonstrated demand, and avoid over-building of parking in areas that need housing and other services;
- Plan for needed infrastructure for electric vehicle charging; and
- Regularly monitor and report progress.

The scope and scale of these requirements will vary by jurisdiction. The amendments will align with other state strategies to reduce transportation related climate pollution. Finally, it is important to note these amendments are intended to align with and support other priorities such as equity, safety, public health, and housing.

**Draft Rule Language** is available at [www.oregon.gov/lcd/LAR/Pages/CFEC.aspx](http://www.oregon.gov/lcd/LAR/Pages/CFEC.aspx)

## Questions?

Bill Holmstrom, Land Use and Transportation Coordinator, [bill.holmstrom@dlcd.oregon.gov](mailto:bill.holmstrom@dlcd.oregon.gov), 971-375-5975





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January 26, 2022

Dear Commissioners:

Thank you for the opportunity to comment on the Climate Friendly and Equitable Communities (CFEC) rulemaking process. We support your efforts to comprehensively approach climate change and find solutions by working cooperatively with local governments. We do, however, want to highlight a few key areas where additional work is needed in order for the effort to be successful. The three specific focus areas that require additional work are: **Clarity** on how the rules will be implemented, the **time** needed for coordination before rule adoption and for local implementation and the **resources** required to implement the new rules.

Clarity:

- In order to capitalize on the existing successful processes in the Portland Metro area, an understanding of how the rules will be implemented within the Portland Metro jurisdiction needs to be clarified and coordinated. One specific example is regarding Parking Management. While there has been some language added into Section 0140 (7) that allows the Metro area to create an alternative approach to Parking Management, it still appears that cities and counties will be required to implement Sections 0430 and 0440 on July 1, 2022, only two months after adoption of the rules. If the Metro region is to move forward with an alternative approach regarding parking, implementation of Sections 0430 and 0440 should be folded into that approach and not implemented separately.

Time

- While we appreciate the urgency to adopt these rules, we recognize it is also critical that they actually achieve the outcomes envisioned when they are implemented. DLCD has done a good job of addressing many concerns brought forward during the rulemaking process, but there are still a few outstanding, foundational items that must be addressed prior to adoption. We need additional time before the rules are adopted to work with DLCD staff to address the practicalities of implementing the proposed rules.

- Some of the implementation dates need to be adjusted to account for the time needed to access funding, as well as to undertake the coordination needed to develop the work plans and alternative approaches allowed for in the rules.

#### Resources

- The fiscal impact statement commissioned by DLCDC noted potentially significant costs of implementation to local jurisdictions and the state. A critical look is needed at how access to the possible funding sources aligns with the expected implementation timelines. Even though there may be some funding available for local jurisdictions to revise their plans and zoning codes, a lack of access to the funding will impact a jurisdiction's ability to complete the work within the mandated timeframes.

We recognize that this rulemaking is an important step to improve our climate future and we look forward to continuing this work. County staff appreciated the opportunity to participate in the small work groups that were held in December, and we welcome the opportunity to continue working with DLCDC staff to refine the proposed rules.

Thank you for your consideration of these comments.

Sincerely,

Dan Johnson

Director of Transportation and Development

cc: Clackamas County Board of County Commissioners