

8/19/2022 City Admin Weekly Report

Happy Friday Mayor and Councilors,

I want to make you aware of new rulings that were adopted and filed with the Oregon Secretary of State on August 17th.

DLCD Files Climate-Friendly and Equitable Communities Rules

The Department of Land Conservation and Development (DLCD) filed the permanent Climate-Friendly and Equitable Communities rules with the Oregon Secretary of State on August 17, 2022.

The Land Conservation and Development Commission adopted the rules at its July 21, 2022 meeting. The rules are now in effect in all affected cities and counties.

The Climate-Friendly and Equitable Communities rules aim to reduce climate pollution, increase transportation and housing choices, and create more equitable outcomes. They are the result of more than two years of intensive engagement with local partners and community members across Oregon.

If a petition for judicial review of one or more of the rules arises, the rules remain in effect unless and until the Court of Appeals declares a rule invalid. The department believes all of the rules were adopted in accordance with applicable rulemaking procedures and expects communities to implement the rules according to the schedule established in the rules.

There is a strong opposition to these rules by many cities and counties and several larger cities have banded together to challenge the legality of the ruling and will file an appeal. In my response to the DLCD opinion survey I strongly stated that if mandated rules were going to be handed down, then funding for these mandates must to be made available to cities. The Mayor also provided strong comments regarding mandates put upon "Home Rule" cities. There is also strong opinion that not enough time was given for input and discussion prior to the final decision.

These changes in design code require professional contract assistance and will be costly. Coburg staff are still trying to figure out what all of these mandates mean, how we will achieve them, and which planning documents will need to be changed.

My point today is to make the Council aware that this is coming, and it will affect Coburg.

The following will affect Coburg and challenge us to meet the requirements in the below areas.

1. **Rules regarding parking** and required parking for new development will need to be updated in the City zoning code in fiscal year - **2023**.
2. **Electric Vehicle Conduit requirements** will need to be updated in the City Zoning code in fiscal year - **2023**
3. **Transportation modeling** used for land use decisions will need to be updated by fiscal year - **2024**
4. **Transportation performance measures** that achieve community livability goals - **2025**
5. **Update to Transportation Plan 2026**

See attached Climate-Friendly and Equitable Communities document for more information on the above areas.

Hope you have a great weekend.

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Climate-Friendly and Equitable Communities

Why this Rulemaking

In 2007, Oregon legislators adopted a goal to reduce Oregon's climate pollution by 75% by 2050. That's what the science calls for, if we're going to avoid catastrophic impacts to our environment, communities, and economy.

Fifteen years later, we're far off track in our efforts to meet those goals – and we're already experiencing real-world impacts of climate disruption, with increasing wildfires, in size, severity, and timing, and record heat waves that have cost Oregonians their homes, and their lives.

We're particularly off-track in reducing pollution from transportation, responsible for about 38% of Oregon's climate pollution. On our current path, Oregon will only reduce transportation pollution by about 20% by 2050. That means we're polluting far more than we hoped, meaning more extreme weather events, more wildfires, more ocean acidification, and more record heat waves. In response, Governor Brown directed state agencies to promote cleaner vehicles, cleaner fuels, and less driving.

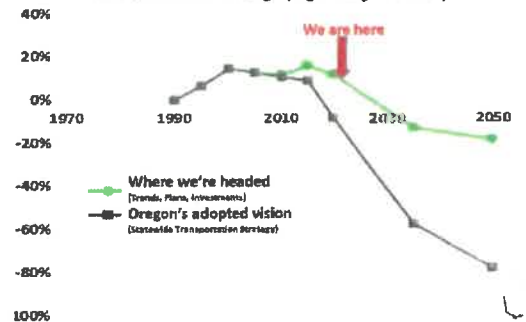
Meanwhile, the State of Oregon is grappling with a troubling history and current patterns of inequity and discrimination, including in our land use, zoning, and transportation investment (and disinvestment) decisions. Wealth and health have been concentrated in the privileged, at the expense of others. This rulemaking aims to take some steps in redressing past harms.

Rulemaking Overview and Desired Outcomes

The Land Conservation and Development Commission launched the Climate-Friendly and Equitable Communities rulemaking in response to Governor Brown's order. It directed the Department of Land Conservation and Development (DLCD), Oregon's land use planning agency, to draft changes in Oregon's planning system for communities in Oregon's eight most populated areas (see map at right).

The rules require those communities to change their local transportation and land use plans to do more to ensure Oregonians have more safe, comfortable ways to get around, and don't have to drive long distances just to meet their daily needs. The rules also aim to improve equity, and help community transportation, housing, and

Climate Pollution Change (Light Duty Vehicles)



Oregon is dramatically off-track. If current trends continue, Oregon will release more than 4 times more transportation pollution than our goal by 2050.



Thousands of Oregonians have lost their homes in recent wildfires. Missing our climate goals will mean more extreme and more frequent weather events such as heat bombs, droughts, and wildfires.



The rules apply in Oregon's eight metropolitan areas shown above.

planning serve all Oregonians, particularly those traditionally underserved and discriminated against.

What does that mean on the ground? It means having some areas where rules don't get in the way of more walkable neighborhoods. The draft rules ask cities to designate climate-friendly areas, and to allow people to build taller buildings providing more housing. The rules don't *require* taller buildings, but make sure those buildings are *allowed*. In climate-friendly areas, a minimum density standard would help ensure transit can serve the neighborhood.

Other provisions of the rulemaking call for new buildings to support the growing electric vehicle transformation, reduce one-size-fits-all parking mandates, and increase local planning requirements to address critical gaps in our walking, biking, and transit networks. The rules ask communities to identify transportation projects needed so our climate goals could be met.

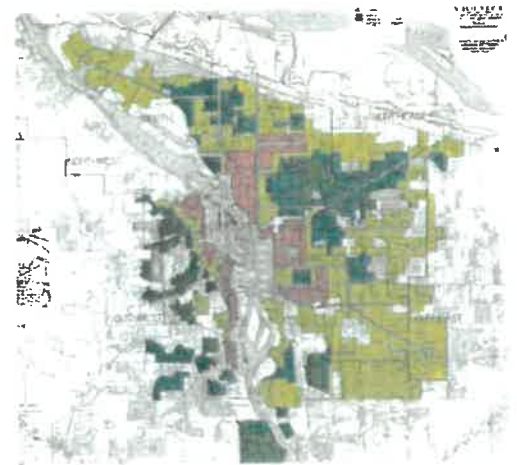
The rulemaking is mainly about letting climate-friendly development happen where people want to build it and the market calls for it. There's a lot of demand for housing where people can walk to where they want to go. While single-family homes will continue to be allowed and provide most housing, Oregonians have a diverse set of housing desires and deserve more affordable and climate-friendly choices. Those could better meet the changing shape of American households, as nearly a third of homes hold just one person. But again, people can choose what best meets their needs.

Equitable Mapping, Engagement and Decision-Making

One central outcome of this rulemaking is an increased emphasis on equity. The rulemaking has worked to integrate equity, starting with the rulemaking charge and title. Equity was key as DLCD attempted to have the composition of the advisory committee reflect the diversity of Oregon's communities, and equity was one of the first tasks tackled by the group.

The rulemaking advisory committee spent significant time at many of its meetings discussing equity, and developed an [Equitable Outcomes Statement](#) to guide the rulemaking drafting and implementation. The rulemaking conducted a racial equity analysis of the rules and an analysis on how the rules could be improved to serve people with disabilities. The committee subsequently reviewed a table listing how each item in the Equitable Outcomes Statement was or was not brought forth into the draft rules, and what next steps might be.

The rules define traditionally underserved populations to include Black and African American people, Indigenous people, People of Color, people with limited English proficiency, people with disabilities, low-income Oregonians, youth and seniors, and more. They require mapping of traditionally underserved populations, local consideration of a set of anti-displacement actions should decisions contribute toward displacement, centering the voices of underserved populations in decision-making, and regular reporting on efforts to engage traditionally underserved populations.



1938 Redlining map of Portland. Redlining allowed white people to build wealth through homeownership.

Climate-Friendly Areas

A climate-friendly area is an area where residents, workers, and visitors can meet most of their daily needs without having to drive. They are urban mixed-use areas that contain, or are planned to contain, a greater mix and supply of housing, jobs, businesses, and services. These areas are served, or planned to be served, by high quality pedestrian, bicycle, and transit infrastructure to provide frequent, comfortable, and convenient connections to key destinations within the city and region.

Why are climate-friendly areas important? A key component of Oregon's plan to meet our climate pollution reduction and equity goals is facilitating development of urban areas in which residents are less dependent upon the single occupant vehicle. Before the automobile became common in American life, cities grew more efficiently, with a variety of uses in city centers and other areas that allowed for working, living, and shopping within a walkable or transit accessible area. Over the last 100 years, the automobile and planning practices have served to separate activities, creating greater inequities within cities and widespread dependence upon climate-polluting vehicles to meet daily needs. Climate-friendly areas will help to reverse these negative trends, with some actions taking place in the short term, and others that will occur with development and redevelopment over time.

The rules require cities, and some urbanized county areas, with a population over 5,000 within the seven metropolitan areas outside of Portland Metro to adopt regulations allowing walkable mixed-use development in defined areas within urban growth boundaries. The rules for the Portland Metro area support implementation of the region's 2040 Growth Concept. Areas will be sized to accommodate a portion of the community's housing, jobs, and services. Local governments will determine where these areas will be located, but many of these areas will likely be established in existing downtowns that may currently allow for mixed uses and higher densities.

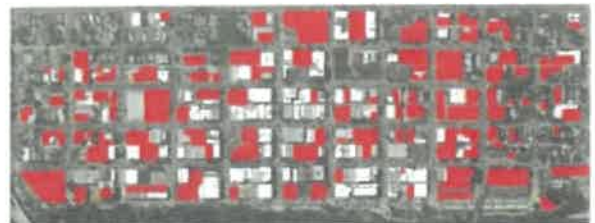
Associated requirements will ensure high quality pedestrian, bicycle, and transit infrastructure is available within these areas to provide convenient transportation options. The rules provide a process for local governments to first identify potential climate-friendly areas, then later to adopt development standards for the areas best-suited for this purpose. The rules provide some minimum requirements for climate-friendly areas, with a set of clear and objective standards that may be adopted, or a process for local governments to craft their own standards. Cities of more than 10,000 will monitor housing production within these areas over time and develop strategies to facilitate desired development.

Reforming Costly Parking Mandates

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



Oregon already has some climate-friendly areas, pleasant places to meet one's needs without needing to drive.



Parking uses a huge amount of high-value land. Off-street parking in downtown Corvallis in red.

from development to development, and about one-sixth of Oregon renter households own zero vehicles. Planning practices of the past have imposed a one-size-fits-all requirement everywhere, creating incentives to own more cars and drive more.

The rules encourage the diversity of parking needs to be met by the diversity of development. The rules would reduce or remove costly parking mandates for desired types of development, such as smaller housing types, small businesses, childcare facilities, multi-family housing, and historic buildings. The rules would completely remove parking mandates within one-half mile of frequent transit and three-quarters of a mile of rail stops, where parking demand is lower per unit.

The rules give communities options to improve parking management. Those who adopt best practice parking policies would get more flexibility. The rules require cities with over 100,000 population that choose to continue to mandate off-street parking to eventually charge at least 50 cents per day for 10% of on-street parking spots.

Getting Ready for Oregon's Electric Vehicle Future

Making our vehicles cleaner is a key part in meeting Oregon's climate goals. Oregon has a vision where 90% of new vehicles will be electric by 2035. To meet that goal, we need to ensure people can charge their vehicles. The most convenient place to do so is at home, but many Oregonians live in older multi-family homes that would be very expensive to retrofit.

Thus, the rules require *new* housing and mixed-use development with at least five units would include electrical conduit (pipes) to 40% of spots, ready for adding wiring and charging stations to support electric vehicles as the market expands.



Building a complete network of EV charging stations at commercial and multi-family housing locations could cut up to 11.9% of climate pollution

Planning for a Future of Transportation Options

DLCD and other state agency partners including the Oregon Department of Transportation will provide a range of new and amplified services 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.

Local governments in Oregon have been required to make coordinated land use and transportation plans for decades. The updated 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 needed infrastructure for electric vehicle charging; and
- Regularly monitor and report progress.

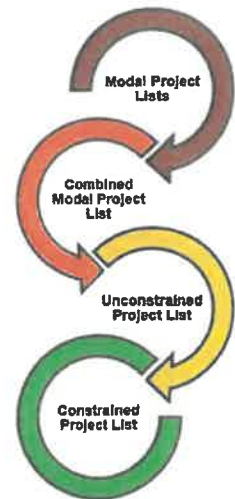


Transportation options are critical for everyone, but particularly the roughly one-in-three Oregonians who cannot drive.

Planning to Meet Our Climate Goals

DLCD's regional greenhouse gas reduction program allows areas to work together to consider statewide, regional, and local needs and issues. The flexible regional planning process allows communities to study economic development, fiscal impacts, resource use, pollution impacts, and the effects of different choices on the state, region, community, or households. The results are intended to help local government community members, elected and appointed leaders better understand issues and quantify the effect of potential policies as they review and update the area's long-range plans and make investment decisions.

The rules would expand requirements for regional plans to meet the state's climate pollution reduction targets from the Portland metropolitan area to the next largest metropolitan areas in the state (Eugene-Springfield and Salem-Keizer) initially. Other metropolitan areas will be required to evaluate their local plans towards meeting the state's climate pollution reduction targets and amend their local plans towards meeting the target.



Community Engagement

We've heard from lots of Oregonians over the past eighteen months. We've heard from a 40-person advisory committee including representatives from all of Oregon's impacted eight urban areas, several people who are home builders, realtors, representatives of the trucking industry, affordable housing advocates, land use advocates, community-based and other community-serving organizations.

To supplement those deliberations, staff held two separate series of virtual community conversations in 2021 – five in the spring, and four in the fall. Staff have hosted a series of nine technical work group meetings on specific topics, a series of practitioner meetings with local government staff in each region, and dozens of additional meetings with local elected officials, planning staff, and interest groups.

Upcoming conversations include events focused on what will be needed at the community level to support implementation and ongoing engagement strategies.

We've heard from hundreds of Oregonians who have attended one or more of the scores of meetings, community conversations, work groups, or practitioner meetings, and from hundreds of people who've submitted comments ([summary here](#)). Our rules are better for it, having continued to evolve and improve.

But the engagement won't end there – the rules require local governments to engage their communities as they make key decisions on how the rules apply locally. If you're interested in these issues, we encourage you to stay engaged.



Some members of the rulemaking advisory committee

Implementing the Rules: Resources and Timelines

Local governments are responsible for implementing the rules. Many of the rules take effect when a community next conducts a major update of its Transportation System Plan (TSP), a community's core document describing its transportation needs and future plans. The rules state most plans should be updated by December 31, 2029. The rules have Salem-Keizer and Eugene-Springfield areas on a schedule to do regional scenario plans and update their TSPs by the end of 2027.

The land use components of the rules have specific deadlines. Communities are asked to study potential Climate-Friendly Areas by December 31, 2023, and adopt Areas by December 31, 2024. Parking reform is scheduled to happen in two phases - the first at the end of 2022, and the second by June 30, 2023. Communities may ask for some flexibility around most of these dates.

DLCD is providing or working to find resources for local governments to do this work, along with our agency partners at the Oregon Department of Transportation (ODOT) and the Oregon Housing and Community Services Department. The Oregon Legislature provided \$768,000 to assist with implementation on land use, and ODOT has identified another \$18 million to assist with transportation plan updates.

Learn More

Information on how to get implementation updates via email and many additional materials can be found at www.oregon.gov/lcd/CL/Pages/CFEC.aspx

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July 2022

COBURG CITY COUNCIL WEEKLY REPORT



TOPIC: City Administration

Report Date: Thursday, August 25, 2022
Staff Contact: Anne Heath, City Administrator
Contact: 541-682-7871, anne.heath@ci.coburg.or.us

WATER PROJECTS

Water Rights 3rd well – The City's water rights have been confirmed. There is a 30-day comment period, which we are in right now. Once 30 days is over, we will be granted our water rights.

Well Development – Design is in process for development of the actual well and well building.

Feasibility Study – Is in process and is expected to be completed in mid-September. There will be a work session at 6:00 p.m. on **September 27th** for the Council to receive the study. Please mark your calendars for this meeting.

STREET PROJECTS

Roberts Road has been completed. Councilors should take a drive down to see the finished project.

Roberts Court has been awarded and will be taking place very soon.

Mckenzie Street is scheduled to begin on the Monday after the antique fair in order to avoid construction during a festival.

Pavement Preservation – there will be a contract in the Council packet on September 9th for pavement preservation in the Northwest area of town.

MACY STREET RIGHT OF WAY

The City has received the final dedication document for the right of way on Macy Street. Weichert dedicated 45 feet which is more than what was presented to the City Council for consideration. What happens next?

1. City staff will meet with the engineering staff to discuss designs for Macy, North Harrison, and North Willamette. It is likely that all work on these streets will be combined into one project and the entire corridor will be considered in the design.

2. Engineering will prepare at least two designs that the community can view and provide comment on.
3. Once the public has been given an opportunity for feedback, a final design will be completed.
4. It is likely that construction will take place next summer, and is aligned with the water project on Macy Street.

PICKLEBALL COURTS

Councilor Blain has raised a concern regarding the pickle ball courts to be installed in park and on the basketball court. Staff will be prepared to present information regarding this at the September 9, 2022. There is much misinformation being shared in the community regarding these courts and the concern that they will take away the basketball courts, and make them unavailable for events and festivals. Basketball may be played on the courts, and the basketball hoops will remain in place. Parking may take place on the courts and therefore, they could be used for festivals and events. However, Public Works does not prefer parking on the courts. Public Works will be prepared to answer questions regarding this at the City Council meeting. Thank you Councilor Blain for raising the question and giving the staff an opportunity to provide information to the City Council.

1973 WATER BOND

Several months ago, I made the City Council aware of a water bond that had been found in the legal paperwork of a deceased woman. Her son was unaware she had it and was questioning whether it was still viable. This \$5,000 bond reached maturity in the late 90's. I questioned the \$5,000 bond that was on the City's debt schedule several years ago. However, there was no information on it, and staff could not identify the bond number, or who purchased it. Kathy Taylor and our auditors recommended that we remove it from the debt schedule, as we did not have any information on it. Because the family member was able to produce the bond, staff were able to research it by number and name, track the interest payments and determine that while the interest on the bond was paid up to the maturity date, payment of the bond itself was not requested. This is likely due to the death of the owner of the bond, and a spouse who held on to it after his death. The family must produce proof of ownership of the heirs and formally request payment of the bond. This will be reviewed by the City Attorney prior to the City paying out the bond.

Reminder to Councilors – Do not reply all with questions or comments regarding this newsletter. Do feel free to contact me with any questions or concerns you may have.

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