



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Cody Field, Management Analyst II
Steve Koper, Assistant Community Development Director

DATE: February 14, 2022

SUBJECT:

Department of Land Conservation and Development (DLCD) Climate Friendly and Equitable Communities rule making.

EXECUTIVE SUMMARY:

What is Climate Friendly and Equitable Communities, also known as CFEC? CFEC resulted from Governor Kate Brown's Executive Order on Climate Action (20-04), issued on March 10, 2020, which directed state agencies to reduce climate pollution. The Land Conservation and Development Commission (LCDC) and its agency, the Department of Land Conservation and Development (DLCD), are responsible for implementation of the Statewide Planning Goals and Oregon's land use planning program, through its Oregon Administrative Rules (OARs). In response to the Executive Order, and with direction from LCDC, in September of 2020, DLCD staff kicked off the CFEC rulemaking to create draft Transportation Planning Rules and related administrative rules intended to meet the Executive Order.

Community Development staff have been tracking the development of the draft rules for the last several months, reviewing current iterations of the draft rules, and attending regional transportation meetings to stay apprised of any critical developments and gain crucial insight from our regional partners.

Purpose of Division 12 – Transportation Planning Rules

Three specific actions from a multi-agency initiative called [Every Mile Counts](#) undergird the DLCD's Climate Friendly Equitable Communities (CFEC) rulemaking process: "parking reform, amendments to transportation and housing rules, and regional scenario planning for greenhouse gas reductions."¹ DLCD is collaborating on the *Every Mile Counts* work plan in collaboration with the Oregon Department of Transportation, Department of Environmental Quality, and the Department of Energy.

¹ Oregon Department of Land Conservation and Development, Agency Update on Climate Executive Order Implementation Plans (March 1, 2021): p. 2. Accessed from: <https://www.oregon.gov/gov/Documents/DLCD-March-1-2021.pdf>

The transportation planning rules (including parking reforms) are outlined in OAR 660, Division 12. The primary purpose has been adjusted to focus on challenges today and in the future including the following priorities:

- Meeting the State’s climate pollution reduction goals.
- Shifting focus to ensure quality options for other transportation modes (transit, pedestrian, and bicycle accessibility and connectivity)
- Renewing the emphasis on safety, acknowledging that the state is falling short in this regard.
- To remedy the impacts of redlining, displacement, exclusionary zoning, and harm caused by public infrastructure, while also centering the voices of underserved communities.
- Planning and developing transportation facilities in coordination with urban and rural development.

Timeline:

The Department of Land Conservation and Development (DLCD) initiated CFEC rulemaking at its September 2020 meeting. The final revision of the draft rules was released for the Rulemaking Advisory Committee meeting on January 20, 2022. The LCDC aims to adopt final Transportation Planning Rules and associated administrative rules at its May 2022 meeting. The rulemaking process will proceed as follows:

- The rules will be submitted to the Secretary of State near the end of February 2022 and will be published on March 1, 2022.
- LCDC will hold its first public hearing on either March 31, 2022 or April 1, 2022. **This will be the first opportunity to provide feedback in a formal setting.**
- The final public hearing will be held on either May 19, 2022 or May 20, 2022, at which point DLCD anticipates that the rules will be adopted by the LCDC.
- Upon adoption, the following deadlines will apply:
 - Electric Charging requirements will be effective as of March 2023.
 - Metro must update its Regional Functional Plan by 2024 to comply with CFEC rules.
 - Metro cities must comply with the Regional Functional Plan by Dec. 31, 2025
 - The parking requirements, as currently written, are scheduled to begin before 2025; however, staff is seeking clarity on these deadlines.

What we know about the current draft rules:

Rule Adoption:

The rules will be adopted by LCDC after the final public hearing in May 2022.

Adoption of Climate Friendly Areas or Metro Region 2040 Centers²:

Metro would be required to update the Regional Functional Plan by December 31, 2024, requiring local governments to adopt Region 2040 Centers and land use regulations described in the functional plan. Local jurisdictions must comply with Metro’s requirements by December 31, 2025. Tualatin has a 2040 Center shown in Figure 1, below, that is not currently locally adopted.

² Oregon Metro, 2040 Growth Concept, Accessed from: <https://www.oregonmetro.gov/2040-growth-concept>

2040 Growth Concept Map

Last update: September, 2020



Figure 1. Tualatin's Town Center Boundary (Metro 2040 Growth Concept Map)

Parking Regulations:

Note: These rules do apply to cities and counties in the Portland Metro area, unless and until Metro proposes an alternate approach which is subsequently approved by LCDC.

The parking reforms outlined in rules 0400 – 0450 encourage local jurisdictions to eliminate minimum parking requirements (usually per square foot for employment uses or per unit for residential uses). The developer would be free to include the amount of parking they see fit. Ultimately, these rules provide a choice between eliminating all parking mandates and providing additional climate-friendly alternatives. The requirements also include provisions regarding preferential employee parking for carpools and vanpools and encourages conversion of underused parking areas for other uses.

Developments that include more than a $\frac{1}{4}$ acre of surface parking are required to install solar panels or pay \$1,500 per parking space into a city fund or a fund at the Oregon Department of Energy dedicated to solar or wind energy development. Additionally, tree canopy must cover at least 50% of the parking lot at maturity. **(Rule 405)**

Cities and counties shall adopt regulations requiring installation of sufficient electrical capacity and conduit to support Electric Vehicle charging in new residential, mixed-use, and commercial development with five or more parking spaces **(Rule 410)**

Parking Maximums will apply to cities in the Metro region with populations over 25,000 under the rules that apply to Climate Friendly Areas, Metro Region 2040 Centers and town centers, as well as transit corridors, and near transit station communities. **(Rule 0415)**.

Finally, local Jurisdictions must implement one of the three parking approaches by March 31, 2023.

Option 1: Adopt land use regulations that **do not** include parking mandates. **(Rule 420)**

Option 2: Implement a "fair parking policy" approach. **(Rule 0445 (1)(a))**

Option 3: Implement a “reduced parking management” approach. **(Rule 0445 (1)(b))**

What we don't know about the current draft rules:

DLCD is continuing to communicate with its rulemaking committee, workgroups, and local jurisdictions to fine tune Division 12 of the draft rules. There will likely be substantive revisions to the rules between now and the end of February when the rules are submitted to the Secretary of State.

Transportation Planning:

Rule 140, Subsection 7 provides flexibility to Metro to develop alternative regional requirements as long as the alternative requirements are approved by the LCDC. Upon approval, the alternatives will be adopted by Metro into the Regional Functional Transportation Plan. Cities and counties in the Metro Region will comply with the alternatives adopted by Metro, rather than the rules in Division 12. Metro is currently in conversation with DLCD regarding Regional Functional Plan updates. At this point, staff does not have a sense of what Metro will decide in terms of transportation planning or parking regulations.

Rule 830 establishes an extensive list of requirements for cities and counties that include projects which add vehicular capacity in a Transportation System Plan (TSP) update. DLCD is fine tuning the list of exemptions based on feedback it has received throughout the rulemaking process. These requirements will likely change over the next month to encompass more exemptions.

Many jurisdictions have raised concerns over the need for resources to effectively implement TSP updates. DLCD is developing a plan to provide guidance, technical support, and funding directly to communities to assist with TSP updates. DLCD have not provided any specific information on what these resources include.

Potential Concerns for Tualatin:

- The draft rules appear to contain overly prescriptive limitations on local transportation projects which would add capacity to the transportation system, regardless of size of the project.
- The draft rules are structured to encourage elimination of any minimum parking requirement in the area of applicability or adoption of overly prescriptive alternatives, both of which may have new financial impact on new development or redevelopment, particularly on businesses.
- The draft rules lack sufficient clarity on how the proposed Transportation Planning Rules would be implemented by local jurisdictions.
- It is unknown what impact the rules, which are not slated to be effective until 2025, would have on previous plans adopted between now and 2025. Examples included: an updated Transportation System Plan, urban renewal plans and so forth.

Potential Actions for Council Consideration:

- Provide written or verbal testimony to the LCDC at one of the official public hearings.
- Sign on with one or more regional jurisdictions who are already planning to provide comment.
- Do not provide testimony and allow staff to continue monitoring the process.

ATTACHMENTS:

- DLCD CFEC Presentation to City Council Feb. 14, 2022