



## **Questions Regarding Temporary Climate Friendly and Equitable Communities Rules**

### **Local Governments**

1. Does DLCD expect local governments to begin implementation of the rules before receiving state supported resources (staffing or grant funds)?
2. If a city cannot or does not comply with the rules' requirements or GHG reduction targets, what are the enforcement mechanisms or potential consequences?
3. Are these rules likely to make UGB expansion easier, more difficult, or have no effect?
4. If a city or county cannot or does not meet the requirements of OAR 660-012-0350(1) or (2), will it be able to expand its urban growth boundary? Could a UGB expansion be successfully appealed and reversed or remanded on the grounds that the requirements of OAR 660-012-0350 were not met?
5. Could a UGB expansion be successfully appealed and reversed or remanded on the grounds that the proposed UGB expansion is not "climate friendly" because it would not result in a reduction of vehicle miles traveled or a reduction in GHG emissions as outlined in Division 44?
6. Does DLCD have statutory power and authority to direct local governments to regulate employee benefits or levy a tax on the revenue from specific businesses as described in OAR 660-12-0445?
7. How is a local government expected to project funding over a 20-year period under OAR 660-012-0115 given the high degree of uncertainty that comes with certain sources of funding (such as large federal grants for specific projects, e.g. BUILD Grants)? If a local government is awarded or granted transportation funding that exceeds original expectations, must the local government undergo a major TSP update to be able to make use of the funding?
8. What is the source of statutory authority for LCDC to impose the penalties listed in OAR 66-012-0920? More broadly, what is the source of legal authority for DLCD to require any of the reporting under OAR 660-012-0900 et seq?

### **Housing**

9. Depending on how a local government implements the rules, could it be more difficult to site and build single family dwellings and low-density middle housing (duplexes) in climate friendly areas? Please consider the following as an example for specifications: [Duplex: Side-by-Side — Missing Middle Housing](#) (See Idealized version).

10. Depending on how a local government implements the rules, will it be easier, the same, or more difficult to site and build multi-family rental housing in climate friendly areas?
11. If a local government implements the prescriptive minimum density requirements of OAR 660-012-0320(8), could single-family detached homes and other forms of detached low-density middle housing be precluded in climate friendly areas? This includes being precluded outright under OAR 660-012-0320(2)(a), as well as being precluded because a builder is unable to build a marketable housing product because of lot size/configuration, infrastructure requirements, size of buildable envelope, accessibility, etc.
12. How is a local government expected to show through findings that its adopted development regulations for climate friendly areas will continuously and expeditiously allow a certain number of jobs per net acre, as described at OAR 660-012-320(9)?
13. What is the definition of a “neighborhood” in OAR 330-012-0330? Could any of the new neighborhood design standards in OAR 330-012-0330 and OAR 330-012-0360 result in increased costs to development or construction of a home? Could these design standards result in more infrastructure costs that may be passed on to developers or builders, and ultimately to consumers?

#### **Business**

14. What is the objective of the following language in OAR 660-012-0330: “No vehicular parking, circulation, access, display, or loading shall be permitted on-site between buildings and public pedestrian facilities. Bicycle parking may be permitted.” Why is “display” included in this provision? How will that impact business freight and personal parcel delivery, as well as network transportation services such as DoorDash or Uber?
15. Will these rules make it easier or more difficult to site and develop car-dependent or auto-oriented businesses (pharmacies, local drive through restaurants, coffee huts, etc.) in jurisdictions covered under the rules? (Please address the provision in OAR 660-012-0330 in the preceding question, in addition to the cumulative effects of the rules.)
16. OAR 330-012-0330(6)(a) states that “Ease of access to goods and services [via walking, mobility devices, or bike] must be equivalent or better than access for people driving a motor vehicle.” How is “ease of access” defined?
17. Does the Department intend that, in order for a local government *not* to comply with the provisions of OAR 660-012-0330(2), the local government must provide an “exemption” to those provisions? Does the department intend a particular process for granting such an exemption (including, for instance, requiring public comment or particular conditions for approval), or are those things for each local government to decide? If a local government wishes to adopt one or more exemptions to the provisions in –0330 that apply legislatively to a class of properties or development forms, what types of findings would be required in adopting those regulations?
18. If a local government implements OAR 660-012-0330, will existing or non-conforming uses need to undertake any additional process to take advantage of the exemption under OAR 660-012-0330(2)? What if they want to remodel their business or expand their business?
19. How do the rules define “non-auto dependent retail, services, and other commercial uses” as used in OAR 660-012-320? If auto-dependent uses are not permitted outright, how may a local government

permit them under these rules? Could they be permitted as a conditional use or prohibited by local governments?

20. Do any of the exemptions in OAR 660-012-0330 apply in climate friendly areas? See OAR 660-012-0330(2) and OAR 660-012-0330(6)(b).
21. What are “developments” under OAR 660-012-0405, and what costs might developers incur in complying with the provisions of this rule? Could any of the parking regulations in OAR 660-012-0405 result in less parking available in busy regional centers, downtowns, or transit-oriented developments?

## Transportation

22. Will any of the rules result in narrower roadways? Could implementation of these rules result in greater congestion on roadways that could impact public safety, increase commute times, or result in negative environmental impacts?
23. Under state law, does DLCDC have power and final authority over state highways including selection, establishment, location, construction, improvement, maintenance, operation, and administration of these facilities?
24. What is the authority for local governments to require ODOT to provide high-occupancy vehicle lanes, transit lanes, or bicycle facilities on state highways through adoption of local plans?
25. What is the effect of the new language in OAR 660-012-0060(1)(c) limiting review for the significant effects test to the end of planning period *only* for standards based on motor vehicle capacity? What is the relevant point in time for evaluating significant effects under the TPR for a local government that has adopted multimodal standards outside of Climate Friendly Areas?
26. What are “commute trip reduction consultation” and “parking cash out” in OAR 660-012-0145? Where are those terms defined under any Oregon rule or statute?
27. What is the source of authority for DLCDC to prohibit a local government from developing, funding, or constructing any project not on the financially-constrained TSP project list (with few exceptions provided), regardless of the source of the funding for a project (such as MPO funding, etc.)?
28. Would adoption of a Refinement Plan or Facility Plan also trigger the requirements for a major update to the TSP? Would it require re-analysis of the entire TSP financially constrained project list to ensure that VMT per capita does not increase?
29. What standards would be used to identify “gaps” in multimodal transportation and in bicycle and pedestrian facilities in CFAs, as required in OAR 660-012-0325(3)(a)? What standards would be used to evaluate the list of proposed projects to fill identified “gaps” in subsection (3)(b)?
30. What is the scope of OAR 660-012-0705(3)? Does “public transportation” mean transportation owned and operated by a public entity, or does it mean services that transport the public? For example, Greyhound and Bolt bus services are the latter, but not the former. Are Greyhound and Bolt Bus considered “public transportation” under the rules?

31. How do DLCD staff reconcile the definition of an arterial classification street as one providing travel across urban areas/higher capacity, with the requirement in OAR 660-12-0810(4)(c) to plan for “local access priority arterials”? How does the requirement to plan for local access priority arterials in a TSP operate to prevent creation of “stroads” that create both safety and access concerns?

### **Equity and Public Engagement**

32. Has DLCD conducted an assessment of the benefits and burdens of the proposed CFEC rules requirements on underserved populations compared to the population as a whole similar to the analysis that local governments will be required to perform to ensure equitable outcomes under these rules?
33. What resources will be made available to pay local government costs for outreach and engagement to underrepresented populations by local government staff, as opposed to by consultants? How do the rules support continuing engagement rather than transactional-based engagement with underrepresented groups?
34. What is the difference between the factors that a local government must “consider” versus those that a government must “prioritize” in the prioritization framework in OAR 660-012-0155? Must different weight be given to those factors that are identified as “priorities” in the rules versus those that must be merely “considered”?
35. How does DLCD intend to apply the prioritization framework in OAR 660-012-0155 and the specific requirements to “prioritize” or “emphasis” specific factors in OAR 660-012-0170, -0180, and other mode-specific inventory rules? For instance, must local governments give the *most* weight or emphasis to the specifically identified factors in –0170 regardless of the prioritization framework developed under –0155?
36. What types of “housing policies” are included in the “past land use, transportation planning, and housing policies” that local governments must assess and document as harming underserved populations in OAR 660-012-0135? Do these include public policies, or any kinds of policies related to housing, such as banking policies or real estate professional policies?