



# Council Business Meeting

February 22, 2023

<b>Agenda Item</b>	Climate Friendly & Equitable Communities Update	
<b>From</b>	Brandon Goldman Derek Severson	Title: Interim Community Development Director Title: Senior Planner
<b>Contact</b>	<a href="mailto:Brandon.goldman@ashland.or.us">Brandon.goldman@ashland.or.us</a> 541-552-2076 <a href="mailto:Derek.severson@ashland.or.us">Derek.severson@ashland.or.us</a> 541 552-2040	
<b>Item Type</b>	Requested by Council <input type="checkbox"/> Update <input checked="" type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input checked="" type="checkbox"/>	

## **SUMMARY**

This item is an informational update on the requirements for cities to comply with the Climate-Friendly and Equitable Communities rules adopted by the state’s Land Conservation and Development Commission (LCDC) in 2022.

## **POLICIES, PLANS & GOALS SUPPORTED**

- Climate Energy Action Plan (“Urban Form, Land Use & Transportation”)
- Oregon Administrative Rules 660-012-0320
- Oregon Administrative Rules 660-012-0440

## **BACKGROUND AND ADDITIONAL INFORMATION**

In 2007, the Oregon state legislature adopted a goal of reducing Oregon’s greenhouse gas emissions by 75 percent by 2050 as this level of reduction was necessary to avoid catastrophic impacts to our environment, communities, and economy. Now, 16 years later, Oregon is off track in meeting this goal, and the state is experiencing wildfires increasing in size, severity and timing, and record heat waves. Oregon is particularly off-track in reducing pollution from the transportation sector, which is responsible for at least 38 percent of greenhouse gas emissions. On its current path, Oregon will only reduce transportation pollution by about 20 percent by 2050. In seeking to avoid more weather events, more wildfires, more ocean acidification, and more record heat waves, Governor Brown directed state agencies to initiate a rulemaking effort to promote cleaner vehicles, cleaner fuels, and less driving.

The “Climate Friendly & Equitable Communities” rulemaking which was completed in July of 2022 seeks to reduce greenhouse gas emissions from automobiles in Oregon’s eight metropolitan areas by reducing driving and encouraging walking, biking and transit, as well as by supporting greater usage of electric vehicles. This is to be accomplished through the creation of more pedestrian friendly areas with compact, mixed-use development to be called “climate friendly areas” or CFAs. The rulemaking includes changes to parking mandates; prioritizing investments in high quality, connected and safe pedestrian, bicycle and transit networks; and changing the methodology used in transportation planning including the standards used to determine the success or failure of a roadway so that automobiles are not the sole consideration.

## ***Climate Friendly Area (CFA) Study pursuant to OAR 660-012-0315***

The rules adopted in 2022 require that cities within Oregon’s eight metropolitan areas identify CFAs which would accommodate “30 percent of the total identified number of housing units necessary to meet all





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current and future housing needs.” CFAs are to have a minimum residential density requirement of 15 dwelling units per net acre with minimum building heights of no less than 50 feet/four stories, or demonstrate that alternative measures will achieve 20 dwelling units and 20 jobs per net acre; and include limits on what minimum parking requirements can be applied. Beginning in January, parking mandates are no longer allowed within ½-mile of frequent transit where most CFAs are likely to be located, and once adopted, parking mandates will not be allowed within ½-mile of CFAs themselves unless a menu of parking management policies are enacted and parking for multi-family units is ‘unbundled’.

*For the CFA study, underway now, cities are to identify likely CFAs and after analysis to ensure that the identified areas can accommodate the targeted housing needs, a report of the study’s findings will be sent to the Department of Land Conservation and Development (DLCD). Cities and counties are to use the study process to identify the most promising area or areas to be chosen as CFAs, but are not required to subsequently adopt and zone every one of those studied areas as a CFA.*

To facilitate the CFA study, DLCD has made technical assistance funding available for consultants to support both the technical analysis necessary in identifying likely CFA’s, and the associated public engagement process. For Ashland, the Rogue Valley Council of Governments (RVCOG) is conducting the technical analysis and 3-J Consulting, Inc. will be conducting the public engagement process as well as a required anti-displacement analysis of the identified CFAs.

### **Climate Friendly Area (CFA) Codes pursuant to OAR 660-012-0320**

Once likely CFAs are identified, which must occur by December 31, 2023, the next step for cities will be to adopt a Climate Friendly Element to the Comprehensive Plan along with updated Comprehensive Plan maps to include the identified CFAs and to revise land use codes accordingly. The city will need to prepare supporting findings as well as identify on-going and newly added housing production strategies to promote affordable housing within CFAs. Transportation System Plans will need to be made consistent with the new rules at their next update. This second step is to be completed by December 31, 2024. *(It is anticipated that state funding will again be available to fund consultants for both the technical work and public outreach process for the map adoption and code amendments.)*

### **Implementation Timeline**

The LCDC-adopted timeline for Climate-Friendly & Equitable Communities-related tasks is detailed below:

Cities are required to eliminate some minimum parking requirements by December 31, 2022 <i>[Requires code changes or implementation directly from rules. Ashland is currently implementing from the rules.]</i>
Cities to require Electrical Vehicle Conduit in Multifamily Developments > 5 units for 40 percent of spaces. <i>[Requirements to implemented through Building Codes beginning March 31, 2023]</i>





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Cities required to eliminate all remaining minimum parking requirements by June 30, 2023 or select from a menu of alternative parking options. <i>[Ashland has requested extension to December 31, 2023.]</i>
Climate Friendly Areas (CFA) Study consultant work through June 30, 2023 <i>[Technical Assistance by Rogue Valley Council of Gov'ts]</i>
CFA Public Engagement and Anti-Displacement Process consultant work through June 30, 2023 <i>[Technical Assistance by 3J Consulting, Inc.]</i>
Final CFA Study report due to DLCDD by December 31, 2023
CFA Transportation Modeling by June 30, 2024
CFA Designation, Maps & Code Amendments consultant work through June 30, 2024 <i>[Consultants still to be determined based on available Technical Assistance funds in this phase.]</i>
CFA Designation, Maps and Code Amendments Adoption by 12/31/2024

The Planning Commission was updated on the Climate-Friendly and Equitable Communities rulemaking on August 9, 2022. A virtual meeting to kick off the regional effort to identify climate friendly areas was held on February 2, 2023. This meeting was hosted by 3J Consulting, LLC as the public engagement consultant for the three cities in the southern Rogue Valley (Ashland, Medford and Talent) required to identify climate friendly areas. This meeting featured a presentation explaining the rulemaking as it relates to climate friendly areas and a Q&A session with staff from the Department of Land Conservation & Development (DLCDD) as well as break-out rooms for discussions of the specific efforts in each of the three cities. Videos of the main meeting and the break-out session are available at <http://www.ashland.or.us/climatefriendly>.

## **FISCAL IMPACTS**

The current phase of rule implementation requires that cities study potential climate friendly areas and assess the land use code amendments that will be necessary to comply with the rules. A report to the Department of Land Conservation and Development (DLCDD) is required no later than December 31, 2023. DLCDD has provided grants, and is administering them, for cities to utilize consultants for the geo-spatial analysis and public engagement associated with this first phase work. The subsequent phase will require that cities amend comprehensive plans, zoning maps and ordinances to formalize their climate friendly areas by December 31, 2024. There has been some indication that DLCDD intends to provide for similar consultant services arrangements for some or all of this work, but this will be dependent on the state legislature allocating funding through the budget process. There will be significant staff time involved to take the consultant information, finalize reports for DLCDD, amend development codes, and shepherd necessary legislative amendments through the local process.

Cities are also required to implement additional changes to parking requirements by June 30, 2023. The elimination of parking mandates within ½ mile of frequent transit routes is already in effect, however the City has enlisted the services of 3J Consulting, LLC to conduct a parking code audit and identify necessary code changes to codify the rules into our local land use ordinance. This work will be completed under an existing professional services contract already approved under the existing budget. The city has requested DLCDD approve an alternative date of December 31, 2023 for the final adoption of the requisite changes to Ashland's parking requirements.





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## **DISCUSSION QUESTIONS**

This item is provided for informational purposes to keep the Council abreast of the implementation of these state rules moving forward.

## **SUGGESTED NEXT STEPS**

The City of Ashland has created a website <http://www.ashland.or.us/climatefriendly> which will be kept up to date with project updates moving forward.

The project consultants provided by DLCD will be coordinating a series of stakeholder meetings and a public open house to occur in March and April of this year. A study of the Climate Friendly Areas is expected to be completed in August 2023.

## **REFERENCES & ATTACHMENTS**

The State of Oregon's Department of Land Conservation and Development (DLCD) has webpages dedicated to the rulemaking process (<https://www.oregon.gov/lcd/LAR/Pages/CFEC.aspx>) and implementation of the rules (<https://www.oregon.gov/lcd/CL/Pages/CFEC.aspx>).