

Re-Cap Climate Friendly and Equitable Communities (CFEC) Rulemaking

May 20, 2022

May 19-21, 2022 LCDC meeting - Oregon's Land Conservation and Development Commission (LCDC) adopted "temporary rules" for CFEC. This action allows the outgoing LCDC chairperson to receive credit for the CFEC rules at her final meeting (May 19-21). Only minor changes are expected on adoption of "final rules" on July 20-21. These sweeping new rules are very prescriptive, instead of "outcome based" rules typically adopted by LCDC. Outcome based rules leave the details up to each community to meet LCDC's desired outcomes. Prescriptive rules dictate the actual rules a community must adopt. "Our community, our code" no longer applies.

Major elements of the CFEC -

1. Actions must be looked at through an "**equity lens**" to not significantly impact any one of eleven "priority populations."
2. Transportation system planning (TSP) must use at least two "**performance measures**" from a specific list in making decisions on TSPs. The community may choose to not to use "mobility standards" as one of the performance measures. (Bend used many of the listed "performance measures" in developing their 2020 TSP.)
3. Communities must identify "**Climate Friendly Areas**" within their city limits which can meet 30% of the planning period's housing needs. This housing and employment must be at a high level of density. The CFA rules are intended to "urbanize" portions of each community. (Bend's 2016 UGB expansion included zone changes to encourage urbanization of core areas of Bend.)
4. **Parking mandate reduction or elimination is required.** Communities are given three options to pick from. DLCD stated the intent of these specific rules were to reduce vehicle ownership (April 2022 Q & A session.). (Bend has been gradually reducing parking rates starting in 2006 and the current Council seems ready to make further reductions.)
5. Electric Vehicle rules require the development of some of the **infrastructure for charging.**
6. Rules require a **priority on high quality pedestrian, bicycle and transit** to provide alternatives to single occupant vehicles travel. (Bend adopted similar provisions in their 2020 TSP.)
7. Communities are required to **conduct annual monitoring and reporting** to the state.

8. **More aspirational versus pragmatic.** Should communities be concerned?

Representatives from the development community called for more input from the development industry. The state declined these requests by stating they didn't have the time or the budget to do so. Opponents feel the rules are essentially "aspirational" planning without a solid basis in facts for the decisions. Will the rules achieve the desired results? Bend adopted land use in 2016 which had nearly the same intentions. In the last six years, there is little development activity completed to suggest the desired results will be coming easily or quickly. Opponents point out that the required steps require a great deal of "subsidizing" because of the expense and even after paying the high expense, the housing will likely be less affordable than today's housing.