



American Planning Association
Oregon Chapter

Creating Great Communities for All

March 30, 2023

House Committee On Agriculture, Land Use, Natural Resources, and Water
Representative Ken Helm, Chair
Representative Annessa Hartman, Co-Vice-Chair
Representative Mark Owens, Co-Vice-Chair

RE: Testimony from the Oregon Chapter of the American Planning Association (OAPA) in Opposition of House Bill 2659

Dear Chair Helm, Vice-Chairs Hartman and Owens, and Members of the Committee:

The Oregon Chapter of the American Planning Association (OAPA) appreciates the opportunity to provide comments in opposition to HB 2659. Enactment of the bill will have a significant and harmful impact on Oregon making progress on climate change mitigation and resiliency, housing production, and the equitable outcomes of land use decisions.

OAPA is a nonprofit professional membership organization of over 800 planners and those who work with planning in formulating and implementing development and conservation policies at the state and local level. OAPA works to create sustainable and vibrant Oregon communities through professional development, advocacy for sound planning, providing resources to meet the challenges of growth and change, and embracing and promoting diversity, inclusion, and equity.

Our concerns on the bill include:

1. It requires the Land Conservation and Development Commission (LCDC) to redo the Climate Friendly and Equitable Communities (CFEC) rules adopted by LCDC last July following two years of extensive and inclusive rulemaking. The rulemaking process provided ample time and opportunity for participation, including by those entities requesting the bill, to provide feedback on what the rules should require. Just because LCDC didn't adopt a rule that was satisfactory to all feedback is not a compelling reason to spend more dollars to redo the CFEC rulemaking.
2. It prohibits enforcement of the CFEC rules until the redo is completed with a sunset deadline of 1/1/28.
3. It includes requirements for LCDC approval not found in current statute that are problematic and may lead to uncertain outcomes. An example is the provision that prevents LCDC from adopting a rule unless it "Has the support of the governing bodies of at least 80 percent of all local government that

would be subject to the rule". It is problematic that a small minority of "governing bodies" would have veto power over the rules.

4. It fails to include the deliberate inclusion of traditionally underrepresented communities in the participatory and decision making process. The CFEC rules were developed by an inclusive and diverse RAC that included several representatives from priority populations. The afore mentioned "80%" provision would also undermine addressing inequitable outcomes of current regulations as its likely outcome is continuing with the status quo.

OAPA was engaged in the CFEC rulemaking and served as a member of the rules advisory committee (RAC). We support the outcome of CFEC rulemaking as consistent with our three top policy priorities for State action:

- *Oregon Needs To Act Now To Confront Climate Change.* We know that climate change is affecting every Oregonian with impacts to our homes, economies, infrastructure and health. Implementing CFEC will result in significant progress on climate mitigation and resiliency.
- *Address The Housing Crisis.* It is critical that efforts continue to increase housing availability, affordability, and choices. The CFEC rules promote significant new housing capacity in mixed-use climate friendly areas (which often deliver livability benefits for disadvantaged communities) and implementation will have a significant positive impact on housing production, affordability and choices.
- *Advance Racial and Underrepresented Equity.* There is a long history of inequity toward communities of color and low-income, indigenous, immigrant, and other historically marginalized or underrepresented communities in public planning and development processes. Climate change effects exacerbate these existing inequities. The CFEC rules have specific provisions that address equitable participation and outcomes in implementing its major elements.

HB 2659 requires LCDC to adopt CFEC amendments or replacement rules "that advance climate targets and equity". This is unnecessary as CFEC already addresses climate targets and equity, with approaches that are based on proven land use and transportation planning practices. These practices¹ include:

- Providing for a mix of uses in metropolitan areas, through enabling more creativity in comprehensive plans and zoning codes to deliver a mix of housing types and provide for mixed-use development patterns served by transit and good pedestrian and bike facilities.
- Pursuing opportunities to locate higher-density residential development near activity centers, such as commercial areas, employment centers, transit centers, and parks and recreational facilities.
- Promoting compact, mixed use development patterns that support safe, effective multimodal transportation options and a range of affordable and

¹ These practices are included in the American Planning Association's [Climate Change Policy Guide](#).

livable housing types.

- Revising parking requirements through removing parking minimum requirements and considering options for parking maximums and parking pricing options to help facilitate a switch to climate-friendly travel options and reducing development costs.
- Ensuring that equity concerns are interwoven into climate policies and actions.
 - Ensuring an inclusive, fair, and two-way information exchange that analyzes community risk and needs to ensure that traditionally underrepresented communities have a strong voice decision-making.
 - Incorporating appropriate equity metrics in the planning and decision making process.

OAPA recommends the legislature take these next steps:

- **Do not advance** the HB 2659 out of committee. Delaying the process of CFEC implementation for five years has real world implications. Until local governments change their regulations, infrastructure and land development will continue under existing regulations exacerbating GHG emissions and the impacts that climate has on community resiliency and equitable outcomes. Once built, these facilities can last for decades (or become obsolete). The earlier the CFEC rules are in place, the sooner there will be more choices, options and solutions for making progress on climate, housing and equity.
- **Support** the ongoing LCDC administrative process for making technical edits, clarifications and other revisions as CFEC implementation proceeds. The agency is already engaged with local governments in this process.
- **Provide** the critical funding resources DLCD and local governments need for implementation in the coming biennium with funding along the lines of the LCDC funding package (POP 203) requested for inclusion in the Governor's budget. That request was for \$11,973,517, of which \$10,000,000 would be direct grants to local governments. The remainder is for the agency to implement and monitor the rules, directly assist in equitable outreach and grant management, and to maintain the systems needed to provide financial assistance.

Again, we thank you for the opportunity to express OAPA's opposition to HB 2659 and to ask you to, instead, to support implementing the CFEC rules.

Sincerely,

Kevin C. Cook

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