



American Planning Association  
**Oregon Chapter**

*Creating Great Communities for All*

November 17, 2021

Robin McArthur, Chair  
Oregon Land Conservation and Development Commission  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540  
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RE: Commission Meeting November 18-19, 2021, Agenda Item 7, Climate-Friendly and Equitable Communities Rulemaking Update

Dear Chair McArthur and Members of the Commission:

The Oregon Chapter of the American Planning Association (OAPA) is an independent, statewide, not-for-profit educational organization of more than 800 planners from across the state who work for cities, counties, special districts, state agencies, tribes, community-based organizations, universities, and private firms. We provide leadership in the development of vital communities by advocating excellence in community planning, promoting education and resident empowerment, and providing the tools and support necessary to meet the challenges of growth and change. OAPA supports sustainable communities and works to enhance the quality of life for current and future generations by helping to create and stabilize places that are equitable, healthy, and resilient and provide ongoing economic, environmental, and social benefits.

OAPA believes that viable options to automobile use in Oregon's urban areas are critical to the state's response to climate change. The best outcome of this rulemaking would be an urban form that allows more people to choose to walk, bike, use transit, or drive shorter distances to frequent destinations. Supported by density that makes businesses, institutions, and transit viable, with investment in quality well-designed pedestrian, bicycling, and transit infrastructure, these actions will result in direct reductions in greenhouse gas (GHG) emissions.

Further, OAPA believes that it is necessary and critical to intertwine equity, both in engagement and outcomes, at the local level. It is local governments that must make these changes in their comprehensive plans and undertake the additional work to change their implementing measures and actions, in their zoning and development codes, transportation system plans, and in the provision of appropriate supporting infrastructure. We all know that the impacts of climate change are experienced inequitably. The outcomes of the rulemaking must result in practices that do not exacerbate climate change or existing inequities but do help to rectify current inequitable outcomes.

OAPA supports the draft rules insofar as they relate to equitable outcomes and an appropriate response to the Equity Outcomes Statement developed by the Rulemaking Advisory Committee (RAC). The staff report for the November 18 Commission meeting identifies the key elements updating the Transportation Planning Rule (TPR) in the draft rules:

- Oblige local governments to center underserved populations when making decisions and adopting plans;
- Require creation of more pedestrian-friendly places where compact mixed-use development is allowed and encouraged;



- Prioritize investments in high-quality, connected, and safe pedestrian, bicycle, and transit networks;
- Right-size parking requirements; and
- Change the methods of planning for transportation, including which standards are used to determine success or failure.

OAPA concurs that this list includes the essential elements that the rules must address. Generally, we believe that the draft rules are on the right track. The changes to the TPR are, however, complex and there are several individual sections that OAPA believes may need clarification, stronger language, or may otherwise be problematic. We hope to provide commentary to the project staff on those detailed concerns as rulemaking continues.

The following are issues and concerns OAPA would like to direct to the Commission. Consistent with the Governor’s Executive Order on climate, OAPA believes that this rulemaking action is urgent. The linchpin of its successful outcome is local governments’ ability to implement the rules. New development, whether public or private, has long-term consequences. OAPA believes that developing or funding projects that are shown to exacerbate climate change should not go forward. It is therefore critical for local governments to incorporate this rulemaking as priority in its comprehensive planning work programs. That will help ensure future projects are consistent with the new rules and thus help create climate friendly and equitable communities.

The Commission and the Department, however, should be sensitive to the extent of the work that local governments will need to undertake in response to an updated TPR. Each of the components listed above would, in themselves, be considered a substantive planning project. Accomplishing all of these tasks will require extensive public engagement, local analysis and findings, and conducting a legislative public hearing adoption process.

This desired result also requires that local governments must have the resources necessary to do the work. Resources include money, state agency support, and time. Moreover, rules should facilitate translation to local plan and land use amendments by being clear and easily understood, logically organized, and presented in a cohesive and consistent manner.

Below are suggestions and comments on specific aspects of the draft rules to assist in accomplishing those outcomes at the local level in a timely manner.

#### **Division 44 - Scenario Planning**

OAPA suggests that the Commission direct staff to reassess requiring scenario planning (Central Lane, Salem-Keizer) or “ongoing assessment and monitoring actions” for the other five metropolitan areas (the Albany, Bend, Corvallis, Grants Pass, and Medford/Rogue Valley areas), until after the local governments have complied with the revised TPR.

We make this suggestion because limited resources (both State and local) would be better used to focus on making the land use and transportation system plans changes that will be necessitated by the amended TPR. As originally envisioned a decade ago, scenario planning was to be a process by which metropolitan areas would, as a region, identify and implement land use and transportation actions needed to reduce GHG emission for light vehicles. Unfortunately, this did not happen and thus the need for the current rulemaking efforts.

The proposed new purpose statement for Division 44 includes “significantly reduce climate pollutants that are causing increasing climate disruption as rapidly as possible”; “make changes to transportation and land use plans to significantly reduce pollution from light vehicles ... to prepare a preferred land use and transportation scenario that describes a future set of aspirational transportation facilities and alternative



future land use patterns that will reduce greenhouse gas pollution from light vehicles”; and “reduce inequities for historically marginalized communities.”

These purposes are all being addressed in the draft rules for the TPR and, in fact, are not just requiring “aspirational” action but actual on-the-ground changes to land use designations and code provisions, and the prioritization of and standards for high quality pedestrian, bike, and transit infrastructure. OAPA recognizes the value of regional planning but at this time feels it would be more efficient, timely, and a better use of limited dollars and staff resources to ensure that new development proposals and new transportation facilities contribute to reduction of climate pollution and equitable outcomes as soon as possible.

The Commission could consider revisiting scenario planning in the future after land use and TSP changes in response to an amended Division 012 have been implemented.

### **Transportation System Plans (TSP) Compliance Timing**

OAPA believes that it is critical to revise TSPs to comply with the amended TPR on the same timeline as that for implementing Climate Friendly Areas (CFAs). Experience shows that achieving places that are Climate Friendly is as dependent on having high quality pedestrian, bike, and transit facilities as it is upon zoning that allows a desired mix of uses and densities. Having a desired destination within walking distance is only viable if there is a safe, convenient, and connected pedestrian facility to use.

Furthermore, updating TSPs is key to the equitable engagement and outcomes anticipated by draft rule sections 660-012-0115, -0120, -0125, and -0130. It is crucial that equitable engagement occurs from the onset of local governments’ work to implement these rules if the outcomes are to be equitable.

Additionally, there are aspects of TSPs that are required as part of CFA related rules. For example, draft rule 660-012-0320(4) requires local governments within CFAs to address the new pedestrian, bicycle, and public transportation system planning standards. Also, as part of the CFA provision in draft rule 660-012-0325 (2) local governments are required to either amend the TSP (draft rule 660-012-0100) or “develop and adopt a multimodal transportation gap summary in coordination with impacted transportation facility providers and transportation services providers.” It seems inefficient to engage in a process to update specific aspects of a TSP without addressing all of the rule requirements. Partially updating TSPs is inefficient as compared to completely updating TSPs to meet the new rules.

### **Climate Friendly Areas Timing**

OAPA suggests the Commission ask staff to revisit the two-phase approach to implementing CFAs. Draft rule 660-012-0012 (a)&(b) requires local governments to designate climate friendly areas by June 30, 2023 and to adopt land use requirements for climate friendly areas and a climate friendly comprehensive plan element by June 30, 2024. OAPA is not clear what is gained by only designating a CFA as doing so would not have any impact on permitted development in the interim. Nor is it clear what form of action is required to “designate” CFAs -- we assume it means a formal process and not just an informal communication, but clarification is needed. If it requires a formal legislative adoption process, that would mean undertaking two public CFA hearing processes, one for designation and the other for implementation. Having two full hearings processes would add time and cost, and would be an inefficient use of resources.

OAPA also notes that parking changes are expected to be done by June 30, 2023. Local governments may choose to have different requirements for parking in CFAs, as compared to areas outside those designations. That is common practice in many cities that have undertaken parking reform. The current draft rules 660-012-0415(1) require some local governments to establish maximum CFA parking standards. This would mean having a parking standard in place before CFA zoning is effective.



OAPA suggests considering consolidating CFAs and CFA parking standards to occur within the same time period — perhaps the current two-year process could be 15 months instead — so that the two processes could be subject to the same public engagement and public hearing processes.

In order to make this work the Commission should allow local governments to defer other existing commitments in order to get this important climate and equity work done with constrained resources. For example, if a city gets 15 months to complete the climate work, perhaps it can push back its deadline for completing its next Economic Opportunities Analysis by 15 months. It is also important that the Commission seek additional state money for local governments and Metropolitan Planning Organizations to complete the prescribed work.

### **Metro Area CFAs and Parking**

OAPA agrees with the approach that cities and counties who have implemented Title 6 of the Metro Urban Growth Management Functional Plan (UGMFP) have satisfied the CFA land use requirements. OAPA does suggest that the “non-adopters” should be required to adopt boundaries and zoning earlier than December 31, 2025, which is a year and half after the cities outside of the Metro area are required to have CFA zoning and standards in place. Part of this result seems to be due to allowing Metro to have until December 31, 2024 to amend the UGMFP and require local governments in Metro to comply with Title 6. It is not clear why Metro has two and a half years to make what would appear to be a very minor amendment whereas the other local governments have one to two years to make substantial changes to their land use and transportation codes. Can Metro’s timeline be shortened? It might be helpful to know who the non-adopters are to understand the magnitude of not acting on a more timely basis.

OAPA is aware that local governments within the Metro area have established minimum and maximum parking standards based on Table 3.08-3 - Regional Parking Ratios in the Regional Transportation Functional Plan (this table was formally incorporated in the UGMFP). Given the draft rules’ emphasis on both parking reform to free up land to allow more compact development and to reduce Vehicle Miles Traveled (VMT) (which is the reason the Table 3.08-3 was originally established) and addressing equitable outcomes, it seems reasonable to expect Metro to revisit its numerical standards for parking. It also seems reasonable to assess how well these parking number standards have done in accomplishing these goals given that the standards have been in place for two decades.

In closing, OAPA would like to commend the Commission and staff for all the hard work that has gone into the new TPR rules. This is very important planning work for the future of Oregon, perhaps more consequential than any other in our response to climate change and equity. Our hope is that it can be put in place quickly enough to make a real difference for future generations of Oregonians.

OAPA thanks the Commission for its time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Aaron Ray', is positioned above the typed name.

Aaron Ray, AICP, President  
Board of Directors