Guiding Principles for Legislation
What OAPA should seek from legislative outcomes?

1. **Benefit** – Will the legislation advance the goals of the Oregon planning program and the APA objective of “making great communities happen”? Does the proposal recommend “best planning practices” for both process and outcomes? Does it facilitate effective and meaningful engagement of citizens; help sustain vital, resilient communities; and provide for an efficient allocation of public resources?

2. **Clarity** - What will the proposed law require? Is it clear? What are the outcomes and products expected from local governments, state agencies, business, and private citizens? Is this a policy or proposal that will help the public understand the benefits of planning?

3. **Diversity** – Is the proposal helpful to a broad range of citizens rather than narrow special interests? If the law applies to all cities and/or counties, how will local governments of varying sizes in different parts of the state satisfy the law?

4. **Cost** – How much will the proposal cost, to the state, the public, local governments, or others?

5. **Creativity** – Can we come up with a more efficient, effective and creative proposal that accomplishes the same purpose with broader political and public support? If a proposal has negative impacts, can we come up with a way to overcome the harmful effects consistent with the proposal’s intent? Can we think of a way to accomplish the purpose in a way that gets broader legislative support?

OAPA will implement this agenda through a range of strategies:
- Participating in legislative and rulemaking processes;
- Advocating for adequate funding for local and regional planning and these legislative and policy priorities;
- Participating in regional solutions prioritization processes;
- Continuing to inform the planning community about current and emerging best planning practices; and
- Collaborating with individuals and organizations in pursuit of these goals.

Urbanization Issues

**Position Statement:** The 2013 Oregon Legislature passed two bills intended to improve the process for planning for urbanization. The urbanization legislation for the 2014 session may raise issues in bills introduced in the 2013 Legislature but did not pass. OAPA will continue to review and testify on such bills to ensure that any legislation is consistent with our guiding principles and stays true to the goals of Oregon’s planning program.

**Recommendations:**
1. Urban Growth Boundaries
a. Support legislation that supports the development of employment lands in UGBs, including funding for infrastructure.
b. Oppose legislation that provides an expedited process for UGB expansion for employment lands if it would not be available to all communities in the state.
c. Support legislation that ensures industrially zoned land in UGBs is retained for that purpose; clarify situations where industrial land that is no longer needed may be rezoned for other urban uses.

2. Governance, Urban Services, Urban Reserves and Annexation
   a. Support legislation to improve coordination between cities and special districts for land inside UGBs and for areas added to UGBs.
   b. Oppose legislation that would circumvent existing urban service provider agreements with property owners.
   c. Oppose legislation that unnecessarily restricts or simply removes annexation options for cities.
   d. Support legislation that would promote the ability of cities to annex land in order to provide planned public facilities and services.
   e. Support legislation that provides process improvements for annexation.
   f. Support legislation that encourages annexation in exchange for provision of “extra-territorial” urban services.

Sustainability and Resilience

**Position Statement:** OAPA has long recognized the need for state and local governments to more directly address the causes and impacts of climate change, economic challenges and demographic shifts, as well as more traditional planning issues. We have supported language adding overarching sustainability principles to the State Planning Program, but recognize the urgent need to make those principles enforceable through further planning requirements, and to develop programs and projects that will make our communities more sustainable and resilient over the coming decades.

**Recommendations:**
   a. Support legislation and/or rule changes that provide clarity to cities and counties on how to: effectively mitigate and respond to climate change; make their communities more secure from changes in the economy and energy markets; secure reliable access to healthy food and water; and incorporate disaster preparedness into planning.
   b. Support funding for additional research and technical assistance – through DLCD, ODOT or other state agencies – that supports local and regional government planning to address climate change, energy, food, community health, disaster preparedness and other planning best practices.
   c. Support legislation to replace and move beyond the provisions of SB 1059 and HB 2001 (which expires in 2015) and implement all recommendations of the 2009 Green House Gas Reduction Task Force.
d. Support legislation and funding for implementation of the State Resilience Plan.

Land Use Procedural Issues

Position Statement: There have been repeated attempts to limit or restrict the ability to participate in the planning process. Additionally the planning process would benefit from additional clarity on the process for participating in the planning process. OAPA supports maintaining broad opportunity for public participation with clear guidance for such participation.

Recommendations:
1. Oppose legislation that attempts to weaken or discourage public participation in the planning process.
2. Encourage policies that improve public outreach and education concerning the benefits of land use planning.

Rural Issues

Position Statement: There is continual pressure to expand allowed uses on protected resource land. OAPA continues to support the protection of protected resource lands while supporting certain “non-farm/forest” uses that do not negatively impact or conflict with resource management of lands and the long term viability of resource management. Such non-farm uses should be related, secondary and subordinate to the primary operations on the resource land.

Recommendations:
1. Support statutory and rule standards in ORS chapter 215 and OAR 660 divisions 6 and 33 that strengthen protection to farm and forest lands.
2. Continue to support policies that promote protection of resource land for their intended purposes. Promotional activities on resource land should be related, secondary and subordinate to the primary farm or forest use. Such promotional activities can help to foster understanding of natural resource management, enhance understanding of food production, and supplement farm income and regional economies.
   a. Commercial activities in conjunction with farm use – support policies that require that the activity provide direct goods or services that are essential to agriculture or buy, store or process farm products from local farms.
   b. Agri-tourism activities – Monitor the implementation of legislation to ensure that the permitted events do not become the primary use on farms and that the new standards prevent or limit impacts to surrounding farm and forest operations. Continue to support legislation that would allow agri-tourism where secondary and subordinate to the primary farm uses and where subject to local review to minimize impacts to surrounding farm and forest uses.
   c. Wineries – Monitor the implementation of legislation, especially with regard to its allowance of expanded food service and promotional activities. Continue to support legislation that subjects wineries to the same limitations on other special events, promotional activities and food services as other farm uses and to ensure that such activities individually or cumulatively do not harm surrounding farm or forest uses. Coordinate legislative comments with the Wine Industry, Farm Bureau, 1000 Friends of Oregon, AOC, DLCD, and the Oregon Department of Agriculture (ODA).
3. Assist counties with the establishment of clear and objective processes for the review of economic activities that complement farm use. Such processes should include a mechanism for evaluating cumulative impacts on surrounding lands.
a. Support the siting of tourist-related facilities such as rural-scale restaurants, overnight accommodations, and entertainment venues within urban areas or unincorporated communities rather than in agricultural and forest areas.

Energy

Position Statement: Support development of energy projects on farm and forest land while balancing the impacts and providing for farm and forest protection.

Recommendations:
1. Monitor attempts to allow the “super-siting” of large energy projects, including large transmission lines, by the Oregon Department of Energy, so that unintended consequences can be avoided.

2. Carefully scrutinize Governor Kitzhaber’s 10-Year Energy Action Plan and corresponding regulatory framework to ensure compatibility with other land use objectives in Oregon.

3. Support siting standards for wind projects that fall under state and local review consistent with federal standards. Standards should:
   - Include reasonable requirements to address the cumulative impacts of such projects on fish and wildlife.
   - Allow for public input on wind projects, regardless of size of project (i.e., deter developers from proposing projects just under the threshold for federal review).

4. Support location of biomass composting facilities and operations at industrial sites, including reuse of abandoned lumber mills.

5. Monitor LCDC’s rulemaking efforts on siting of commercial-scale solar energy projects on Exclusive Farm Use (EFU) land. Support efforts that limit the siting of large projects (between 12-100 acres) to lands that:
   - Are east of the Cascades;
   - Have marginal utilitarian value (the work group is currently discussing soils and water testing to make this determination); and
   - Are located near existing or planned transmission lines.

Long Term Comprehensive Planning Recommendations
6. Urge LCDC to update statewide planning Goal 5 regarding Energy Resources
   Although energy is a Goal 5 resource, most county Comprehensive Plans do not have an inventory of “significant” energy sites. Given the growing controversy around renewable energy development, in particular the cumulative impacts to natural resources and aesthetic impacts in certain pristine areas, Goal 5 is a tool that would provide an objective forum for weighing impacts of one resource over another.

7. Support legislation to develop regional transmission plans
   Several new major transmission line projects will likely be built in Oregon over the next several years. Additionally, literally hundreds of miles of smaller capacity transmission lines are being built in Oregon in order to transmit power from renewable energy projects to a larger transmission grid. The land use review is limited in scope to a single project, yet planners recognize the impacts of multiple transmission lines across the landscape. Federal and state siting guidelines often drive the process. Possible legislation would support:
   - The development of regional transmission corridors (and incentives) to encourage the location in certain areas and avoid other areas.
• Identify the policy, goals and objectives statewide for energy and transmission development.
• Identify barriers to “supersizing” transmission lines which would allow larger projects and minimize the proliferation of numerous, smaller projects.

8. Transmission Line Legislative Concept
• Modify the definition in ORS 215.275 to exclude transmission lines that are accessory to a generation project. This would result in gen-tie lines being permitted as an accessory use to the generation project.
• Add a category in ORS 215.283(2) that includes transmission lines that are accessory to a generation project.

Integrated Water Resources Strategy
Position Statement: Water is of premiere importance to Oregon’s future. Attention to adequacy of water supplies and the carrying capacity of water and natural resources is encouraged in the state’s land use goals. Most of Oregon’s streams are over-appropriated and many counties and basins are experiencing some form of groundwater decline. As an example, the level of groundwater decline in the Umatilla Basin surpasses the worst declines in much of the world. Thus, careful planning and optimization of remaining water supplies is critical. To ensure a sustainable water supply, Oregon will need to take a methodical approach to planning, policy development, water storage, efficiency, and collaboration at both the state and local level.

For the first time in history, Oregon has adopted a strategy, the Integrated Water Resources Strategy (IWRS), which may lead to innovative solutions to the state’s current and future water supply problems and conflicts. The IWRS recommends long-term solutions be derived from “Place Based” planning at the local and regional level. Implementation of the IWRS will be complex, complicated, and sometimes controversial, but the effort and investment warrants support in order to guarantee economic opportunity and environmental sustainability for current and future Oregonians.

Recommendations:
1. Support the Oregon Water Resources Department (OWRD) in its efforts to obtain funding for “place based water resources planning” in upcoming legislative sessions and implementation of recommendations resulting from such plans.

2. Support legislation that provides funding and incentives for proactive, consensus-based water management solutions and projects including, but not limited to the on-going pilot efforts in the Umatilla Basin, and potential projects in the Deschutes Basin.

3. Oppose legislation from special interest groups and entities that seek to circumvent the consensus based water management and planning efforts that are recommended in the IWRS.

4. Encourage and support update of State Agency Coordination (SAC) Programs to ensure appropriate coordination between water resources and land use planning. (See page 12 of Draft Work Plan.)

5. Support efforts to bridge water planning and land use planning efforts.

6. Support the Department of Land Conservation and Development’s participation in carrying out this strategy with adequate funding and staff resources, and clear policy direction.

Regional Planning
Position Statement: Oregon APA’s 2010 report, Regional Planning for the 21st Century proposes a new framework to improve regional planning in Oregon, that is cost efficient and effective, removes barriers to regional planning and decision making, and increases regional coordination and cooperation. Today, regional planning in Oregon is widespread, but fragmented. Most Oregon regions have multiple regional planning and decision bodies, often dealing with a single function, as established by federal law, by the state, or by the region itself. Most regions lack a single planning forum that is able to tackle broad regional challenges in land use, transportation, economy, climate change, and natural resources in a coordinated manner. Oregon APA supports initiatives to improve Oregon’s regional planning framework, which are consistent with the findings and recommendations of its Regional Planning for the 21st Century report.

Recommendations (from Regional Planning for the 21st Century):
1. Advocate for and support provisions in state law, regulations, or rules that enable regions to create multipurpose regional planning and decision-making bodies (e.g. Councils of Government (COG), or regional planning commission (RPC), other). Enable regions to adopt and the state to acknowledge regional plans, subject to performance measures. Empower regions that are implementing regional plans with additional planning review and funding authority.

2. Suggest that LCDC consider rule changes to allow regions to conduct a regional buildable lands analysis (including a housing needs analysis and an economic opportunities analysis) and provisions that would allow local governments to use it as the factual basis for potential UGB analysis in that region. Potential rule changes should support common analysis at a regional level, not customized definitions and rules for buildable lands by region.

3. Advocate for funding improvements to state and regional data collection, management, and analysis.

4. Support state auditing and develop recommendations to streamline planning and related laws, rules, and processes.

5. Develop state and regional incentive programs to support regional planning and capital funding for regions that adopt and implement regional plans.

6. Encourage the Oregon Transportation Commission (OTC) and LCDC to evaluate the effectiveness of Oregon’s current system of MPO boundaries (within UGBs only) relative to MPOS in adjacent states (which include entire metropolitan counties). Support expansions of Metropolitan Planning Organizations (MPO), which can provide more comprehensive transportation planning within their metropolitan travel shed areas.

7. Advocate with state agencies and regional planning bodies and federal officials to track, provide input to, and prepare for federal legislation in areas such as transportation, housing and environment that can provide additional resources for regional planning and implementation.
8. Support improvements to the current planning framework that make regional and local processes and decision bodies more effective, efficient, inclusive, and multi-purpose (E.G. MPOs, COGs, Regional Solutions program, Regional Problem Solving, Area Commissions on Transportation, Watershed Councils, ad hoc regional partnerships).

**Equity in Land Use Planning**

**Position Statement:** In the past, OAPA has taken positions in support of affordable housing in its legislative agenda. For this session, LPAC recommends defining equity to include full range of housing options, public transportation, parks, food, and other goods and service and supports the development and planning of communities that promote active, healthy living and reducing disparities in income, race and gender.

The following are initial guiding principles upon which a legislative agenda to address equity will be based:

1. Plan for economic diversity and promote the creation of neighbors that offer housing for a mix of income, ages, and abilities. Support the educational opportunities of residents and the economic future of the surrounding community.
2. Take special care to ensure that the details for streets, building parks, and public spaces all work in concert to make the neighborhood a place where people want to live and can live safely.

**Recommendations:**

1. Support legislation to remove the ban on local “inclusionary zoning” provisions, in ORS 197.309. As an alternative, support pilot programs to study methods to resolve the issues that may have led to the ban, as a precursor to legislation that allows uses of this tool by local governments.

2. Encourage research, education, and outreach regarding “best practices” for community design and land use patterns that encourage active and healthy lifestyle choices, such as increased opportunities for pedestrian, bicycle, and other non-motorized transportation and active recreation. Support incentives to encourage cities to implement such standards and policies.

3. Support the housing advocacy groups such as Oregon Housing Alliance and Housing Land Advocates efforts to seek and maintain the funding dedicated to putting affordable housing (both rental and homeownership opportunities) within reach for more Oregonians and to fund programs designed to end homelessness.

4. Support policies to increase the supply of affordable housing and support livable communities by renewing tax abatement for multi-unit housing in transit-oriented districts.

5. Support dedication of state funding (such as ODOT TGM grants) to projects that support equitable planning objectives outlined above.

**Destination Resorts**

**Position Statement:** The OAPA has cautiously supported the Destination Resort (“DR”) concept. If properly implemented, destination resort development can provide a local long-term economic base that takes advantage of Oregon’s bountiful natural resources if it is done in a non-consumptive and sustainable manner. OAPA has, and will continue to, support efforts to update Destination Resort (DR) regulations to respond to the experience we have gained with respects to unintended consequences, but also to
respond to the changing economic and recreation market. Resort development should not occur at the expense of compromising statewide planning goals.

**Recommendations:**

1. OAPA will track and monitor destination resort legislation. Consideration should be given to developing a new program for recreational resort opportunities under Goal 8 that transition from the existing model for approving destination resorts. Rather than emphasize onsite developed recreation amenities the program should focus on amenities that improve access to and enjoyment of nearby scenic, cultural, and natural resources.

2. Support legislation/rulemaking that encourages tourist-focused Destination Resorts in suitable rural locations with appropriate safeguards. Such safeguards should:
   - Avoid creation of “ex-urban” communities by including considerations such as:
     - Restricting subdivision, lot creation;
     - Limiting the maximum size of housing;
     - Limiting garages, outbuildings, and private open areas for individual units;
     - Requiring visitor-oriented accommodations, including a lodge with meeting rooms and restaurants; and
     - Limiting other commercial uses to the types and levels necessary to meet the needs of visitors.
   - Require distance limitations from cities and/or unincorporated communities and other destination resorts.
   - Require state agency coordination on issues such as land use, public facilities and traffic, economic, and environmental impacts.

3. Require compatibility with adjacent land uses in a manner that is defined and functional. Encourage clarity in defining “compatibility” to aide in enforcement of such a requirement.

4. Support additional restriction in the siting of destination resorts to avoid environmentally or culturally sensitive or identified hazard areas.