June 18, 2020

Jim Rue, Director
Palmer Mason, Senior Policy Advisor
Oregon Department of Land Conservation and Development
635 Capitol Street NE
Salem, OR 97301

RE: Comments on the May 15, 2020 DLCD Report on Executive Order 20-04, Sec. 3D

Dear Mr. Rue and Mr. Mason:

OAPA is an independent, statewide, not-for-profit membership organization of over 950 planners from across the state working for cities, counties, special districts, state agencies, tribes, community-based organizations, and private firms. OAPA provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and resident empowerment, and by providing the tools and support necessary to meet the challenges of growth and change. OAPA supports sustainable communities working 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.

Thank you for the opportunity to provide comment on DLCD’s response to Governor Brown’s Executive Order (EO 20-04), and for holding the June 11 forum on the report which has also informed our comments.

DLCD has an important role in addressing climate change action. DLCD is the state agency most responsible for ensuring that land use decisions made by local jurisdictions, special purpose districts, and related state agencies meet the climate change goals of the State. These land use decisions include what, where, how, and at what density development occurs; where and how natural resource and working lands are conserved and used; where and how transportation infrastructure and operations occur; and where and how public infrastructure such as parks, water systems, and stormwater systems are implemented. These and other land use decisions have a significant impact on Oregon’s ability to meet its goals for greenhouse gas (GHG) emission reductions, to meet carbon sequestration goals, and to adapt to the impacts of climate change as set out in EO 20-04.

OAPA’s members look forward to participating in the actions outlined in your report to address climate change and assisting the agency and the Commission in this work. In making our comments, we are mindful that the Governor’s EO directed State commissions and agencies to act, reflecting an urgency to make progress on mitigating climate change impacts. First, we offer some overall comments and then follow with specific comments to the different actions and elements of the report.
Overall Comments

The EO required that DLCD “prioritize actions that will help vulnerable populations and impacted communities adapt to climate change impacts”. We appreciated Mr. Mason’s comments at the June 11 forum describing DLCD’s recently adopted equity goal, and its intention to infuse equity throughout its work. We also noted that Director Rue stated that all of the agency’s work will focus on equity to reflect direction from the Governor’s office (State of Oregon Equity Framework in COVID-19 Response and Recovery June 2020). However, DLCD’s May 15 report lacks both an overall public participation plan and a specific plan for meaningful involvement of vulnerable populations and impacted communities in prioritizing actions to help them adapt to climate change impacts. OAPA requests that subsequent versions of the report made to the Governor and for public review provide a detailed public participation plan, specifically identifying and integrating best practices for meaningfully engaging vulnerable populations and impacted community members in the work of DLCD's response to the Governor’s EO. In doing so we would expect that this public participation plan be reviewed by the Environmental Justice Task Force, and that this plan acknowledges vulnerable populations and impacted community members found throughout Oregon – rural, urban, and coastal.

The EO required DLCD to report “on proposed actions within their statutory authority to reduce GHG emissions and mitigate climate change impacts”. It also requires that DLCD “shall prioritize and expedite any processes and procedures, included but not limited to rulemaking processes and agency dockets, that could accelerate reductions in GHG emissions”. We feel that the following three actions are the most critical as a response to Governor’s EO: Action 1 regarding updating the Statewide Planning Goals; the aspect of Action 3 to do Transportation Planning Rules (TPR) rulemaking, including parking management; and Action 4 to support the Oregon Global Warming Commission (OGWC) in adoption of State goals for carbon sequestration.

The DLCD report does not identify which actions are utilizing its statutory authority nor does it identify which actions will be prioritized and expedited. Nor does the report show that DLCD has analyzed its agency docket for what current resources could be used to address priority actions. The report lacks an overall roadmap or detailed work plan complete with a timeline that would detail project phases, tasks, milestones, public meetings, completion dates, and measures of success. We would request that subsequent versions of the report made to the Governor and for public review demonstrate how the agency’s work plan addresses this requirement and that it include a detailed roadmap showing how its actions accelerate the reduction of GHG emissions and mitigation of climate change impacts.

Comments Regarding Current Work from the 2019-21 Policy Agenda

Action 1. We are pleased to see this action of an initial step of reviewing the Statewide Plan Goals to ensure that planning practices and land use decisions plan for and incorporate climate change mitigation, sequestration, and adaptation. LCDC and DLCD have the statutory authority to engage in this project. Statutes allow LCDC to amend or add to the existing goals and guidelines (ORS 197.245); prescribe a process for DLCD and LCDC to follow (ORS 197.235 and ORS 197.240); and require local jurisdictions, special purpose districts, and state agencies involved in land use to comply with goal changes (ORS 197.320).
We appreciated LCDC Chair Robin McArthur’s closing remarks noting the strong feedback received during the forum on moving forward with goal revisions. We also appreciated her comment that what is first needed is to articulate what is wrong with current goals. We concur and believe that there is an existing and extensive body of research, including locally, on best climate change action practices that can be applied to determine where the goals fall short. We also note that DLCD has identified two New Potential Greenhouse Gas Reduction and Climate Adaptation Actions regarding Goals 7 and 16 that could be included in this project and would suggest that they should be. Other Goal revisions could include Goal 13: Energy Conservation as it lacks addressing renewable energy, and Goal 14: Urbanization as maintaining strong urban growth boundaries is a critical tool in addressing climate change. We would also suggest that two of the New Actions items (4 and 8) could be addressed within a new Goal 20 specific to climate change. A Goal 20 would provide an overall direction for how and why the Statewide planning program will respond to climate change, critically including Goal 1: Citizen Participation. Adopted in 1975, Goal 1 not only lacks guidelines relevant to today’s technology and social media as a communication tool but most importantly does not address equity in land use decision-making. This is especially critical for vulnerable populations and impacted communities that are inequitably impacted by climate change effects. A strong Goal 1 is necessary to optimize implementation of any of the other goals and the reopening any of the Goals should necessitate a look at Goal 1. (As a related aside, the name of Goal 1 reflects its vintage and no longer feels relevant to current community engagement priorities.)

We believe that Action 1 should be identified as one to prioritize and expedite in the report. We would request that subsequent versions of the report made to the Governor and for public review incorporate our comments on this action. We would also request that “short” be dropped from describing the white paper to be produced by DLCD following the stakeholder meetings.

Action 2. We understand from the June 11 forum that a public comment draft of the update to the 2010 Oregon Climate Adaptation Framework will be available in early July. We look forward to providing commentary followed by a quick completion of this document. Will the “diversity, equity and inclusion toolkit” be part of the July document? Can we expect this toolkit to be intended for state agencies or can it also be applied to local governments? As stated at the June 11 forum, the Framework does not identify actions or projects but rather strategies. It is critical that once the Framework is completed, DLCD and the other agencies quickly pivot into putting the strategies and information into action, such as updating the Statewide Planning Goals to address adaptation. Oregonians are already being harmed by impacts due to climate change (forest fires, heat waves, drought, flooding, and the associated economic impacts) and science tells us this will only increase in the coming years. Action needs to be taken to prepare for the impacts.

Action 3. This action describes three areas that DLCD is leading related to the Statewide Transportation Strategy. The work is also described within the May 15 Every Mile Counts report put together by ODOT. The three primary areas are parking management, transportation and land use rules, and scenario and greenhouse gas reduction planning.
Parking Management. Parking management is an important tool in reducing GHG emissions and mitigating the impacts of climate change. We strongly request that equity issues be addressed especially as they relate to parking pricing strategies. We also concur with reducing or eliminating parking minimums as a parking management strategy, and suggest further evaluation of strategies to set parking maximums, as are used frequently in the Portland metro area. We also note that the DLCD report omits work related to transportation electrification that is described in the ODOT Every Mile Counts report: “DLCD supports transportation electrification through land use provision and a model code on charging infrastructure” (page 6) and “opportunities within the TPR … “and rules implementing Statewide Planning Goal 10 … to ensure consideration of local electric vehicle charging needs” (page 11). Addressing EV charging station deployment as part of land use regulations is critical to converting the fleet away from being powered by GHG emitting fuels. Those who live, for example, in apartment complexes and therefore cannot implement their own charging station (as a car often be done at a single family home) must have convenient access to charging stations for both practical and equity reasons. We note that this parking management action is included in the Transportation Plan Rule making and we consider this as an action that should be prioritized and expedited. We would request that subsequent versions of the report made to the Governor and for public review incorporate our comments on this action.

Transportation and Land Use Rules. This action is to make rule amendments that will require local governments to plan for coordinated transportation systems and land uses to reduce greenhouse gases principally through amending the Transportation Planning Rule (TPR). We believe this project is critical to addressing the Governor’s EO and is an action that is well overdue. The report states that the rule making will be initiated in September and adopted approximately 12 months later. We would note that considerable work has already been done to inform the TPR amendment process on what needs to be done to require the State’s other seven metropolitan area to plan in this manner, and building on what Portland Metro has already done with long range transportation and land use plans for compact, mixed use center and corridors.

We would ask that, rather than waiting until September, that LCDC address the Governor’s EO during its July meeting by initiating rulemaking to amend the Transportation Planning Rule to require metropolitan jurisdictions to meet GHG reduction targets and implement the Statewide Transportation Strategy as they update transportation system plans. Doing this was discussed during their May meeting.

We also concur with adding new actions 7 and 8 into this action.

In doing this rulemaking DLCD should:

- Develop a public participation plan that meaningfully involves vulnerable populations and impacted communities. This should include leading with the communities most impacted by climate change in the state’s urban areas: lower-income communities, communities of color, older persons, the transit-dependent, youth, and those whose health is impacted by the effects climate change and transportation-related air pollution.
- Immediately adopt interim performance measures and targets that implement key outcomes and strategies in the Statewide Transportation Strategy (STS), including but not limited to:
• Reducing per capita vehicle miles traveled;
• Increasing households and jobs in compact, walkable, mixed-use developments and neighborhoods;
• Significantly increasing affordable housing in walkable, transit-served neighborhoods;
• Increasing transit service;
• Increasing pedestrian and bicycle mode share and infrastructure improvements; and
• Expanding transportation option incentive programs.

• Take action to require the State's metropolitan areas to develop long-range plans that meet GHG emission reduction targets and carry out key strategies called for in the STS.
• Redirect agency grant funds and technical assistance to help local governments update land use and transportation plans to meet GHG and STS performance measures and targets.

**Scenario and Greenhouse Gas Reduction Planning.** This action first describes doing further analysis to identify best practices for reducing GHG emissions for automobiles and small trucks, including lessons learned from the past ten years of scenario GHG reduction planning. We agree that this analysis would be helpful with the TPR amendment work but feel that this can be done rapidly as best practices can be readily identified. The action also describes doing additional scenario planning with MPO’s. Scenario planning as is used here means to develop and evaluate alternative land use and transportation scenarios.

As discussed at the May LCDC meeting, the cost of doing and adopting a preferred scenario plan would range from $1 to 3 million and take two to three years. Current resources would only allow for doing one at a time. It was also noted that a strategic assessment to determine how well current plans and policy could achieve the goals would cost $25,000-$40,000 and could be done in much shorter period of time, perhaps as soon as six months or less. The EO required that DLCD “Prioritize actions that reduce GHG emissions in a cost effective manner”. Given the urgency of the EO in enacting changes quickly and “in a cost effective manner” we would suggest that assisting local governments to perform strategic assessments and then directing the agency grant funds and technical assistance to help local governments update their policies and implementing ordinances would be a more timely and efficient process than doing scenario plans.

**Action 4.** This action describes how DLCD would work with the Oregon Global Warming Association to support implementation of section 12 of the EO, to submit a proposal that considers the “adoption of state goals for carbon sequestration and storage by Oregon’s natural and working landscapes, including forest, wetland and agricultural land” by June 30, 2021. This is an important component of addressing climate change and we support DLCD involvement with this action. Could this action be expedited so that it could be potentially addressed in the 2021 legislative session?

We do want to issue a caution on the report’s characterization that Oregon’s planning program “already incorporates a fundamental policy of carbon sequestration” by protecting farm and forest lands through urban growth boundaries. While it is correct to assert that a purpose of the planning program is to conserve forests and agricultural lands, it is not a policy for using carbon sequestration as strategy to address climate change. Different goals may conflict when considering the potential for carbon sequestration and may warrant review, for example, Goals 3, 4, 5, and 14.
Our support of DLCD’s work to implement Executive Order 20-04 aligns with several of OAPA’s adopted legislative and policy priorities and guiding principles, including diversity, equity, and inclusion (available [here](#)):  
- Reduce greenhouse gas (GHG) emissions to mitigate the effects of climate change and implement strategies that support a transition toward low-carbon communities (mitigation).  
- Plan for and implement adaptation strategies to build resilience and reduce vulnerability.  
- Fund planning for and the development of infrastructure.  
- Promote and advocate for an Oregon planning program that works for all communities.  
- Support economic development programs and policies.  
- Promote public health through planning.  

Thank you for the opportunity to comment and we look forward to supporting DLCD in carrying out this important work.

Sincerely,

Aaron Ray, AICP, President  
Board of Directors

Damian Syrnyk, AICP, Chair  
Legislative and Policy Affairs Committee