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To: Land Conservation and Development Commission (LCDC)

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Re: LCDC 2019-21 Policy Agenda – COMMENTS

Commissioners:

The League supports our statewide land use planning program with local implementation. Both components are necessary for the success of the program. The League first studied land use in 1959 and has been active since in supporting our statewide land use planning program with local implementation. **We believe that Goal 1 requires open access to the land use process and that all citizens have a stake in the development of their communities.**

The League believes this department is critical to the health and wellbeing of Oregonians. As we plan our cities and counties, we are deciding where we will all live, work, shop, play and how we'll get there. As stated in your Strategic Plan: *"How communities are built and developed touches nearly every aspect of our lives"*. That Plan also reminds the department of its role in **responding to climate change and natural hazards**, major concerns of the League. Planning determines what kind of infrastructure communities will need. It helps assure our natural areas are protected and we have not only economically vital agricultural and forest lands, but lands for other industrial uses.

The League recognizes that you need to respond to 2019 signed legislation and we would like to be actively engaged as you develop rules or respond in other ways to implement said legislation. **It is critical that the housing legislation be implemented in as expeditious yet accurate a manner as possible. HB 2001 and 2003 demand substantial changes in local government regulations.** We provided comments or otherwise engaged in these bills before and during session. Among our comments were requests for monies and staff at DLCD to help local governments implement these bills. We hope to help our local Leagues engage in their local planning processes. But it is imperative that DLCD focus on this task.

**HB 2003** requires cities with populations over 10,000 to develop and adopt a housing production strategy (HPS) based on a schedule for housing needs analyses (HNAs) to be adopted by LCDC. This HNAs schedule must be adopted no later than **December 31, 2019**. Staff should be able to assemble the data of these cities' past actions in order to quickly provide the anticipated adoption schedule so that these cities can provide input before LCDC's final adoption of said schedule.

**HB 2003** also has a short timeline to develop a "regional housing needs methodology and then apply the methodology to each city and Metro on or before **July 1, 2020**" along with Oregon Housing and Community Services (OHCS) and the Dept. of Administrative Services (DAS). OHCS was given the bulk of staff and funding for

this effort. A report is due to the legislature by **Sept. 1, 2020** with final reports by **March 31, 2021**. This is an aggressive schedule for what seems to be an overwhelming task. **Assigning specific staff to focus on this effort as soon as possible is critical.**

DLCD will also need to revise rules related to housing surveys from severely rent burdened communities. Most importantly, implementation of **HB 2003** will require a complex rulemaking for the HPS and extensive coordination with OHCS and DAS on the regional housing needs methodology and related legislative reports.

Finally, back to **HB 2001** and from the July staff report: “This legislation will require complex rulemaking to develop a model ordinance, establishing of a grant program, and secondary rulemaking related to the review and approval of extensions based on infrastructure deficiencies. Rulemaking for the model ordinance is anticipated to begin in late 2019 or early 2020 as it must be adopted by LCDC no later than **December 31, 2020.**”

Although the bill might be considered in two parts: cities of 10,000 or more population and cities of 25,000 or more population, the bulk of the requirements and regulations are really the same. Therefore, it seems reasonable to form one Rulemaking Advisory Committee (RAC) with the use of subcommittees (and some members of these subcommittees can and should be other than the main RAC). The legislation is clear and proscriptive in many areas so the focus needs to be on clarifying areas where there may be questions in order that these cities can implement the requirements. For instance:

Section 2 (4) (c): What are “sufficient urban services”?

Section 2(5): What are the limits for regulating “siting and design of middle housing”?

Section 3(4): What does it mean that local governments “shall consider ways to increase the affordability of middle housing.....”?

Section 4: Since water, sewer, storm drainage and transportation can be expensive services, what guidance shall DLCDC use for the granting of extensions and what are the consequences if the public refuses to fund same.

As grants are awarded and new staff and contractors selected, a focus needs to be on providing significant public involvement assistance as well as planning/code expertise in Oregon’s system. Some of this work may need to be done in conjunction with the RAC work. This is a significant change in our land use system. Cities may well have great difficulty in complying with **HB 2001**. DLCDC is charged with making this legislative policy direction as successful as possible. The League stands ready to help.

**Climate Change Adaptation Framework Update:** We continue to support the Climate Change Adaptation Framework Update. We were engaged in the development of the December 2010 document. The new framework will update and identify new climate risk drivers and management objectives for climate change adaptation. We look forward to seeing a draft report to LCDC before a final report is published by **June 2020**.

**Metropolitan Transportation Planning Rulemaking:** Because addressing climate change is a League priority, we implore you to complete the Metropolitan Transportation Planning Rulemaking you started in July of 2017. The work was almost complete before the 2019 session. The League was involved in support of the 2010 legislation that began this effort. The transportation sector is one of the main contributors of greenhouse gas emissions in Oregon. We believe that HB 2017 (2017) provided additional tools for Metropolitan Planning Organizations to use to meet reduction goals, including additional funds for increased public transit. It’s time to complete this rulemaking. The League believes we have a climate emergency and Oregon cannot wait, especially when significant work has been done on this project. **We ask that you set a date for completion in the near future.**

**Goal 18:** The League is following the work of the Goal 18 Workgroup that is reviewing the policies contained in and related to Statewide Planning Goal 18: Beaches and Dunes. With the increase of erosion and flooding potential on the Oregon coast due to climate change, private and public investments along the oceanfront are increasingly at risk of damage or ruin. It has been demonstrated in certain instances that the policies encompassed by Goal 18, specifically those relating to the allowance of shoreline armoring (e.g. riprap, seawalls), may not be flexible or comprehensive enough to deal with the realities of a changing climate.

This Goal 18 Policy Work Group will specifically look to address the provisions of Goal 18, Implementation Requirement #5, relating to shoreline armoring requirements. The main issues to be addressed (at this time) are: the protection of Highway 101 and other public assets; private property that is not eligible for shoreline armoring; the impacts of armoring on public beach access; and the management of oceanfront development. Other issues may be identified and agreed upon by the work group. The results of the group's work will serve as guidance to the department in considering next steps to address identified issues. Next steps may include proposed policy or rule changes related to Goal 18. The League is concerned with both public and private property protections, but also looks to expertise that recognizes the effects of a "fix" in one location that could affect another.

**Rocky Shores Rulemaking:** The current Rocky Shores Management Strategy was included as a chapter of the initial TSP. Much has changed since the plan was adopted. The League is monitoring the Ocean Policy Advisory Council's work group as it considers amendments to the Rocky Shores Management Strategy to reflect these changes and proactively manage Oregon's rocky shores.

**Public Involvement and Land Use Program Outreach Improvements:** The League continues to support the Citizen Involvement Advisory Committee (CIAC) as it advises the Commission on the responsibilities under Goal 1. With the extensive work needed to address the myriad of legislation passed in 2019, we encourage support for the CIAC and ask that it reach out to the various jurisdictions affected by these new laws beyond the major housing bills—from cranberry farms to Eastern Oregon counties.

Although we did not comment on the other legislation the agency must address, we are hopeful that the agency will help implement those laws which are important to various parts of Oregon that may not be included in the issues we addressed above. And we support the agency's on-going responsibilities to all the 19 Goals and our land use planning system.

The League appreciates the opportunity to provide input to the Commission as you consider your 2019-21 Policy Agenda. This agency has an important role to play in Oregonians' livability—in addressing climate change, housing, coastal issues and in the day-to-day responsibilities of the agency. We stand ready to help.



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cc: Jason Miner, Governor's Natural Resources Policy Advisor