



November 10, 2021

Department of Land Conservation and Development
Climate Friendly and Equitable Communities
Rulemaking Advisory Committee
DLCD.CFEC@dlcd.oregon.gov

STAFF

Ted Labbe
Executive Director

Theresa Huang
*Partnerships and
Planning Manager*

Mike Houck
Emeritus Director

BOARD

Mike Faha, *Chair*
Daniela Brod, *Vice Chair*
Nadja Quiroz, *Secretary*
Steffeni Mendoza Gray,
Treasurer
Judy Bluehorse Skelton
Tom Liptan
Lorena Nascimento
Jim Rapp
Luz Reyna

Dear Climate Friendly and Equitable Communities Rulemaking Advisory Committee:

Thank you for the opportunity to provide comments on the draft Climate Friendly and Equitable Communities (CFEC) Rules under development. The Urban Greenspaces Institute advocates for and leads collaborative urban greenspaces conservation across the Portland metropolitan region. We work to safeguard and reclaim greenspaces as places for people and nature, and to address the climate crisis. In all our work we seek to redress social and environmental injustice, to create healthy, connected and resilient communities.

The CFEC is an important opportunity for Oregon communities to integrate green infrastructure and nature-based solutions into land use and transportation plans and projects. I appreciate that most of your conversation has been on climate emissions reduction. This is appropriate focus given the linkages between land use and transportation, and rising emissions from transportation. However, climate change is upon us. Droughts and wildfires are becoming more frequent and widespread, stream flows and water supplies are diminished, and winter storms more challenging to withstand. Without measures that facilitate *climate adaptation*, Oregon cities will be unprepared for climate changes that are already 'baked in.'

My comments are to support what measures have already been proposed, and to encourage you to go farther to require Oregon cities to do more with *climate adaptation* using proven green infrastructure and nature-based solutions. As climate changes unfold, Oregon cities need to accelerate investments and programs in urban forestry, green stormwater infrastructure, ecoroofs, and other techniques.

Greenspaces must be better integrated with the built environment where people live, not relegated to the periphery of urban growth areas. Parks, urban trees, ecoroofs, and other greenspaces need to be woven into the fabric of our communities. Parks and other greenspaces represent crucial low-energy cooling systems and social gathering spaces as our communities grow more dense and diverse. The only effective way to make this happen is to integrate these requirements into DLCD's CFEC requirements and local land use and

In Livable Cities is Preservation of the Wild

transportation plans. To date, it has not proven effective to relegate these concerns to local utilities and parks departments.

Alongside greenhouse gas emissions reduction targets, Oregon cities need requirements and targets for green infrastructure, and these requirements need to be embedded within local land use and transportation plans. Every city in Oregon should have a tree preservation code, as well as a plan for their trees and parks at a minimum, with a minimum level of public investment for green infrastructure. Urban street right-of-ways must not just optimize for human mobility and safety – they must also make space for street trees to cool thoroughfares for the pedestrians, bicyclists, and transit riders we want to encourage; capture pollutants; manage stormwater; and calm automobile traffic. Larger cities should have more requirements, with a focus on equitable access to neighborhood-scale greenspaces.

Equitable access to parks and nature is key. The [Trust for Public Land \(TPL\) ParkScore Index](#) gives *overall* high marks for Portland, owing mostly to its scores for park access, acreage, amenities, and investment. But Portland gets only a middling score for park equity. Neighborhoods where people of color predominate have 24% less park space per capita as compared to the City-wide median, and 61% less than neighborhoods where Whites predominate. Low-income neighborhoods have 26% less park space per capita than the City-wide median and 60% less than those in high-income neighborhoods. For certain park amenities Portland has low to middling scores, like those for basketball (53rd percentile), playgrounds (31st percentile), and recreation/senior centers (24th percentile).

The [TPL ParkServe data](#) and the Oregon State Parks [Parkland Map Application](#) is available for all Oregon communities, and this story of inequitable access to parks and nature is replicated elsewhere within the State. We encourage you to make use of and draw on these rich data sources to hold communities accountable on their climate adaptation programs and investments.

Please see our specific comments below.

Chapter 660 LCDC – Division 44 Metropolitan Greenhouse Gas Reduction Targets

These new rules create greenhouse gas emissions reduction targets for major metropolitan areas in Oregon. But there are no corresponding targets for climate adaptation in urban communities. Please consider other green infrastructure quantifiable targets, which could include: percentage urban tree canopy cover, access to parks and/or public cooling centers by different race groups, etc.

The rules on preferred scenario planning highlight the need for Oregon Metro to consult with local governments, representatives of marginalized communities, the Port of Portland, TriMet, and Oregon Department of Transportation. Please also include other agencies and programs with urban green infrastructure expertise, such as Oregon Department of Forestry's Urban and Community Forestry Program, Oregon State Parks, and Oregon Metro's own Parks and Nature

program staff. In our professional experience, there is not good integration and communication within Oregon Metro, especially between the planning, and parks and nature programs.

The DLCD rules specify that Metro shall develop and apply evaluation criteria that assess how alternative land use and transportation scenarios compare with the reference case in achieving important regional goals or outcomes. The rule provides suggested evaluation criteria and performance measures, including: public health, air quality, access to parks and open space, equity, and others. The DLCD rules do not establish or require particular performance measures or targets, but rather suggests options, like: transit service, mode share, population per acre, percent of workforce participating in employee commute options, and percent of households and jobs within ¼ mile of transit. Please add the following performance measures: percent urban tree canopy, and percent of households within ¼ mile of parks/natural areas.

Chapter 660 LCD – Division 8 Housing Rules Amendments

The rule specifies how local governments must allocate sufficient lands to accommodate at least 30% of their identified needed housing within 'climate friendly areas' well-served by transit and other similar low-carbon urban services. Beginning in July 2027, a local government proposing to expand an UGB to meet an identified residential land need shall designate and zone additional climate friendly area(s) concurrent with the UGB expansion. This new climate friendly area shall be sized to accommodate one half of the additional housing units that cannot be accommodated within the current UGB. We encourage DLCD to raise this threshold and to use a higher minimum threshold like 60% or even 75% within climate friendly areas, which communities may choose to go beyond. Please do not limit them to just one half of new housing units within climate friendly areas.

Chapter 660 LCD – Division 12 Transportation Planning Rules Amendments

The proposed amendments are intended to counter the systematic bias in past investments that favored automobile infrastructure, by placing emphasis on building neighborhoods where it is not necessary to own and operate a motor vehicle. The rule:

- Requires cities and counties to create more pedestrian-friendly places where mixed-use development is allowed and encouraged;
- Prioritizes investments in high-quality, connected, and safe pedestrian, bicycle, and transit networks;
- Right-sizing parking requirements; and
- Changing the methods of planning and transportation, including which standards are used to determine success or failure.

The new rules focus on areas where Oregon transportation is deemed deficient, such as with traffic safety, mode parity (de-emphasizing automobiles), pollution, and lack of consideration for marginalized populations. Missing from the purpose statement at 000(1) is a consideration for how Oregon's transportation infrastructure fragment and degrade natural systems. Please add this purpose statement:

- Protect and restore safe passage for fish and wildlife, flood waters, and other natural system functions at roadway crossings of waterbodies as well as other native habitat corridors.

The draft rule talks about “increasing transportation options to make more efficient use of the existing transportation system” but it does not state what measures of efficiency are being optimized. Nor does it state a goal to increase the convenience and access of low-carbon transportation options. Often non-automobile options are available, but they are not convenient. Please add language to call on Oregon communities to increase the convenience, accessibility, and efficiency of non-automobile-dependent transportation options.

In the definitions section at 0005(6): The definition of “climate friendly area” calls out areas with “abundant tree canopy and vegetation to provide shade, cooling, and other amenities.” However, nowhere in the rule is there guidance on how communities are to achieve abundant tree canopy and vegetation, or how those things are to be assessed. Please correct this omission.

0045 Implementation of the Transportation System Plan – There are requirements for bike plans, bike parking, bikeways, transit routes and facilities, pedestrian connections, etc. But there is no mention of green infrastructure requirements like tree codes, urban forestry management plans, etc. Please address these omissions to ensure that Oregon communities are properly planning for and investing in urban green infrastructure.

0100 Urban Transportation Systems Plan – Missing from the list of elements is an urban forestry element. Street trees and other green infrastructure are essential elements of public right-of-ways, and it is important that State guidance to local governments include explicit requirements that local governments have and fund local urban forest management plans.

0170 Transportation Performance Standards / 0180 Transportation Prioritization Framework – Please consider adding performance measures that evaluate urban canopy cover, fish and wildlife connectivity, and other green infrastructure considerations. Also, please consider adding prioritization factors for these public benefits that go beyond narrowly-defined human mobility factors.

0320 Land Use Requirements in Climate Friendly Areas – The new rule specifies at 0320(3) that: “local governments shall prioritize locating government facilities that serve the public within climate friendly areas and shall prioritize locating parks, open space, plazas, and similar public amenities in or near climate friendly areas that do not contain sufficient parks, open space, plazas, or similar public amenities.” This is a great requirement, but the rule can and should specify what level of services are deemed sufficient. Please see our earlier comments on existing tools from TPL and Oregon State Parks that can help communities identify and address park access needs and inequities.

At 0320(3) local governments should also be required to address urban tree canopy in climate friendly areas.

This section also specifies minimum residential density requirements and maximum building height allowances to encourage denser, mixed use development in climate friendly areas. The next section, 0330 Land Use Requirements, also requires that neighborhoods must be designed with a connected network of low traffic-stress streets, paths and other pedestrian and bike-friendly routes, and it limits front- and side-yard setbacks to provide for efficient land use patterns. However, nowhere in these two sections are there any minimum tree canopy cover requirements.

New rules 0400-0499 Parking – This section provides for guidance on the use of parking mandates and parking minimums by local governments. At 0405 Parking Regulation Improvements – We are encouraged to see explicit requirements for tree canopy coverage. However, the thresholds for these requirements on new development are set too high. Most new developments will fall under the one acre of surface parking threshold. Please lower this threshold to at least one quarter-acre or 10,890 sf. Why is it that only here in the rule, and nowhere else, are there any other requirements for urban tree conservation. Please see our comments above for other places in the rule where guidance on local government urban tree conservation and management is needed.

0410 Electric Vehicle Charging – Please give parity to ebikes and don't prioritize electric cars over other lighter-duty electric vehicles. Access to ebike charging is as great a challenge as access for electric cars, but gets little or no attention. We are in the midst of a surge of interest and sales in ebikes. Ebikes are far more affordable, and have a lower entry cost and lower energy footprint for urban residents as compared to electric cars.

0415 Parking Maximums and Evaluation in More Populous Communities – We are encouraged to see the addition of this new section, and we support all of the recommended language. Please consider a lower city size threshold on where these new requirements would apply. We favor the suggested requirement that all cities with populations over 25,000 within metropolitan service districts be required to comply with the recommended parking reform measures.

New rule sections 0500-0599, 0600-0699, and 0700-0799 cover pedestrian, bicycle, and transit systems, respectively. We respectfully suggest that an urban green infrastructure system section should be developed for the climate friendly communities rule-making. Cities are required to identify gaps and deficiencies in these systems and then produce a plan to remedy these gaps. There is a corresponding need for gap analysis and strategizing around urban tree canopy.

0910 Land Use and Transportation Performance Measures – We suggest that DLCD add a performance measure for urban tree canopy, including progress made by local governments toward adopted urban forest management goals and urban canopy, broadly across the whole

of the jurisdiction and also more narrowly with neighborhoods with high numbers of vulnerable populations.

Thank you for the opportunity to provide comments on the DLCDC Climate Friendly and Equitable Rulemaking. We look forward to staying engaged with this process as it moves through the adoption and implementation phases.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Labbe". The signature is fluid and cursive, with the first name "Ted" being the most prominent.

Ted Labbe, Executive Director
Urban Greenspaces Institute