

February 12, 2023

FROM: Jonathan Harker, AICP

TO: Joint Committee On Ways and Means Subcommittee On Natural Resources
Senator Michael Dembrow, Co-Chair
Representative Khanh Pham, Co-Chair

RE: DLCD 2023-25 Budget (HB 5027) Commentary

Dear Co-Chairs Dembrow and K. Pham, and Members of the Committee:

Thank you for this opportunity to provide testimony on HB 5027. I am testifying today as a retired city land use planner — at retirement I was the City of Gresham’s Planning Director; as a member of Climate Friendly & Equitable Communities (CFEC) Rules Advisory Committee (RAC) — I represented the Oregon Chapter of the American Planning Association (OAPA); and as the grandparent of a 16-month old grandson and 4-month granddaughter.

I support the GRB as a basis for the legislature to build on in finalizing budget for DLCD’s planning program for the coming biennium.

In this testimony I would like to focus on expressing support for two projects that LCDC requested be in the GRB but which are not. They are 1) continuing support for local governments implementing the CFEC rules and 2) updating State Plan Goal 1 - Citizen Participation to address equity and modern communication techniques.

1. Provide Budget for CFEC Rule Implementation

I know from experience that Oregon Planning Program has best worked as a collaboration of the state and of local governments. The state provides policy direction and guidance whether through the legislative or rulemaking processes and local governments implement the policy through its comprehensive plans, zoning and development codes, and public facility plans.

This collaboration has also included the state providing local government resource assistance through technical assistance and, most crucially, through direct financial assistance.

LCDC requested (POP 203) the funding deemed necessary to continue current collaboration in implementing CFEC rules that were adopted last July during the next biennium. That funding was not included in the GRB.

As I noted I served on the CFEC RAC. The RAC members were a diverse group of over 40 community members representing priority populations; professional organizations; and each of the eight metropolitan areas. The RAC meet as whole body 12 times over a 17-month period. A tremendous amount of time, effort and resources were put into creating the rules by the RAC, by the state, and by the participating public. Failure to continue the funding for implementation is a failure to honor and take advantage of those efforts.

I know from my experience and knowledge as local Oregon city planner as well as

from what I learned during the rulemaking process that there will be multiple and significant benefits to Oregonians as public and private development occurs once the rules are implemented. I won't enumerate those benefits as I know others will except to say that I firmly believe that implementing the rules now is needed if Oregon's metropolitan communities are to thrive as we moved into the future that is impacted by climate change and past and institution inequitable practices. We can't continue to rely on land use and transportation practices of past.

2. Provide Budget for updating Goal 1 - Citizen Participation

Planning Goal 1 provides for how and when citizens are to be involved in comprehensive planning and land use decision-making. Adopted in 1975 it has never been amended nor subject to rulemaking.

Its formation in 1975 was at a time prior to the internet, social media and virtual meetings. Its guidelines only mention "television, radio, newspapers and meetings" as involvement tools.

More importantly it doesn't address current public involvement practices that fail to use to widely accepted tool kits for meaningful engagement of underrepresented communities. Goal 1 does not mention diversity, equity or inclusion. Instead it reflects the authors and times of when it was written.

LCDC requested (POP 201) the funding to update Goal 1. That POP was not included in the GRB.

My experience as a city planner is that comprehensive plans that have been acknowledge as consistent with Goal 1 can be inadequate to ensure the use of both modern and of equitable public participation. And that the failure to address what is lacking can lead to poor and inequitable plan results and outcomes.

In the 2021 regular session an amended bill ([HB 2488 A](#)), required an update of Goal 1 by June 2023 to "address participation and engagement for disadvantaged groups." It passed out of committee with a "do-pass" recommendation but did not advance to Ways & Means. The funding for the bill was included in the GRB as part of a recommendation from the Racial Justice Task Council.

The CFEC rules specially address [equitable participation and outcomes](#) as a requirement of implementing the rules related to planning for climate friendly areas and updating transportation system plans.

These two recent actions, taken together, provides a strong basis for updating Goal 1 to ensure the use of modern and equitable participation practices through-out all of Oregon in local comprehensive land use planning and decision making.

Again, thank you for this opportunity to provide testimony on HB 5027. As I mentioned I am a grandfather and providing DLCD the funding to continue to implement the CFEC rules and to update Goal 1, in coming biennium, is to help ensure my grandchildren's future is healthy and prosperous one.