

To: Members Senate Committee on Environmental and Natural Resources
Chair Senator Michael Dembrow

From: Jonathan Harker, AICP, Portland (State District 23 and House District 45)

Date: April 8, 2019

RE: Senate Bill 928

I support SB 928 in recognizing the need to create a new Oregon Climate Authority with a critical role in achieving the Oregon Climate Action Program described in HB 2020. And as stated by Governor Kate Brown in her Oregon Climate Agenda “to better align state programs and expertise to achieve the state’s climate policy goals”. I think this is a necessary step for the State to be successful in reducing its GHG emissions, successfully transitioning to renewable energy, sequestering carbon and adapting to the impacts of climate change. And in doing so ensuring that vulnerable communities don’t continue to be left behind and bear a greater burden due to the impacts of climate change.

I bring to this testimony a perspective as a long time Oregon-based City planner having worked for the City of Gresham for over 27 years (1986-2013). Most of career was as a comprehensive plan project planner or manager and at retirement the Planning Department’s Director. My career provided me with great familiarity with Oregon’s statewide Planning Program and well as regional planning as Gresham engaged in State required periodic review and implementation of the Metro regional 2040 Growth Concept Plan. In retirement I have become increasingly knowledgeable in the connection of land use to climate action regarding mitigating GHG emissions, community adaptation to climate change impacts, and sequestration of carbon. I have a Master’s Degree in Urban & Regional Planning from Portland State University and am a life member of American Institute of Certified Planners.

As State transitions from leadership by a commission to leadership by a State agency and board I believe that it is critical to build onto the work of the Oregon Global Warming Commission continuing what has been started but also to add additional tools as part of the Oregon Climate Action Program. There are three areas that I suggest for amendment: 1) develop a coordination and benchmark reporting plan to build on the previous work of the Oregon Global Climate Commission; 2) develop a State Goal for sequestration; and 3) to develop a plan for updating the State planning goals to align with the State climate change goals.

Coordination and Benchmark Reporting. The Oregon Global Warming Commission established and reporting on sector-based strategies (from the Roadmap to 2020) to reduce emissions. Ensuring the agencies and sectors are working together is, I believe, an essential duty of the Oregon Climate Authority. I suggest adding the following to a duty of the Authority:

- (1) The Oregon Climate Change Authority shall identify, evaluate and develop recommendations on:*
- (a) Ways to coordinate state and local programs and activities related to climate, with a focus on better coordination of programs and activities so as to increase the effectiveness of efforts to implement the Oregon Climate Action Program; and*
 - (b) Efforts to help state agencies and the residents of this state engage in adaptation and preparation;*

(c) And how best to coordinate state energy and climate programs and activities pursuant to the Oregon Climate Action Program.

(2) All agencies of state government identified by the authority to have responsibilities related to the recommendations developed under (1) above shall, as requested by the council and to the maximum extent practicable, coordinate with the council to:

Establish primary responsibilities and tasks for carrying out the recommendations of the authority;

(b) Develop benchmarks against which the agencies of state government may measure progress toward achieving sector-based greenhouse gas emissions reductions and adaptation and sequestration outcomes that are consistent with the State climate action goals; and

(c) No less than once each year:

(A) Evaluate against the benchmarks developed under paragraph (b) of this subsection each agency's progress toward achieving outcomes consistent with the recommendations of the authority; and

(B) Identify and evaluate adjustments to the benchmarks developed under paragraph (2)(b) as necessary.

Sequestration Goal. One element that seems to be missing from the work to date on the Oregon Climate Action Program is establishing a specific sequestration goal. As important as reducing GHG emission is equally important will be sequestering carbon already in the atmosphere. I suggest adding this amendment:

In the first biennial report the Oregon Climate Authority shall recommend to the Legislature for its adoption a sequestration goal for the year 2050 and with interim goals.

Updating Planning Goals in response to State goals for climate change action. In 2011 the Oregon Global Warming Commission established a number of "Propositions" (Roadmap to 2020). Proposition 1 was to Embed Carbon in the Planning Process; include carbon generated by local transportation and land use decision in the community planning process and incorporate meeting Oregon's GHG reduction goals into State transportation and land use planning. I believe that it is time to begin doing this and suggest adding this amendment:

The Oregon Climate Authority shall work with Department of Land Conservation and Development (DLCD) to develop a plan for the review and update of the Statewide Planning Goals related to climate change action for mitigation, sequestration and adaption, for presentation to the 2021 legislature.

Here are some brief points on why I am requesting these actions followed by more detailed dialogue:

- Land use practices have climate change impact and provide meaningful opportunities to mitigate GHG emission, adapt to climate change impacts, and sequester carbon.
- Oregon already has in place a state-wide planning program structure that can be used to link Oregon's climate change goals to local land use practices and decision making.
- The State Planning program has mandatory goals and guidelines and a requirement that has resulting in local jurisdictions adopting comprehensive land use plan and implementing zoning and development goals that are consistent with those State goals and guidelines. Those goals and guidelines were written and adopted over 40 years ago and thus lack any intentional linkage to actions needed to address climate change.

- Amending the state-wide land use planning goals to align with the State’s climate change goals will result in another tool added to Oregon’s actions on climate change that will benefit communities throughout the State.
- The status quo, even in communities that have created separate climate actions plans, is not resulting in intentional land use practices that further climate change action nor are land use decisions being made with findings specific to the State’s climate change goals. For example as recently as December 2018 the Metro Council approved approved a UGB expansion of about 2,200 acres exclusively for single family zones (but with a requirement to address the “missing middle) without any findings specific to climate change.
- Citizen participation - Goal 1 is out-of-date. Communication technology available in 1975 is significantly different than that of today. Additionally Goal 1 lacks a specificity for inclusion especially in providing for the participation needs of impacted communities.
- The need to update the Statewide Planning Goals is well articulated in a recent article, [Climate Change and Oregon Law: What Is to Be Done?](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/23295/Schell%20--%20final.pdf?sequence=1&isAllowed=y)* by Alan K. Brickley, Steven R. Schell and Edward J. Sullivan, in the Journal of. Environmental. Law And Litigation. It extensively reviews and analyzes the Statewide Planning Goals in the light of climate change. It notes they are more than 45 years old and have not been updated to address the climate change threat. And that the current goal amendment process provides an excellent way for Oregonians to meet the threat and decide what more should be done. *[https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/23295/Schell%20-- %20final.pdf?sequence=1&isAllowed=y](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/23295/Schell%20--%20final.pdf?sequence=1&isAllowed=y)
- Oregon is well placed to once again be a model for the country in linking climate change goals and needed action to land use practices and decision making.

I have previously submitted testimony on HB 2020 and HB 2322 (which proposes to direct DLCD to amend the State Planning Goals regarding renewable energy) providing more dialogue on why I believe that doing this is a needed element to address climate change. For brevity sake I will not repeat the testimony but it is available if desired by the committee. I do recognize that the next two years will be busy one for this new agency as well as DLCD but I feel that with the right resources creating a plan for presentation to the Legislature in 2021 is an important and needed action.

Thank you for the opportunity to testify on this important legislation. I make these suggestions not only as long time Oregon land use planner but also as the father of two millennial aged sons who’s future depends on the action you take this session.

Sincerely,

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