

HB 2488 -2, -3, -7 STAFF MEASURE SUMMARY

House Committee On Energy and Environment

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/8, 3/29, 4/12

WHAT THE MEASURE DOES:

Requires Land Conservation and Development Commission (the commission) to make changes to statewide land use planning goals by December 31, 2026, to address climate justice by addressing climate change adaptation and mitigation and environmental justice for disadvantaged communities. Requires the commission to 1) establish and update measurable targets for climate change mitigation and adaptation, and greenhouse gas sequestration and storage; and 2) identify and map anticipated impacts to public resources and local communities from climate change. Requires the commission to include requirements or guidelines compelling local governments and applicable state agencies to: 1) include disadvantaged communities in land use planning and decisions; 2) determine and address local issues of diversity, equality; and environmental justice; and 3) identify and map disadvantaged communities and cumulative health risks they face, using data from various federal or state agencies, nonprofit organizations, and local programs. Requires that cities' and counties' comprehensive plans, land use regulations, plans, and zoning ordinances rules comply with changes to the statewide land use planning goals by a certain date. Requires Department of Land Conservation and Development (the department) to establish environmental justice advisory committee to advise the department on environmental justice changes to the statewide land use planning goals. Requires commission to adopt interim climate justice standards for local government's use, including environmental justice, equity, and public participation and climate adaptation risks and responses, and take into consideration state and federal goals for reducing greenhouse gases, until meeting compliance with goals changes. Establishes deadlines for compliance with interim standards and changed goals. Establishes Climate Justice Planning Goals Fund. Appropriates moneys to fund. Continuously appropriates moneys in fund to commission for specified purposes. Sunsets interim standards on January 2, 2030. Sunsets goal amendment process after commission certifies adoption of goal. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

Climate justice goal

-2 Requires Land Conservation and Development Commission (Commission) to include within the goals to include within the goals and guidelines for preparing, adopting, amending, and implementing existing and future comprehensive plans (ORS 197.225), a statewide land use planning goal directing local governments to take actions with respect to climate change and environmental justice and equity. Establishes that, based on a rule, land use regulation, or land use decision that enforces or implements the climate justice goal, compensation in certain circumstances (under ORS 195.305 to 195.336) is not due to any party; and notice is not required to be delivered to any property owner in certain circumstances (under ORS 197.047, 215.503 or 227.186). Allows optional compliance with aspects of the climate justice goal requiring climate change measures for a city with a population of fewer than 4,000 or a county with a population of fewer than 20,000 people. Establishes that the climate justice goal is not enforceable to the extent inconsistent with public health and safety or federal or state law, as determined by the Commission.

Process for adoption of climate justice goal

HB 2488 -2, -3, -7 STAFF MEASURE SUMMARY

Requires Commission to adopt a new statewide land use planning goal relating to climate justice, by: 1) adopting the climate justice goal; 2) requiring the Department of Land Conservation and Development (Department) to appoint an advisory committee consisting of a broad, diverse group of stakeholders, including representatives of tribal communities and members who represent disadvantaged groups; 3) holding at least one public hearing in each of the congressional districts in this state; 4) requiring the Commission to present draft goal language to an appropriate committee or interim committee of the Legislative Assembly at least 60 days prior to adopting the climate justice goal; 5) requiring the commission to hold at least one public hearing regarding the draft goal language before, and separate from, the meeting at which the commission adopts the climate justice goal; and 6) requiring the commission to adopt the final climate justice goal on or before June 30, 2023, with the goal becoming effective 30 days after adoption. Exempts local governments from implementing the goal except in certain circumstances.

Agency coordination

Requires all state agencies to assist the Department and the Commission as necessary in the development and adoption of the statewide land use planning goal relating to climate justice. Requires Department of Environmental Quality, Department of Transportation, State Department of Geology and Mineral Industries and Oregon Health Authority to commit technical and policy expertise and support to the development, adoption and implementation of the climate justice goal. Authorizes the Department and the Commission to request assistance of any public or private organization, including federal agencies, other states, and universities, in the development and adoption of the climate justice goal.

Implementation

Establishes that local governments are not required to request acknowledgment of compliance for the local government's comprehensive plan or regional framework plan with the statewide land use planning goal relating to climate justice: 1) until June 30 of 2025 and each following year for cities with a specified population; and 2) at any time for cities with a population of less than 4,000 or counties with a population of less than 20,000, with exceptions. Requires the Commission to grant a single 12-month extension to the compliance schedule upon the request of any local government. Requires each local government to report to the Department on the local government's compliance with the climate justice goal following a schedule published by the commission. Requires the Department, in providing technical assistance to local governments for the adoption of amendments to comprehensive plans or regional framework plans to comply with the climate justice goal, to: prioritize those counties and cities with fewer resources and ensure that local technical assistance funding is distributed throughout the regions of the state. Requires the Department and relevant state agencies, after adoption of the climate justice goal, to review and update existing coordinating agreements to facilitate implementation of the climate justice goal.

Reports

Requires the Department to provide a report summarizing the statewide land use planning goal relating to climate justice and the process used to develop the climate justice goal to the office of the Governor, the Oregon Global Warming Commission, and to an appropriate interim committee of the Legislative Assembly no later than November 1, 2023. Requires the Department to provide a report no later than September 15, 2027, to an appropriate interim committee of the Legislative Assembly, on the implementation of and compliance with the climate justice goal and to provide recommendations on whether cities with a population of less than 4,000 and counties with a population of less than 20,000 should be required to comply with statewide land use planning goal directing local governments to take actions with respect to climate change and environmental justice and equity.

Climate Justice Planning Goal Fund

HB 2488 -2, -3, -7 STAFF MEASURE SUMMARY

Establishes the Climate Justice Planning Goal Fund, separate and distinct from the General Fund, consisting of moneys credited to the fund from moneys appropriated or transferred to the fund by the Legislative Assembly or received from the federal government or other grants, gifts, or donations from any source.

Sunset

Repeals the process for adoption of climate justice goal, agency coordination, implementation, and reports on January 2, 2028. Establishment of the climate Justice Planning Goal Fund becomes operative on January 2, 2028. Establishes that the repeal of the process for adoption of climate justice goal, agency coordination, implementation, and reports does not affect a statewide land use planning goal relating to climate justice.

Appropriation

Appropriates to the Commission out of the General Fund, in addition to and not in lieu of any other appropriation, for the biennium beginning July 1, 2021, the amount of \$800,000 for deposit into the Climate Justice Planning Goal Fund.

Declares emergency, effective upon passage.

-3 Authorizes any project approved or undertaken by the Department of Land Conservation and Development, Department of State Lands, or Department of Transportation for the mitigation, preservation, restoration, remediation, or stabilization of resources at risk from climate change, including shorelands, beaches, dunes, estuarine resources, and infrastructure and structures built before 1977 or in conformance with statewide land use planning goals related to coastal resources, to use bioengineering practices that incorporate natural materials including trees, plants, logs, rocks, and woody debris.

Citizen involvement planning goal

-7 Requires the Land Conservation and Development Commission (the Commission) to include within the goals and guidelines described in ORS 197.225 a statewide land use planning goal that directs governments to take actions consistent with the following: 1) ensuring that the opportunity to participate in land use planning and decision-making is accessible to disadvantaged groups; 2) incorporating practices to engage the community, including disadvantaged groups, on climate justice, environmental justice and equity in land use planning and decision-making; and 3) utilizing current technologies and mediums to: improve and expand communication between the local government and general public, including disadvantaged groups, and enhance the access to and accessibility of information used in land use planning and decision-making to the general public, including disadvantaged groups.

Process for amending goal

Requires the Commission to amend the statewide land use planning goal relating to citizen involvement and the following (notwithstanding ORS 197.230, 197.235, 197.240 or 197.245):

- Requires Department of Land Conservation and Development (the Department) to appoint an advisory committee consisting of a broad, diverse group of stakeholders, including representatives of tribal communities and disadvantaged groups;
- Requires the Department to hold at least one public hearing in each of the congressional districts in this state;
- Requires the Commission to, at least 60 days prior to adopting the amended goal, to present draft goal language to an appropriate committee or interim committee of the Legislative Assembly;
- Requires the Commission to hold at least one public hearing regarding the draft goal language before, and separate from, the meeting at which the commission adopts the amended goal;
- Requires the Commission to adopt the final amended goal on or before June 30, 2023 and, notwithstanding ORS 197.245, the goal is effective 30 days after adoption;
- Requires the Commission to rename the statewide land use planning goal relating to citizen involvement to reflect, to the greatest extent possible, the broadest and most inclusive public engagement and participation

HB 2488 -2, -3, -7 STAFF MEASURE SUMMARY

- in land use planning and decision-making process by all members of the community, including disadvantaged groups; and
- Authorizes the Commission or Department to request the assistance of any state agency, public or private organization, including federal agencies, other states and universities, in the amendment and adoption of the goal.

Implementation

Establishes that, notwithstanding ORS 197.250, a local government of certain size is not required to request acknowledgment of compliance for the local government's comprehensive plan or regional framework plan with the amendment to the statewide land use planning goal adopted under this Act until a specified year under a compliance schedule. Requires the Commission, upon the request of any local government, to grant an extension to the compliance schedule: 1) a single 12-month extension for any local government; and 2) An ongoing extension if the local government has been unable to receive funding to adopt and implement the amended goal. Requires each local government, on a schedule published by the commission, to report to the Department on the local government's compliance with the amended goal adopted under this Act. Sunsets process for amending goal and implementation of goal on January 2, 2028, without affecting an amendment to a statewide land use planning goal adopted under this Act.

Appropriation

Appropriates to the Commission the amount of \$800,000 out of the General Fund for the biennium beginning July 1, 2021, in addition to and not in lieu of any other appropriation, to adopt an amendment to the statewide land use planning goal and to facilitate the adoption of the goal by local governments.

- *FISCAL: Costs related to the measure may require budgetary action*
- *REVENUE: No revenue impact*

BACKGROUND:

Oregon's rapid population growth and development during the 1960s and 1970s prompted concern about the effect growth might have on the environment, natural resources, and the livability of communities. These concerns led to the passage of Senate Bill 100 (1973), which directed that local governments adopt and implement comprehensive plans and revise them periodically in accordance with statewide goals and with the needs and desires of the public. After extensive review and public input, the Land Conservation and Development Commission (LCDC) initially adopted 14 statewide planning goals in 1974 and five additional goals over the next three years. Most of the goals have since been amended but their basic principles remain intact. The goals establish state policies on urban and rural land uses, resource conservation, economic development, affordable housing, urban growth, coastal protection, natural hazards, and citizen involvement. House Bill 2488 would expand the 19 statewide planning goals to amend existing goals or adopt additional goals to support climate change adaptation and mitigation, and environmental justice for disadvantaged communities. The bill would require that cities' and counties' comprehensive plans, land use regulations, plans, and zoning ordinances rules comply with the changes to the statewide land use planning goals by a certain date.