

HB 2488-2

Re: Additional written testimony Re HB 2488-2 – response to criticisms from 3-29-21 Hearing

From: Steve Schell, Beyond Toxics (Lisa Arkin), Brian Campbell (former OAPA President), and Ed Sullivan (Land use Lawyer)
3-30-21 before 1 PM

Here are responses to some of the suggestions and criticisms made at the 3/29/21 E&E hearing on HB 2488-2.

Overall Tone of opposition

1. Yes there are questions and ways to make the process better. That's a function of the Goal making process. HB 2488 is about launching the goal process, not writing the goal.
2. The goal process is looking forward: shaping the future by actions in the present.
3. It is essential for all to understand that right now we are quickly headed toward tipping points (e.g., snow-pack loss, forest fire destruction, sea level rise and storm surge, ice melt, tundra melt, sea coral death, habitat changes altering the global water cycle), after which there will be no chance to correct our mistakes.
4. "Moving the deck chairs around on the Titanic" will not save Oregon as we know it.

Response to “unfunded mandates”

1. Not unfunded: DLCD gets almost ½ its budget from Federal sources.. Local gov't entities get moneys from CZMA, FEMA, Forest Service, and block grants
2. More time is provided for smaller local entities
3. A one-time request for a delay will be approved
4. A fund for implementation is provided
5. Authority is granted to raise additional funds from public and private entities
6. It is highly likely that Federal, infrastructure and climate change legislation will make available funds to local and state entities during the 21-23 biennium.
7. We will be facing different and unpredictable climate impacts future in 2025-2027, when implementation is required by most cities and counties; there will likely be associated funding to address those threats within the land use system that we cannot possibly predict today.
8. Funding is addressed in Ways and Means; House E&E is a policy committee.

Response to “no focus on Development and Economy”

1. Goal 9 addresses economic development.
2. In 2488-2, Section 2(2) requires DLCD in the goal to address economic development objectives

3. The bill sets up a system within which key economic development issues in dealing with climate change measures such as electric vehicle charging stations and carbon capture facilities can be better facilitated.
4. The team working on the bill has sought counsel from:
 - a. “Oregon Business for Climate” Board member Tom Kelly.”
 - b. Salem-based planner/developer John Miller who also owns and operates Mahonia Vineyards and Nursery
 - c. Planning professionals working in several counties including Coos, Curry, Lane, Morrow, Clatsop, and Multnomah.
5. The effects on rural low income persons will be addressed as part of “Environmental Justice” in response to Section 2(1)(d)

Response to no notice

1. Oregon’s Administrative Procedures Act provides specific requirements for notice.
2. The RAC will develop notice requirements.
3. Notice shall be available thru the LOAC and CIAC.
4. There isn’t enough money in the Governor’s budget to preform all the notice requirements.
5. Notice to landowners without notice to disadvantaged groups is systemic bias.

Response to BM 56

1. This provision favors only landowners not renters and disadvantaged
2. There is an exception for health and safety

Response to need for Cheap Land to expand city limits

1. HB 2488-2 actually helps protect natural resource land by calling for an assessment of the carbon sequestration and storage potential of land prior as part of the Comprehensive Plan development (Section 2 (2) B iii)
2. Urban Growth Boundaries protect farmland, grazing land, nursery land, natural areas and open spaces
3. Delivery of efficient and cost conscious public services requires increased density
4. Sprawl does not provide close access to food or services
5. More land will not solve Oregon’s housing problems.

Response to lack of Clear and Objective Criteria for land use decisions

1. It is not the function of the legislation to do the work of the goal process
2. It is the function of the legislation to provide subjects for DLCD to address in the rule making process
3. C &O standards are for approval of outright uses.
4. It also needs to be recognized that Clear and Objective standards are for building permits. Entities making Comp. Plan and zoning changes and evaluating conditional uses need to be able to assess the “common good” and the “public interest.”

Response to the question of more appeals to LUBA

1. It is not the function of this legislation to set the criteria for LUBA appeals
2. The Goal and the plans will set the criteria for decision making
3. There will be no LUBA appeals from land use decisions on equity and climate change responses until the plan changes are in place at the local level.

Response to the questions of Overlap

1. There is no overlap with EO 20-04, rather 2488 is one aspect of fulfillment.
2. There is no overlap with DLCD's Blueprint, because it is primarily directed at State Agencies compliance and not local governments
3. The goal will change how local governments make decisions and provide climate change responses, not now present as requirements in comprehensive plans and agency coordination agreement.
4. Cities and Counties with already existent climate change response plans and zoning will have fewer and more localized changes to their comprehensive plans, while at the same they'll have a statewide standard with which to compare their current plan requirements.