

March 8, 2021

House Committee On Energy and Environment
Representative Pam Marsh, Chair
Representative Ken Helm, Vice-Chair
Representative David Brock Smith, Vice-Chair

RE: Testimony in support of House Bill 2488

Dear Chair Marsh, Vice-Chair Helm, Vice-Chair Brock Smith, and Members of the Committee:

I support the passage of House Bill 2488. On behalf of the Oregon Chapter of the American Planning Association I have been participating with the bill's proponents to draft dash-1 amendments to be better align the bill with Governor Brown's proposed budget of \$800,000 for the Department of Land Conservation and Development (DLCD) to do "a review of the statewide planning goal for climate change and environmental justice". The dash-1 amendments would require the Land Conservation and Development Commission (LCDC) to adopt a new Plan Goal for climate justice to address climate change measures, equitable participation and environmental justice and disparate impacts in planning and land use decisions by the end of the next biennium.

My background is in city planning having worked for the City of Gresham from the mid-1980s through the mid-2010s. Much of my career there was doing comprehensive planning work. At retirement I was their Planning Director.

It is well established that climate change due to global warming is impacting the Oregon landscape today and will have increasing impacts in the future. Such impacts include the increased intensity of precipitation; extreme storm events (flooding and land slides), drought, heat waves, wild fires, vegetation regime changes and ocean acidification, to name a few. The impacts pose challenges to Oregon communities such as for housing; economy; public infrastructure; civic institutions; scenic and natural resources; coastal regions; public and environmental health, and the perpetuation of inequities.

Local, regional and other studies show that land use practices can have both a negative and a positive impact on GHG gas emissions and carbon sequestration, the resiliency of infrastructure, economy, community health (adaption) and on addressing inequitable adverse impacts to impacted communities. In Oregon local, county, regional, special purpose district and state agency land use practices and decision-making are directly tied to a mandatory Statewide Planning Program and it's implementing Planning Goals and Guidelines. **However, the goals of this over 45-year old planning program have never been updated to address the impacts and needed actions related to climate change, equitable participation and environmental justice.**

This could be remedied by utilizing a statutory authority that "*The Land Conservation and Development Commission may periodically amend the initial goals and guidelines adopted under ORS 197.240 and adopt new goals and guidelines.*"

The need to align the Statewide Planning program with climate change action by adopting a new Goal is not new and was identified as a need by LCDC in 2009.

More recently DLCD's response to Executive Order 20-04 (EO 20-04) included a project to initiate a project to review the Statewide Planning Goals and Climate Change. DLCD held a webinar seeking feedback on their EO 20-04 work plan and as they reported to LCDC "*stakeholders unanimously expressed support for this effort [Statewide Planning Goals and Climate Change].*" And that "*multiple individuals articulated this effort as one of the top three most critical actions as a response to EO 20-04.*" It also reported that there was multiple support to examine Goal 1 and to create a new Climate goal.. It noted that there was a shared response that Goal 1 lacks does not address equity in land use decision-making.

The recently completed 2021 State Agency Climate Change Adaptation Framework notes the need to *develop land use planning guidance based on Oregon's Statewide Land Use Planning Goals to help cities and counties mainstream climate science and engage diverse communities in planning, permitting, and operations* and that "*. Oregon's 19 land use planning goals did not anticipate climate change's environmental and social challenges.* and the need to address them for "climate change" and "climate equity".

A study by the Lewis and Clark Law School's Green Energy Institute (*A Countdown to 2050*, Nov. 2015) took a comprehensive look at Oregon's emission reduction laws, renewal energy and efficiency laws and transportation land laws to identify what was not working and how to fix it. It found that transportation and land use laws are "woefully inadequate" noting:

- Oregon's laws do little to address climate impacts from the land use sector.
- The cities and counties are permitted, but not required, to address climate change mitigation and adaption in their comprehensive land use plans.
- Oregon's land use law also declare that the land use program should, but is not required to, help communities achieve sustainable development patterns and manage the effects of climate change.
- DLCD does not have the authority to direct local jurisdiction to address climate change mitigation in their comprehensive plans.

A 2018 law journal article, [Climate Change and Oregon Law: What is to be done?](#), does an analysis and recommends changes needed in the statewide planning goals and their implementing rules to address climate change. The article noted that while there is an administrative structure in place to respond to climate change "*The current problem is that neither Oregon's land use legal framework nor the implementing goals anticipated the need to mitigate or adapt to climate change or sequester carbon to avoid climate change tipping points.*"

A February, 2017 publication by EcoAdapt (www.EcoAdapt.org) [Climate Change Adaption through Local Comprehensive Planning](#) is a guide written for Puget Sound communities as an aid in adding climate change adaption policies and practices to their comprehensive plans. It utilizes, as a case study, how Bainbridge Island successfully incorporated climate change adaptation planning into their local comprehensive plan. A important framework concept from this manual is "*Arguably the most important goal of*

climate adaptation planning is to integrate climate informed thinking and apply the implications of climate projections into everyday decision making. Effective planning in the face of climate change seeks to reduce a community's contribution to climate change by reducing greenhouse gas emissions (mitigation) and increasing community resilience to the manifestations of climate change (adaptation) as central organizing principles

ADOPTING A NEW CLIMATE JUSTICE GOAL (GOAL 20)

A State of Oregon website states that “the foundation of statewide program for land use planning in Oregon is a set of 19 Statewide Land Use Planning Goals. The goals express the state's policies on land use and related topics, like citizen involvement, housing, and natural resources.” It also notes that “Oregon's planning laws apply not only to local governments but also to special districts and state agencies.” Adding a new climate change goal would mean that climate change would be an equal part of that foundation.

Adopting a separate climate change goal would streamline the process for addressing climate change and modernizing the Statewide Planning Program. A new Climate Change goal and guidelines focused exclusively on climate change mitigation, sequestration and adaptation would provide a framework under which local jurisdictions, special purpose districts, and State agencies would integrate climate change into their comprehensive plans, implementing codes, standards and practices.

HB 2488 dash-1 amendments would address the equity and environmental justice issues discussed below for amending Goal 1 further streaming the work that can be done in the upcoming biennium.

AMENDING GOAL 1

Planning Goal 1 provides for how and when citizens are to be involved in comprehensive planning. 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 *public* involvement practices that can be inequitable by limiting access to meaningful involvement. This is especially important in climate change as vulnerable populations, impacted communities and those facing racial inequities are more susceptible and harmed by its impacts. And clearly the experience of the inequitable impacts of Covid-19 and our current civil unrest coupled with State efforts such as the Governor's Equity EO and DLCD's Oregon Climate Change Adaptation Framework Equity Blueprint highlight the need to build equity into the planning and land-use system throughout Oregon.

Two recent guides - ***Community Drive Climate Resilience Planning: A Framework Version 2.0*** (National Association of Resilience Planners, Oct. 2017, <https://www.nacrp.org>) and ***Community Driven Climate Preparedness Planning***,(Urban Sustainability Directors Network, May 2017, [https://www.usdn.org/uploads/cms/documents/usdn_guide_to_equitable_community-driven_climate_preparedness-high_res.pdf](https://www.usdn.org/uploads/cms/documents/usdn_guide_to_equitable_community-driven_climate_preparedness_high_res.pdf)) are two good resources for best practices to equitable citizen involvement.

City and County Climate Action Plans

Several cities and counties are acting on climate change showing that Oregon communities are recognizing the need for action. Oregon communities that have adopted, updated or are working on a Climate

Action Plan (CAP) include Ashland (2017), Beaverton (2019), Bend (2019), Corvallis 2016), Eugene (2019), Milwaukie (2018) and Portland/Multnomah County (2015). Although Climate Action Plans are not linked to Comprehensive Plans and land-use decision making their efforts can strongly inform the process of updating the State-wide planning goals for climate change.

In addition Hillsboro (2016) and Milwaukie (2019) have or are working on incorporating a climate change element into their comprehensive plans. Milwaukie's update is to address climate change and the need of more energy conservation and resiliency. A 2018 City report noted that "The CAP's focus on short and medium-term actions to address climate change and energy conservation *is different than the role of the Comprehensive Plan*. However, it does provide excellent framework and necessary background information for establishing broader and longer-term climate change and energy goals and policies within the context of the built environment and multimodal transportation system."

In Summary

- Land use practices have climate change impact and provide meaningful opportunities to mitigate GHG emission, sequester carbon and adapt to climate change impacts.
- Oregon already has in place a statewide planning program structure and a statutory procedure 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 a requirement that has resulted 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 45 years ago and thus lack any intentional linkage to actions needed to address climate change.
- Local comprehensive planning asks every community to think about and plan for future growth, development and change. Part of this future involves climate change, the impacts and implication of which need to be understood and addressed.
- Adding a new climate justice as proposed by **HB 2488-1** goal to align with the State's climate change and equity goals will result in another tool added to Oregon's actions on climate change and environmental justice 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.
- Citizen participation lacks a specificity for inclusion especially in providing for the participation needs of impacted communities and addressing institutional racism.
- Some local communities have adopted Climate Action Plans and added climate change goals to their Comprehensive Plans demonstrating that Oregonians are seeing the need to align land use and operational programs to climate change actions.
- 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.

Thank you for this opportunity to testify.

Jonathan Harker, AICP, House District 45