



American Planning Association  
**Oregon Chapter**

*Creating Great Communities for All*

March 29, 2021

Representative Pam Marsh, Chair  
Representative Ken Helm, Vice-Chair  
Representative David Brock Smith, Vice-Chair  
House Committee On Energy and Environment  
Oregon State Legislature  
Salem, OR 97301

RE: Testimony from the Oregon Chapter of the American Planning Association in Support of House Bill 2488-2

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

The Oregon Chapter of the American Planning Association (OAPA) strongly supports the passage of HB 2488 with the dash-2 amendments. Passage of this bill will require the Land Conservation and Development Commission (LCDC) to adopt a new statewide climate justice planning goal by the end of the next biennium. The climate justice goal will address climate change, equity, environmental justice, and disparate impacts within land use planning and decision making.

OAPA provided written testimony for the March 8 hearing (attached to this testimony), which provided a summary of the -1 amendments. This letter supplements that testimony.

OAPA believes that HB 2488-2 is a practical first and important step in aligning Oregon's nearly 50-year-old planning program with the need to address climate change, equity, and environmental justice in planning decision making. Important elements of the amended bill include the following:

- A robust goal adoption public participation program including:
  - An advisory committee comprised of a broad, diverse group of stakeholders, including representatives of tribal communities and disadvantaged groups as defined in the bill.
  - A public meeting held by the Department of Land Conservation and Development (DLCD) in every congressional district.
  - Presentation of a draft Climate Justice goal to the Legislature at least 60 days prior to adoption of the new goal.
  - At least one LCDC public hearing prior to adoption of the new goal.
- Adoption of a climate justice goal that will require local governments to:
  - Amend their comprehensive plan objectives, policies, and urban growth boundary amendment procedures to address climate change, including greenhouse gas (GHG) emissions mitigation, adaptation to climate change impacts, and the storing of carbon.
  - Identify disparate impacts in land use planning and decision making through an equity mapping tool, and adopt and incorporate practices to reduce those impacts by addressing inclusion, environmental justice, and equity in land use planning and decision making.
- An implementation schedule that attempts to address resource barriers and constraints by placing cities and counties into four tiers based on population size. Required actions for the first three tiers (Metro is in the highest population tier) will be phased in from two to four

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**Oregon Chapter President**

Aaron Ray, AICP

years. The tier with the smallest population will be phased in over four years but will only be required to implement equity and environmental justice requirements. These communities may opt-in for climate change requirements. All local governments can request a one-year extension for any reason.

- Committed technical and policy expertise and support to the development, adoption, and implementation of the goal as needed from all state agencies and specifically from the Department of Environmental Quality, Department of Transportation, Department of Geology and Mineral Industries, and Oregon Health Authority.
- Review and update of existing coordinating agreements by DLCD and relevant state agencies to facilitate implementation of the goal.

As we noted in our earlier testimony, the bill aligns with [OAPA's 2021 Legislative Priorities](#) to **Confront Climate Change** and to **Advance Racial Equity**, and we strongly support its passage.

The bill would appropriate \$800,000 to DLCD to adopt a new climate justice goal by the end of the next biennium. The starting point for this appropriation is Governor Brown's proposed budget packet of \$800,000 for DLCD to review Oregon's Statewide Land Use Planning Goals and develop new rules for environmental justice, equity, and climate. This investment was recommended by the Racial Justice Council. OAPA applauds that HB 2488 has been amended through a collaboration of the bill's major sponsors, its proponents, and DLCD working with the Governor's office, to create a strong work plan that can be accomplished for proposed appropriation by the end of the next biennium.

OAPA believes that it is important to recognize that HB 2488-2, while a critical step, is an initial one. HB 2488-2 begins to incorporate climate change, equitable participation, environmentally just outcomes into planning and land use decision making, but more work will be needed to realize the climate justice goal. OAPA offers the following suggestions to help ensure the work continues:

- DLCD should have a plan and receive additional resources to help local governments implement the new climate justice goal. DLCD typically assists local governments by providing financial resources, technical assistance, and tools (such as model ordinances).
- DLCD should have a plan and receive additional resources to conduct rule-making regarding the climate change element of the climate justice goal to help local governments revise their implementing measures (e.g., codes, zoning, and public facility standards) to be consistent with the new goal. HB 2488-2 will require them to revise the objectives and policies of the comprehensive plan or framework plan relating to public facilities and services, natural hazards, natural resources, economic development, housing, and transportation to be consistent with the climate justice goal, but it does not require revision of implementing measures.
- An additional bill amendment is needed to require specific state agencies to prioritize implementation and to fulfill their reporting requirements under this legislation.
- HB 2488-2 establishes a Climate Justice Planning Goal Fund and anticipates monies from the federal government or other grants, gifts, or donations from a variety of sources. DLCD will need budgeting authority to hire or contract with a grants manager.
- HB 2488-2 needs to either define or recommend that DLCD and LCDC define key concepts during their work, including:
  - "Climate change measures" - this term needs to be fleshed out with examples or with concrete categories (Section 2(1)(a)).



- o "Infrastructure" - this should be broadly defined to include potable water, water for fire suppression, sanitary sewer collection and treatment, stormwater collection and treatment, roads with sidewalks and bike lanes, transit, and parks, at a minimum. (Section 2(1)(c)).

Thank you for the opportunity to provide this testimony on HB 2488-2. OAPA recommends the Committee vote the bill out with a Do Pass recommendation, as amended.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron Ray".

Aaron Ray, AICP, President  
Board of Directors

A handwritten signature in blue ink, appearing to read "Eunice Kim".

Eunice Kim, AICP, Chair  
Legislative and Policy Affairs Committee



American Planning Association  
**Oregon Chapter**

*Creating Great Communities for All*

March 8, 2021

House Committee On Energy and Environment  
Representative Pam Marsh, Chair  
Representative Ken Helm, Vice-Chair  
Representative David Brock Smith, Vice-Chair  
Oregon State Capitol  
Salem, OR 97301

RE: Testimony from the Oregon Chapter of the American Planning Association in Support of House Bill 2488-1<sup>1</sup>

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

The Oregon Chapter of the American Planning Association (OAPA) strongly supports the passage of HB 2488-1. Passage of this bill will result in a new and sorely-needed statewide land use planning goal to address climate change responses, climate justice, equity, and environmental justice. Its passage will have a direct and positive impact on our membership and the communities of all Oregonians.

OAPA is an independent, statewide, not-for-profit educational organization of more than 800 planners from across the state who work for cities, counties, special districts, state agencies, tribes, community-based organizations, universities, and private firms. We provide leadership in the development of vital communities by advocating excellence in community planning, promoting education and resident empowerment, and providing the tools and support necessary to meet the challenges of growth and change. OAPA supports sustainable communities and works to enhance the quality of life for current and future generations by helping to create and stabilize places that are equitable, healthy, and resilient and provide ongoing economic, environmental, and social benefits.

Key elements of HB 2488 with dash-1 amendments include the following:

- The Land Conservation and Development Commission (LCDC) will be required to adopt by June 23, 2023 a new statewide planning climate justice goal that addresses climate change measures, equity, environmental justice, and disparate impacts within land use planning and decision-making. The new goal will specifically:
  - Include the climate change measures of mitigation, sequestration, and adaptation.
  - Address equity in land use planning public participation and planning for all, including those who might experience the effect of past and current discrimination and patterns

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<sup>1</sup>At the time submitting this testimony, the 1-amendments had not been posted on OLIS. On behalf of OAPA, one of our members has been part of the proponent team that has worked with DLCD on drafting the -1 amendments. Our testimony reflects our support of the objectives of HB 2488. It also reflects our support of the -1 amendments, as we understand them, to focus on the adoption of a new climate justice Planning Goal that would address climate change responses, equity in public participation, and environmental justice in planning decision making, and that funding for this work during the upcoming biennium would be at least the \$800,000 provided DLCD for such work in the Governor's proposed budget.

- of exclusion or inequality of resources, access, and opportunity. This includes but is not limited to people of color, individuals with low income or very low income, and persons with disabilities.
- Address environmental justice by identifying and accounting for disparate impacts from planning and land use decisions. An Equity Analysis and Mapping Tool that can be used to identify relevant disparate impacts in land use planning and decision-making will be developed.
  - There will be a set of definitions that provide clear and consistent direction as to the meaning of essential aspects of the new planning goal and of its implementation.
  - There will be a requirement for a rulemaking advisory committee comprised of a broad, diverse group of stakeholders, including tribal communities and other groups who have or continue to experience disparate impacts.
  - Coordination between State agencies named in the legislation will be mandated.
  - Local jurisdictions will be required to update their comprehensive plans to be consistent with the new land use Goal, with implementation phased in based on the size of the jurisdiction and the specific elements of the Goal.
  - Local technical assistance funding will be prioritized for those counties and cities with fewer local resources to implement the new statewide planning goal. Local technical assistance funding will be distributed throughout the regions of the state.
  - The proposed appropriation of \$800,000 is intended to align with the Governor's proposed budget for LCDC and the Department of Land Conservation and Development (DLCD) to lead a review of Oregon's land use planning goals and development of new rules for environmental justice, equity, and climate.

OAPA agrees with those who suggest that climate destruction is the most significant existential threat facing the state. While we understand the realities of currently constrained resources to meet this threat, we believe it would be a poor use of state resources not to focus upon climate change now and avoid the larger threat posed by natural disasters that would occur by postponing a response. We also believe the LCDC and its staff have made a good start on addressing the housing crisis since 2015 and suggest that the legislature once again show its leadership on the response to this crisis as well.

The bill improves and strengthens current law and the Statewide Planning Goals that structure our land use program by adding a new goal that includes climate change responses, equity, and environmental justice. OAPA believes now is the time to do this for the following reasons:

- **The Statewide Planning Goals do not include a climate change response goal.** The current goals were adopted more than 45 years ago and lack any intentional requirements needed to address the impacts of climate change and its inequitable impacts. OAPA believes that it is imperative to modernize Oregon's planning programs by adopting a new climate change goal that will advance mitigation of GHG emissions, adapt land uses to climate change impacts, and preserve and increase sequestration of carbon.
- **The Statewide Planning Goals do not address climate justice.** The current goals do not address recognizing and remedying the adverse and disproportionate impacts to those groups and communities experiencing the most immediate impacts of climate change. OAPA believes that there is a critical need to prioritize climate change responses using data driven equity analyses to identify and address disparate impacts from land use decisions.
- **The Statewide Planning Goals do not ensure that public participation in land use decisions is available to all.** The current goal requirements for participation in planning and land use decisions were adopted in 1975 at a time when public engagement processes did not acknowledge or address underrepresented communities, often resulting in inequitable

outcomes. The Governor's Equity Executive Order highlights the need to build environmental justice into Oregon's planning and land use decision making systems. OAPA believes that public engagement techniques must ensure that the opportunity to participate must be available to all, including any individual or group that might experience the effect of past and current discrimination and patterns of exclusion or inequality of resources, access, and opportunity. It is our view that the public participation goal, Goal 1, should also be amended to correct this inequity and that funding, or assurance of funding as the climate goal progresses, is what the state needs.

HB 2488-1 aligns with OAPA's 2021 Legislative Priorities to:

- **Confront climate change** — Oregon needs to act now to confront climate change. More needs to be done to mitigate climate change and to help communities adapt and become more resilient to its impacts, while addressing the inequitable impacts of climate change on vulnerable communities. *OAPA supports:*
  - Legislation and other measures that further efforts to: reduce greenhouse gas (GHG) emissions, advance adaptation by and resiliency of communities, and increase carbon sequestration;
  - Creating a new Statewide Planning Goal to address climate change;
  - More coordination by and funding for State agencies to effectively address climate change; and
  - Prioritizing planning and assistance for Black, Indigenous, and people of color (BIPOC) community members and other vulnerable communities, and centering their voices when developing policy.
- **Advance racial equity** — Anti-racism needs to be centered in policy and planning work in Oregon. Deliberate efforts need to be made to advance racial equity and combat systemic racism in the state. *OAPA supports:*
  - Changes to public engagement processes to explicitly advance anti-racism and elevate the voices of BIPOC and other traditionally-underrepresented communities.

HB 2488-1 is needed to address gaps and make improvements to Oregon's statewide planning program's ability to confront climate change and promote environmental justice. There was an effort some years ago to address the effects of climate change on the Oregon Coast. That effort lacked funds and a comprehensive legislative response. We hope that the State will not avert its collective eyes to this continuing, and indeed increasing, crisis.

Finally, OAPA has seen a tendency to start new state programs to require local laws to change, but the funds to make those changes are not provided. If climate change is indeed a state priority, then funding to fix the problem -- in this and future biennia -- must be part of the solution.

Thank you for the opportunity to provide this testimony on HB 2488-1. OAPA strongly recommends the Committee vote the bill out with a Do Pass recommendation, as amended.



Aaron Ray, AICP, President  
Board of Directors



Eunice Kim, AICP, Chair  
Legislative and Policy Affairs Committee