

Frequently Asked Questions for HB 2488-1



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Re: Legislation to adopt a new statewide land use planning goal (Goal 20) for climate change and equity in land use decisions.

1. *Why now?*

Oregon has 19 land use planning goals that address many issues including housing, forests, coastal lands and “citizen” participation. However, none of these goals require cities and counties to plan for climate and to use inclusion and equity as a guiding framework. Climate change is an existential threat to the environment, food systems, human health and public safety. For impacted and vulnerable communities and people of color, the threat is disproportionate in magnitude and is a matter of survival. The world is nearing a tipping point.

Oregon’s model land use program is recognized internationally but its 1970s Goals are out of date as to climate change, equity, diverse representation and modern day mapping and data collection tools. Despite the fact that we’ve known for decades that we must take immediate action to address climate impacts and reduce GHG’s, *Oregon has not yet adopted climate mitigation criteria in land use policy.*

2. *Is \$800,000 enough to make the goal changes?*

It will enable the adoption of a new climate justice land use planning goal. In addition to a general fund appropriation in the 2023-2025 biennium, federal and private grants can be solicited using the \$800,000 for launch purposes. Monies will be placed in a designated fund for the purpose. Rulemaking and technical assistance will take place in the next biennium.

3. *Why isn’t the current DLCD transportation and equity charge sufficient?*

It lacks legislative authority. It only addresses mitigation from transportation and housing. It doesn’t address sequestration or storage, and questions of adaptation are expressly off limits. It has no authority over metropolitan planning areas. While other goals than Goal 10 (Housing) and Goal 12 (Transportation) are implicated, it seems unlikely that there will be changes or even rule revisions for the other 17 goals. Oregon needs a comprehensive land use planning update to address and mitigate climate impacts.

4. *Why not wait until OGWC publishes its sequestration standard(s)?*

Because the Oregon Global Warming Commission (OGWC) has no rule making power, DLCD, which does, needs to implement OGWC’s standard once they are published (by June 30, 2021). Time is of the essence because of the existential threat. The Governor’s charge to OGWC is intended to cover other agency “goals” (e.g., by ODF, ODA, ODF), not just the Statewide

Planning Goals, but LCDC was originally structured to, and should take the lead in, adopting an interim standard based on OGWC's work.

5. *How will HB 2488-1 promote the work of LCDC and DLCD?*

Updating the goals for climate change and environmental and social justice was part of the Agency's prospective workplan, however, their budget has been cut. The climate change response issue has been discussed at LCDC at least since 2008 (when a Goal 20 was proposed), but no significant action has been forthcoming. DLCD has been trying to substitute small steps by simply publishing a kind of voluntary best practices as a substitute for rulemaking; voluntary measures are incapable of reducing GHG's and preparing for climate adaptation and resilience. "The immediate drives out the necessary." The processes under ORS 197.235 and Goal 1 (Citizen Involvement) do not reflect the new technology and the need for environmental justice. Further, the current RAC-hearings process reaches only a limited set of stakeholders and doesn't foster diverse public participation, particularly from underserved and impacted communities and tribes. The Environmental Justice Task Force and Oregon Blueprint for Climate Equity provide updated tools for reaching the public.

6. *Why should Oregon adopt climate change standards, given the ubiquitous nature of atmospheric CO₂e and any action Oregon can take is tiny in regard to the global crisis?*

"The whole is the sum of its parts." There are no borders atmospherically. There is no world government; the US Federal government has trouble acting. Individual states must and are acting. Oregon has been an environmental leader, in part because of its long-standing land use program. Oregon needs to do its part by keeping its goals current. Several Oregon cities have taken action, but their impacts on adaptation, mitigation and sequestration are limited and not coordinated. There are no measurable criteria in many plans and programs.

7. *Why not make the climate change and environmental justice changes by using the Governor's Executive Order 20-04 rather than by Goal changes?*

Ultimately the Governor's executive order capability is limited. Furthermore, the EO doesn't charge the DEQ with addressing how land uses impede GHG emissions reductions or, alternatively, the ability of land to sequester and store carbon. Rules and executive orders can only operate within existing statutes. The charge to the DLCD and DEQ RAC is specifically limited to existing law. For example, even though DEQ is calling its process "cap and reduce" there is no trading, and there are no funds for mitigation of impacts on people of color. Secondly, the Oregon Global Warming Commission has no rule-making power. DLCD has that power. A legislative mandate such as that of HB 2488-1 together with the allocation of \$800,000 will accelerate both equity and climate change responses. **The legislature needs to charge LCDC to deal with climate change adaptation, mitigation, sequestration-carbon capture, and equity.**

8. *Why aren't DLCD's framework reports for adaptation adequate?*

First, neither the Agency's 2010 report nor the new 2020 report is binding. Second, while the 2010 report at least discusses risks, it does not require careful planning about responses. Second, the 2020 update draft, at best, talks about strategies, but again does not provide any mandates. Finally, because it is a state document and attempts to span many agencies the 2020 report does not come up with nearly enough specifics to make a difference. Example: A "2020 fires" looks at the Oregon Wildfire Risk Explorer-Homeowner Reports reveals inadequate generalizations (e.g., risk in Detroit and Blue River at 1 in 500 to 1 in 1000). Likewise, at least one of the County Community Wildfire Protection Plans is out of date (much has happened since its 2005 publication). The recent Santa Ana type wind risks caused by climate change in Oregon are not adequately addressed.

9. *What about equity?*

Communities that are already struggling because of historic inequities or other economic, social, or environmental challenges are much more vulnerable to the impacts of climate change, so their needs must be centered in the process of addressing climate impacts through Oregon system of land use laws.

Despite these mounting climate change impacts, Oregon's SB 100, our state land use laws, lack any environmental justice standards. This is a fundamental problem that hinders progress towards a future that is climate resilient and protective of public health. It is time to rectify the absence of environmental justice values, equity and inclusion that are currently missing in the land use goals for the benefit of frontline communities.

The result is a focus on current land owner stakeholders, not on public participation or questions of equity or broad environmental justice. Likewise, Goal 1 relies on archaic forms of communication (like mailing postcards to landowners 100-300 ft from an upcoming land use decision) and is based on what has turned out to be a weak premise, namely that advisory committees making recommendations to local planning departments and elected officials will represent the public interest.

Goal 1 needs to be changed to use modern communication that increase accessibility for underrepresented Oregon residents and information exchanges in attain more equity and environmental and social justice. Goal 1 needs immediate revision to correct 5 decades of limited citizen input.

10. *Fair and equitable advisory committee needed*

The bill stipulates the creation of an advisory committee whose membership is mandated to include representatives from **environmental and social justice communities and interests** to assure equity. Like most long-standing administrative agencies, DLCD pays attention to the "stakeholders" who are typically landowner groups and other interest groups representing developers and real estate. A new goals change process should and hopefully will reach beyond the typical stakeholders to the Oregon public and more adequately advance the public interest in climate change and equity. It has a better chance to change hearts and minds. (this requires that

the advisory group must consist of a diverse group of representatives, including tribal reps and communities of color)

11. Why isn't the DEQ's RAC for cap and reduce and its focus on transportation and housing sufficient?

This RAC raises two goals, Transportation (Goal 12 and Housing (Goal 10). The charge generally leaves out other considerations. It seems likely, ultimately, that DEQ's Green House Gas Reporting limits (e.g., greater than 25,000 tonnes/yr) will turn out to be a full set of tools to address. We must do better than that through the integration of a Goal 20 for Climate Justice.

12. Does HB 2488 protect farm and forest lands?

Yes, it does by requiring that cities and counties consider how to protect natural and working lands for their carbon storage potential when doing UGB expansions or expanding city limits. The language of the bill reads: **Protect and enhance natural resources and green spaces that accumulate and store greenhouse gases, including the oceans, wetlands, forests and soil.**

