

To: Members Joint Committee on Carbon Reduction  
Co-Chair Senator Michael Dembrow  
Co-Chair Representative Karin Power

From: Jonathan Harker, AICP, Resident State District 23 and House District 45

Date: February 18, 2019

RE: House Bill 2020

I support HB 2020 and I am grateful that our State Legislature is taking this action to address climate change caused by rises in global warming as a result of the emissions of greenhouse gases. There are those who say that as the State of Oregon only represents a very small percentage of global greenhouse gas emissions, population and area, that therefore Oregon should not take this action. I disagree. First it is only fair that Oregonians reduce the greenhouse gases we emit by taking steps that the science tells us we need to do. Second, Oregon with its forest and ability to grow trees along with other unique land features is well suited sequester, that is remove, greenhouse gases from the atmosphere. And finally climate change is already negatively impacting Oregonians and will continue to do so. And the impacts are especially felt earlier and harder by vulnerable communities throughout the State. It is then important to act and do projects that will strengthen the resiliency and ability to thrive for our communities, our economy and our landscape.

I believe that HB 2020 by creating an Oregon Climate Action Program begins to address the issues I raise above. It is important to set a cap (and reduce the cap each year) of greenhouse gas emissions based on science and applied to larger emitters. It is important that there is a pricing mechanism that holds the larger emitters accountable for their emissions and encourages them to increase efficiencies and use renewable clean energy. I would be cautious about exempting any major emitter. And it is critical to use the proceeds to establish and to use the investment funds as described in Sections 29, 30, 31 and 32 of the bill.

Elements that I am especially excited about regarding investment include: provisions to prioritize projects and providing opportunities that benefit impacted communities; promoting clean energy as job opportunities; providing assistance to help residents, business and workers to thrive as we reduce greenhouse gases; low-income weatherization; increasing transportation options; and supporting planning and planning implementation that promotes greenhouse gas emissions reduction along with sequestration, adaption and resilience.

I am also very apperceive that the Just Transition (sections 35 & 36) as well as the Environmental Justice Task Force (Section 41).provisions are included in the bill.

I do have suggested amendments that I believe would result in more successful Oregon Climate Action Program.

- 1) An amendment adding to the Oregon Climate Action Plan an instruction to the “Climate Authority” to work with Department of Land Conservation and Development (DLCD) to develop a plan for the review and update of the Statewide Planning Goals related to climate change action for mitigation, sequestration and adaption, for presentation to the 2021 legislature. [See later in testimony for rationale for this amendment.]
- 2) A statement that any offsets used for allowance emission reductions cannot be counted as aiding in sequestration. [Clarification in Section 19)
- 3) A requirement that mitigation and sequestration efforts by the MPOs, the counties and the cities should be assessed for their mitigation and sequestration and counted toward achieving Oregon’s emission reduction goal of 80% below 1990 levels of CO2 emissions by 2050. [to add a sequestration emission reduction goal]
- 4) Amend Section 29 (e) to read “Promote low carbon and renewable energy economic development opportunities and the creation of jobs that sustain living wages.” [Clarification]

### Why Initiate a Plan to Review and Update the Statewide Planning Goals and for Climate Change?

Oregon’s Planning Goals express the State’s policies on land use and related topics such as citizen involvement, housing and natural resources. All of Oregon’s cities and counties have adopted comprehensive land use plans that comply with 19 mandatory Statewide Planning Goals and which are the basis for their specific rules and land use regulations. The first 15 goals were adopted in 1975 and the remainder in 1977 at a time when there was no anticipated need to mitigate or adapt to climate change or sequester carbon. Most of the goals have been amended once or twice (but not all for example Transportation - Goal 12 or Energy Conservation - Goal 13) and none of those amendments addressed climate change.

A report, *Countdown to 2050*, (Green Energy Institute, Lewis & Clark Law School 11/15) takes a comprehensive look at Oregon’s emissions reductions laws; renewable energy and efficiency laws; and transportation and land use laws identifying what is not working and how to fix it. Regarding transportation and land use laws it concludes that they are “woefully inadequate”. Its findings included:

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

My career as a land use planner (I have a Master’s in Urban & Regional Planning from Portland State) for the City of Gresham spanned the late 1980’s through the mid 2010’s. During most of those years I worked on comprehensive planning projects either as a project planner or as the comprehensive planning manager. At retirement I was the City’s Planning Director. During the 1990’s and into the 2000s

much of the City planning program was in response the Statewide Planning Goal periodic review and other mandates and the Metro 2040 Growth Concept and its accompanying Urban Growth Management Plan. I can speak from experience to the powerful and positive effects that these State and regional mandated programs had on the Gresham community and its residents. New concepts such as transit supportive zoning; walkable neighborhoods; mixed-use development; minimum densities; preservation of natural resources lands; regional and town centers; and new community planning for UGB expansion areas were adopted and implemented.

Although many of the changes that have been made help address climate change they were not done to respond to climate change. In my latter years with Gresham very little of the planning program was either in response to State or Regional planning requirements. Nor was there any planning programs in response to the State's climate change goals or climate change in general.

Adding Climate Change to the mandatory Statewide Planning Goals could be a strategy and important tool as part of an Oregon comprehensive climate change planing mechanism to help ensure that emissions reduction occur with the transportation and land use sectors as a whole.

The how and the form of Oregon's use of its lands as well as the way it engages its residents in land use decisions has significant importance in Oregon communities' actions to reduce greenhouse gas emissions and adapt and prepare for the affects of climate change. Metro, the City of Portland and Multnomah County have, in recent years, engaged in planning efforts to address climate change. Yet this efforts have not been tied Comprehensive Plans or land use decisions.

In 2011-14 Metro in 2011-2014 engaged in Scenario Planning as a response to a mandate from the Oregon Legislature for Metro to develop and implement a strategy to reduce per capita greenhouse gas emissions from cars and small trucks by 2035. In the final 2014 report(*Climate Smart Strategy for the Portland Metropolitan Region*) identifies strategies and rated each for its impact on GHG emission reductions (based on a 2012 sensitivity analysis). A strategy to implement land use plans that help hold the urban growth boundary, create walkable neighborhoods and support transit received the highest 5 star rating (16-20% GHG reduction). **However there has been no specific follow-up action to this scenario planning effort.**

The City of Portland and Multnomah County have jointly adopted a Climate Action Plan (CAP). Embedded in the CAP are a number of findings, objectives and future actions relevant to how land use impacts the climate change action. For example it notes that the urban form strongly influences carbon emissions and that integrating higher density land uses with safe active transportation and transit is critical to reducing carbon emissions. **However the CAP has not been tied to the City's Comprehensive Plan nor is it being used in land use decision making.**

There are recent examples regarding Metro and Portland — two jurisdictions that have been advanced in climatic change action — land use actions that demonstrate the current disconnect between their climate change action agendas and criteria used for making land use decisions. Bringing up this examples are

not to suggest that the actions are harmful to climate change actions but rather demonstrate the lack of using climate change actions as rationale for the decisions.

Metro approved a UGB expansion at end of last year. The COO report while stating that one of Metro's desired outcomes is "the region is a leader in minimizing contributions to global warming" the report's findings have no reference to climate change impacts. Interestingly enough the report did recommend (and the Council adopted) a recommendation to review the 2040 Growth Concept Plan to consider new issues inching "Climate change mitigation and adaptation" and action not unlike what I am requesting be initiated in HB 2020.

A second example is Portland's Residential Infill Project. As currently recommended by the Planning Commission that project will allow "the missing middle housing types such as 2, 3 or 4-plexes" on lands typically zoned for 1 home. By promoting more compact and walkable neighborhoods that can be support transit and local businesses and lessening the demand for UGB expansions this action will have a positive impact for climate change. Yet in the 16-page Comprehensive Plan findings in the Planning Commission Staff Report none of the 8 policy themes or the narratives accompanying those policy themes mention climate change as a reason to approve the project. This despite that fact that Portland has an comprehensive Climate Action Plan.

The need to update the Statewide Planning Goals is well articulated in a recent article, *Climate Change and Oregon Law: What Is to Be Done?*\* by Alan K. Brickley, Steven R. Schell and Edward J. Sullivan, in the Journal of Environmental Law And Litigation. It extensively reviews and analyzes the Statewide Planning Goals in the light of climate change. It notes they are more than 45 years old and have not been updated to address the climate change threat. And that the current goal amendment process provides an excellent way for Oregonians to meet the threat and decide what more should be done. Goals that they feel could be amended to address climate change include:

To address mitigation:

1. Establish eco-districts and climate smart planning strategies for them (Goals 9 and 10)
2. Integrate emissions reduction targets into the land use planning process (Goal 13)
3. Tie transportation objectives to measurable CO<sub>2</sub>e reductions (Goal 12)
4. Address impacts from climate refugees (Goal 14)

To address adaptation:

1. Coordinate climate impact requirements of other agencies (Goal 6)
2. Articulate and update Hazard response planning and objectives (Goal 7)
3. Add rolling easement planning to address sea level rise (Goals 16, 17, 18)
4. Provide a 50 year planning horizon for movement of shorelands lines (Goal 17)
5. Recognize a moving elevation line for Oregon's beaches (Goal 18)
6. Address acidification, oxygen depletion and habitat change in the 3 mile zone (Goal 19)
7. Plan for more rapid runoff in the Willamette River (Goal 15) and elsewhere (Goal 5)

To address sequestration-carbon capture:

1. Establish a measurable forest sequestration requirement (Goal 4)
2. Provide incentives for climate friendly farming practices (Goal 3)
3. Identify basalt formations and other critical areas for sequestration (Goal 5)

\*[https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/23295/Schell%20-- %20final.pdf?sequence=1&isAllowed=y](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/23295/Schell%20--%20final.pdf?sequence=1&isAllowed=y)

There are other goals that should also be looked at. For example when Goal 1 was written in 1975 (amended once in 1988) there was no widespread use of the Internet let alone social media. For example stimulating citizen involvement mentions using “television, radio, newspapers, mailing and meeting). More importantly Goal 1 was written without consideration of equity and making sure that those who are most vulnerable to climate change are integral to building climate resilience. Studies done by the National Association of Resilience Planners (Community-Driven Climate Resilience Planing Oct 2017 — <https://www.nacrp.org>) and by the Urban Sustainability Directors Network (guide to Equitable, Community Driven Climate Preparedness Planning, 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 resources for current approaches to equitable citizen involvement.

There may also be a value to in addition to updating other goals adding a new goal specific to Climate Change. None of the current goals speak specifically to urban form.such as walkable neighborhoods or complete communities. The book *Drawdown* (edited by Paul Hawken, 2017) summarizes research that identifies and ranks by effectiveness actions that can be taken to reduce GHG emissions. The 54th rank action is to create walkable cities which have a significant impact on reducing vehicle emissions. They identify six dimensions of the built environment — demand, design, destination, distance and diversity the need to be considered to create walkable neighborhoods. Although many Oregon jurisdictions have aspirations for these kinds of neighborhoods no State Planning Goal would lead you to this or any other important elements of climate change actions.

Thank you for this opportunity to testify.

Sincerely,

Jonathan Harker