

HB 2488 A STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Action Date: 04/12/21

Action: Do pass with amendments and be referred to Ways and Means by prior reference.
(Printed A-Eng.)

Vote: 4-3-0-0

Yeas: 4 - Helm, Marsh, Pham, Speaker Kotek

Nays: 3 - Moore-Green, Owens, Smith DB

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 3/8, 3/29, 4/12

WHAT THE MEASURE DOES:

Requires the Land Conservation and Development Commission (Commission) to include within the goals and guidelines described in ORS 197.225 a statewide land use planning goal that directs governments to take actions consistent with the following: 1) ensuring that the opportunity to participate in land use planning and decision-making is accessible to disadvantaged groups; 2) incorporating practices to engage the community, including disadvantaged groups, on climate justice, environmental justice and equity in land use planning and decision-making; and 3) utilizing current technologies and mediums to: improve and expand communication between the local government and general public, including disadvantaged groups, and enhance the access to and accessibility of information used in land use planning and decision-making to the general public, including disadvantaged groups. Requires the Commission to amend the statewide land use planning goal relating to citizen involvement and the following (notwithstanding ORS 197.230, 197.235, 197.240 or 197.245): 1) requires Department of Land Conservation and Development (Department) to appoint an advisory committee consisting of a broad, diverse group of stakeholders, including representatives of tribal communities and disadvantaged groups; 2) requires the Department to hold at least one public hearing in each of the congressional districts in this state; 3) requires the Commission to, at least 60 days prior to adopting the amended goal, present draft goal language to an appropriate committee or interim committee of the Legislative Assembly; 4) requires the Commission to hold at least one public hearing regarding the draft goal language before, and separate from, the meeting at which the Commission adopts the amended goal; 5) requires the Commission to adopt the final amended goal on or before June 30, 2023 and, notwithstanding ORS 197.245, the goal is effective 30 days after adoption; 6) requires the Commission to rename the statewide land use planning goal relating to citizen involvement to reflect, to the greatest extent possible, the broadest and most inclusive public engagement and participation in land use planning and decision-making process by all members of the community, including disadvantaged groups; and 7) authorizes the Commission or Department to request the assistance of any state agency, public or private organization, including federal agencies, other states and universities, in the amendment and adoption of the goal. Establishes that, notwithstanding ORS 197.250, a local government of certain size is not required to request acknowledgment of compliance for the local government’s comprehensive plan or regional framework plan with the amendment to the statewide land use planning goal adopted under this Act until a specified year under a compliance schedule. Requires the Commission, upon the request of any local government, to grant an extension to the compliance schedule: 1) a single 12-month extension for any local government; and 2) An ongoing extension if the local government has been unable to receive funding to adopt and implement the amended goal. Requires each local government, on a schedule published by the Commission, to report to the Department on the local government’s compliance with the amended goal adopted under this Act. Sunsets process for amending goal and implementation of goal on January 2, 2028, without affecting an amendment to a

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statewide land use planning goal adopted under this Act. Appropriates to the Commission the amount of \$800,000 out of the General Fund for the biennium beginning July 1, 2021, in addition to and not in lieu of any other appropriation, to adopt an amendment to the statewide land use planning goal and to facilitate the adoption of the goal by local governments.

ISSUES DISCUSSED:

- Previously adopted Goals in 1970s did not address climate and equity
- Population data sources used to establish exceptions for counties and local governments
- Impacted communities unable to fully participate in the land use planning and recovery process due to lack of access to language services
- Potential technical expertise costs for jurisdictions to implement Goal
- Differences for rural and urban resources for meeting statewide land use planning goals

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Senate Bill 100 established the Land Conservation and Development Commission (LCDC) that was charged with adopting state land use goals, and the Department of Land Conservation and Development (DLCD), that was charged with assisting LCDC and local governments in implementing those goals and with coordinating state agencies in land use matters. In addition, Senate Bill 100 directed local governments to adopt and implement comprehensive plans and revise them periodically in accordance with statewide goals and the needs and desires of the public. After extensive review and public input, LCDC initially adopted 14 statewide land use planning goals in 1974 and added five additional goals over the next three years. Most of the goals are accompanied by “guidelines” that suggest how they should be applied, though these guidelines are not mandatory. Administrative rules have been adopted to help interpret and implement many of the statewide goals. The 19 statewide goals are: Goal 1 – Citizen involvement; Goal 2 - Land use planning; Goal 3 - Agricultural lands; Goal 4 - Forest lands; Goal 5 - Natural resources, scenic and historic areas, and open spaces; Goal 6 - Air, water, and land resources quality; Goal 7 - Areas subject to natural hazards; Goal 8 - Recreational needs; Goal 9 - Economic development; Goal 10 - Housing; Goal 11 - Public facilities and services; Goal 12 - Transportation; Goal 13 - Energy conservation; Goal 14 - Urbanization; Goal 15 - Willamette River Greenway; Goal 16 - Estuarine resources; Goal 17 - Coastal shorelines; Goal 18 - Beaches and dunes; and Goal 19 - Ocean resources.

House Bill 2488 A would require the Land Conservation and Development Commission to amend the statewide land use planning goal relating to citizen involvement and appropriates \$800,000 out of the General Fund for the 2021-2023 biennium to LCDC to adopt an amendment to the statewide land use planning goal and to facilitate the adoption of the goal by local governments.