

# House Bill 2488

Sponsored by Representatives POWER, HELM, Senators GOLDEN, DEMBROW; Representatives HOLVEY, WILDE, Senators FREDERICK, PROZANSKI (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Land Conservation and Development Commission to make changes to statewide land use planning goals by December 31, 2026, to address climate justice by addressing climate change adaptation and mitigation and environmental justice for disadvantaged communities.

Requires Department of Land Conservation and Development to establish environmental justice advisory committee.

Requires commission to adopt interim climate justice standards for local government's use until meeting compliance with goal changes. Establishes deadlines for compliance with interim standards and changed goals.

Establishes Climate Justice Planning Goals Fund. Appropriates moneys to fund. Continuously appropriates moneys in fund to commission for specified purposes.

Sunset interim standards on January 2, 2030. Sunset goal amendment process after commission certifies adoption of goal.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to addressing climate justice through land use planning; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 8 of this 2021 Act are added to and made a part of ORS chapter**  
5 **197.**

6 **SECTION 2. Changes to planning goals to address climate justice. (1) The Land Conser-**  
7 **vation and Development Commission shall make changes to the statewide land use planning**  
8 **goals, including by amending existing goals or adopting additional goals, to support climate**  
9 **change adaptation and mitigation and environmental justice for disadvantaged communities.**

10 **(2) Changes to the goals under this section:**

11 **(a) Notwithstanding ORS 197.235, require only a single public hearing before adoption.**

12 **(b) Must be conducted in the manner provided in ORS 197.235, 197.240 and 197.245, to the**  
13 **extent not inconsistent with this section.**

14 **(c) Must contain implementation standards and guidelines.**

15 **(d) Must be completed by December 31, 2026.**

16 **(3) With respect to climate change, the changes to goals under this section must include**  
17 **requirements or guidelines compelling local governments and applicable state agencies to:**

18 **(a) Establish and update measurable targets and processes for obtaining the targets for:**

19 **(A) Climate change mitigation, including any activities that reduce greenhouse gas**  
20 **emissions or enhance the sinks of greenhouse gases.**

21 **(B) Climate change adaptation, including any processes of adjustment to actual or ex-**  
22 **pected climate and the effects of changes to the expected climate.**

23 **(C) The sequestration and storage of greenhouse gases, including any process, activity**  
24 **or mechanism that removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 from the atmosphere.

2 (b) Identify and map anticipated impacts to public resources and local communities from  
3 climate change.

4 (4) With respect to environmental justice, the changes to goals under this section must  
5 include requirements or guidelines compelling local governments and applicable state agen-  
6 cies to:

7 (a) Include disadvantaged communities in land use planning and decisions.

8 (b) Determine and address local issues of diversity, equality and environmental justice,  
9 including through impacts on the health, economic and social conditions of disadvantaged  
10 communities.

11 (c) Identify and map disadvantaged communities, using relevant, credible data, including  
12 data from the United States Environmental Protection Agency, other federal or state agen-  
13 cies, nonprofit organizations and local programs.

14 (d) Identify, quantify and map unique and cumulative health risks to disadvantaged  
15 communities caused by land uses, including risks from:

16 (A) Pollution exposure;

17 (B) Climate-related or other natural hazards;

18 (C) Lack of access to public facilities, including schools, parks, community centers,  
19 emergency shelters, emergency command centers and facilities for emergency communi-  
20 cations, transportation, water supply, sewage and solid waste and health care; and

21 (D) Lack of access to services, healthful foods, affordable and adequate housing, open  
22 spaces or spaces for physical activity.

23 (e) Reduce or mitigate unique and cumulative health risks to disadvantaged communities.

24 (f) Build a resilient and equitable response to future climate impacts to public health and  
25 safety.

26 (g) Require equal and fair notice to Native American tribes and tribal communities and  
27 provide consultation and mutual concurrence when land use decisions impact lands and na-  
28 tural resources that are owned and managed by a tribal government.

29 (h) Develop land use objectives and policies that build a resilient and equitable response  
30 to future climate impacts to public health and safety.

31 (i) Achieve broad, diverse, fair and equitable notice and participation by disadvantaged  
32 communities in consideration of:

33 (A) Land use decision-making, not limited to environmental justice issues; and

34 (B) Strategies and methods for achieving the goals under this subsection.

35 (5) As used in this section:

36 (a) "Communities" means groups of people living in a common geographic area within a  
37 shared political jurisdiction or area in which they live, work, learn and practice spirituality  
38 and culture.

39 (b) "Disadvantaged communities" includes communities with a population largely com-  
40 posed of individuals who are low income, very low income or persons of color.

41 (c) "Environmental justice" means equal protection from environmental and health haz-  
42 ards, and meaningful public participation in decisions that affect the environment in which  
43 people live, work, learn and practice spirituality and culture.

44 (d) "Low income" and "very low income" have the meanings given those terms in ORS  
45 458.610.

1 (e) "Persons of color" may include, as determined by the commission, individuals who  
2 identify as:

3 (A) Black or African American;

4 (B) Hispanic or Latino;

5 (C) Asian or Asian American;

6 (D) Native Hawaiian or Pacific Islander;

7 (E) American Indian or Alaska Native having origins in one of the original peoples of  
8 North America;

9 (F) Arabic or North African;

10 (G) Middle Eastern;

11 (H) Mixed-race or mixed-ethnicity; or

12 (I) Another ethnicity or race that, historically and currently, experiences health, eco-  
13 nomic and ecological disparities.

14 **SECTION 3. Compliance with goals.** Notwithstanding ORS 197.250, comprehensive plans,  
15 land use regulations, plans and zoning ordinances rules must comply with the changes to the  
16 statewide land use planning goals under section 2 of this 2021 Act on or before the date:

17 (1) 90 days after the adoption of the changes for state agencies, for cities with a popu-  
18 lation of more than 25,000 and for counties with a population of more than 250,000.

19 (2) 270 days after the adoption of the changes for cities with a population of at least  
20 10,000 and not more than 25,000 and for counties with a population of at least 100,000 and not  
21 more than 250,000.

22 (3) 540 days after the adoption of the changes for cities with a population of less than  
23 10,000 and for counties with a population of less than 100,000.

24 **SECTION 4. Environmental justice advisory committee.** (1) On or before 60 days following  
25 the effective date of this 2021 Act, the Department of Land Conservation and Development  
26 shall establish an advisory committee to advise the department on environmental justice  
27 changes to the statewide land use planning goals under section 2 (4) of this 2021 Act.

28 (2) The department shall appoint up to 11 individuals as members of the committee, in-  
29 cluding:

30 (a) A majority with experience and interests in working with environmental and social  
31 justice communities and issues.

32 (b) At least one member with significant academic or professional knowledge and exper-  
33 tise in using modern technology and communications to enhance and promote governmental  
34 public outreach, engagement and interactive participation.

35 (3) The chairperson of the Land Conservation and Development Commission shall select  
36 one member of the advisory committee to serve as chairperson of the advisory committee,  
37 with the duties and powers necessary to perform the functions of the office as the chair-  
38 person of the commission determines.

39 **SECTION 5. Interim climate justice standards.** (1) On or before July 1, 2021, the Land  
40 Conservation and Development Commission shall adopt by rule interim standards to operate  
41 in lieu of the goal amendments required by section 2 of this 2021 Act for local governments.

42 (2) The interim standards shall include standards for:

43 (a) Environmental justice, equity and public participation, taking into consideration the  
44 Environmental Justice Task Force best practices handbook and the State of Oregon's Cli-  
45 mate Equity Blueprint;

1 (b) Climate adaptation risks and responses based on the commission’s December 2010  
 2 “Oregon Climate Change Adaptation Framework” and November 15, 2020, “Draft Oregon  
 3 Climate Change Adaptation Framework”;

4 (c) Reducing greenhouse gases; and

5 (d) Capturing, storing and sequestering greenhouse gases on:

6 (A) Lands zoned for exclusive farm use as described in ORS 215.203;

7 (B) Lands zoned for forest uses; and

8 (C) Other lands of this state.

9 (3) The interim standards under subsection (2)(b) to (d) of this section must take into  
 10 consideration state and federal goals for reducing greenhouse gases, including under ORS  
 11 468A.205.

12 (4) The interim standards adopted under this section apply to land use decisions, expedited  
 13 land divisions and limited land use decisions of a local government from 60 days after  
 14 the standards are adopted until the local government has adopted changes to the local  
 15 government’s comprehensive plan or regional framework plan that are acknowledged by the  
 16 commission to be in compliance with the goals as changed under section 2 of this 2021 Act.

17 **SECTION 6. Local government report to commission.** On a schedule published by the  
 18 Land Conservation and Development Commission, each local government shall report to the  
 19 Department of Land Conservation and Development on the local government’s compliance  
 20 with the interim standards under section 5 of this 2021 Act or the adopted changes to the  
 21 statewide land use planning goals under section 2 of this 2021 Act.

22 **SECTION 7. Commission report to Legislative Assembly.** No later than September 15 of  
 23 each year, the Land Conservation and Development Commission shall provide a report to the  
 24 appropriate interim committees of the Legislative Assembly, in the manner provided under  
 25 ORS 192.245, on the progress under sections 2 to 8 of this 2021 Act by the commission, local  
 26 governments and the advisory committee established under section 4 of this 2021 Act.

27 **SECTION 8. Climate Justice Planning Goals Fund.** (1) There is established the Climate  
 28 Justice Planning Goals Fund, separate and distinct from the General Fund.

29 (2) The Climate Justice Planning Goals Fund shall consist of moneys credited to the fund  
 30 from moneys appropriated or transferred to the fund by the Legislative Assembly or received  
 31 from the federal government or other grants, gifts or donations from any source.

32 (3) All moneys received under this section by the Land Conservation and Development  
 33 Commission, Department of Land Conservation and Development or the advisory committee  
 34 established under section 4 of this 2021 Act must be paid into the State Treasury to the  
 35 credit of the fund.

36 (4) Moneys in the fund are continuously appropriated to the Land Conservation and De-  
 37 velopment Commission for purpose of administering and implementing sections 2 to 8 of this  
 38 2021 Act.

39 **SECTION 9. Sunset.** (1) Sections 5 to 7 of this 2021 Act are repealed on January 2, 2030.

40 (2) Sections 2 to 4 and 8 of this 2021 Act are repealed on January 2 of the year following  
 41 the adoption of changes to the statewide planning goals under section 2 of this 2021 Act as  
 42 certified by the Land Conservation and Development Commission to the Secretary of State  
 43 and the Legislative Counsel.

44 (3) The repeal of section 2 of this 2021 Act by this section does not affect any amendment  
 45 to the statewide land use planning goals under section 2 of this 2021 Act or excuse compli-

1    **ance with the amended goals, including under ORS 197.250.**

2        **SECTION 10. Appropriation. In addition to and not in lieu of any other appropriation,**  
3 **there is appropriated to the Department of Land Conservation and Development, for the**  
4 **biennium beginning July 1, 2021, out of the General Fund, the amount of \$850,000, for deposit**  
5 **into the Climate Justice Planning Goals Fund under section 8 of this 2021 Act.**

6        **SECTION 11. Section captions. The section captions used in this 2021 Act are provided**  
7 **only for the convenience of the reader and do not become part of the statutory law of this**  
8 **state or express any legislative intent in the enactment of this 2021 Act.**

9        **SECTION 12. Emergency clause. This 2021 Act being necessary for the immediate pres-**  
10 **ervation of the public peace, health and safety, an emergency is declared to exist, and this**  
11 **2021 Act takes effect on its passage.**

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