



Oregon

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TO: The Honorable Representative Paul Evans, Chair
Members of the House Committee on Veterans & Emergency Management

FROM: Emma Land, Legislative Coordinator
Palmer Mason, Senior Policy Advisor

RE: House Bill 2850



HB 2850 as amended by the -1 amendment would authorize the Governor to create economic recovery zones following a declared disaster and delegate authority to a director of the zone. The -1 amendment would allow the director of the zone to require state agencies waive any state statutes or rules with respect to actions or projects to further the purpose of the economic recovery zone. In addition, under certain circumstances, local governments must approve any action or project approved by the director in any area notwithstanding statewide land use planning goals, state land use rules, local comprehensive plans, or local zoning codes. The department is not taking a position on HB 2850 but would like to highlight significant concerns with the -1 amendment.

As drafted, the -1 amendment could seriously undermine state and local land use planning. This amendment would allow the director to undertake any action or project without regard to the impacts on a community's plan for growth and development, their natural resources and existing or planned infrastructure, resilience against future natural hazards, and any other community need or concern. The amendment provides limited checks and balances on the actions and projects the director can implement. Furthermore, as drafted, the amendment does not appear to provide any opportunity for public comment or participation.

The department has specific concerns with the language in Section 3 (1)(c)(B). We recommend that this language make clear that a decision by the director will not result in any development within a floodplain or natural hazard area or where a local government applies natural hazard regulations. This type of development should only occur if it complies with the applicable state and local regulations that apply to the hazard area. This change is important to protect people and property from future natural hazards.

Additionally, DLCD has a specific concern relating to our federal consistency authority provided by the Coastal Zone Management Act of 1972, and the federally approved Oregon Coastal Management Program. By waiving all land use policies the State may lose the ability to utilize enforceable policies applicable to federal activities, through federal consistency review, reducing the ability for the state to ensure compliance with land use law. Waiving land use policies are likely to also put the state at risk of contradicting federal law and regulations. This could have serious adverse effects to state economic and natural resources and may also inhibit community resilience efforts associated with hazard mitigation and climate adaptation. The net effect of these problems could put our coastal program and the funding for the agency and local communities in jeopardy.

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DLCD Memorandum to House Committee on Housing re: HB 2705
February 3, 2021
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