House Bill 2659

Sponsored by Representatives LIVELY, WALLAN, BYNUM, Senator PROZANSKI; Representative HUDSON, Senator SOULLMAN (at the request of Cities of Springfield, Happy Valley, Troutdale, Medford, Hillsboro and League of Oregon Cities) (Presession 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 update rules adopted in response to Governor's executive order on climate to address specific issues. Prohibits enforcement of climate rules until updated.
Sunsets January 2, 2028.
Declares emergency, effective on passage.

A BILL FOR AN ACT
Relating to climate rules for land use planning; and declaring an emergency.

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

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section, “climate rule” means any rule adopted by the Land Conservation and Development Commission in response to Executive Order 20-04 requiring agencies to take action to reduce and regulate greenhouse gas emissions, including rules related to parking mandates, reduced-vehicle areas, transportation planning, electric vehicle infrastructure or housing density.

(2) On or before January 1, 2028, the commission shall adopt amendments or replacement rules to the climate rules that:

(a) Advance climate targets and equity;
(b) Are the result of collaboration with local governments impacted by the climate rules;
(c) Develop an implementation timeline that acknowledges differing local capabilities and circumstances;
(d) Are consistent with ORS 197.040 (1)(b), allow local governments alternative actions to comply with the rules and provide flexibility for local circumstances;
(e) Allow for the consideration of existing local plans and projects;
(f) Allow for local governments to meaningfully engage with their constituents in determining how to achieve outcomes;
(g) Provide model ordinances implementing the rules; and
(h) Balance implementation of statewide planning goals.

(3) The commission may not adopt amendments or replacement rules to the climate rules under this section unless the rule:

(a) Has the support of the governing bodies of at least 80 percent of all local governments that would be subject to the rule; and
(b) Includes a comprehensive economic impact statement identifying impacts on businesses, the public and local governments.

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.

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(4) The model ordinances under subsection (2)(g) of this section are enforceable against local governments who do not adopt amendments to their comprehensive plan or land use regulations to comply with the rules within the time required by the rules.

(5) In conjunction with adopting amendments or replacement rules to the climate rules adopted under this section, the Department of Land Conservation and Development shall identify strategies to ensure funding for the local government's implementation of the rules. The department shall make include moneys necessary for grants to local governments in the department's agency request budget, as described in ORS 291.208.

(6) Climate rules may not be enforced until the commission adopts amendments or replacement rules to the climate rules under this section.

(7) On or before September 15, 2025, the department shall provide a report to an appropriate interim committee of the Legislative Assembly in the manner provided in ORS 192.245 on the updates to the climate rules under this section.

SECTION 3. Section 2 of this 2023 Act is repealed on January 2, 2028.

SECTION 4. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.