



## Overview of Oregon's Land Use Program & Climate Change May 2020

Climate change and its impacts on Oregon's water resources, crop and vegetative patterns, infrastructure, coastal resources, air quality, environmental health, and human health have been a subject of discussions, reports, legislation, rulemaking, public investment and more for several decades.

Climate change contributes to an unstable Oregon: it increases the frequency and severity of wildfire, accelerates drought conditions, and affects all sectors of the economy and ways of life. Changing climate conditions require climate action that helps vulnerable populations and impacted communities adapt to climate change. Oregon's land use planning system is intended to ensure economic, community, and environmental health through comprehensive land use planning, and meaningful climate action using the land use program has been understood to be among the necessary components to protect the health and future of Oregon.

Transportation is the largest contributor <sup>1</sup> to global warming in Oregon, generating almost 40% of Oregon's climate emissions, and most of that is from driving cars and light trucks in the state's eight major urban areas.<sup>2</sup> How we plan communities of all sizes and protect working lands and natural areas are an integral part of adapting to and mitigating climate change.

This is an overview of some of the primary ways in which Oregon's land use program and its agency – the Department of Land Conservation & Development and its Commission – have addressed climate. It is not an in-depth discussion of every facet of

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<sup>1</sup> The next most significant contributors are residential & commercial uses and then industrial uses. Agricultural uses, while 4<sup>th</sup>, contributes much less than the top three. Oregon Global Warming Commission, *2018 Biennial Report to the Legislature*, <https://static1.squarespace.com/static/59c554e0f09ca40655ea6eb0/t/5c2e415d0ebbe8aa6284fdef/1546535266189/2018-OGWC-Biennial-Report.pdf>

<sup>2</sup> The eight major urban areas of the state - Portland metro area, Salem/Keizer, Corvallis, Albany, Eugene/Springfield, Middle Rogue (Grants Pass), Rogue Valley (Medford area), and Bend - are known as "metropolitan planning organizations," a federal designation for urban areas over 50,000 in population, for federally funded [transportation](#) policy and investments. They are made up of representatives from local [government](#) and transportation authorities to ensure regional cooperation in transportation planning.

the programs and reports described below, but rather is an attempt to provide a big picture, with links to more detailed information for those who would like more in-depth knowledge.

## I. Oregon's Land Use Goals

Each of Oregon's relates to climate change in some way, either because the resource protected by the Goal could be or already is being adversely impacted by climate change (e.g., Goal 3, agricultural lands and Goal 17, Coastal Shorelands), and/or because the Goal provides tools to mitigate and adapt to climate change (e.g., Goal 12, Transportation). The Goals are listed below; for a very thorough description of the relationship of every goal to climate change, see the 2018 law review article by three long-time land use lawyers, titled *Climate Change and Oregon Law: What is to be Done?*.<sup>3</sup>

[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 Shorelands

[Goal 18](#) Beaches and Dunes

[Goal 19](#) Ocean Resources

## II. Governor and Legislative Direction

### A. Governor's Advisory Group on Global Warming (2004)

In 2004, Gov. Kulongoski appointed the Governor's Advisory Group on Global Warming, which issued the "Oregon Strategy for Greenhouse Gas Reductions."<sup>4</sup> Among its recommendations were these, relevant to land use:

- Integrate land use and transportation decisions with greenhouse gas consequences.
- Reduce wildfire risk by creating a market for woody biomass from forests.
- Consider GHG effects in farm and forest land use decisions.

### B. Legislatively-Adopted Greenhouse Gas Emission Reduction Goals (2007)

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<sup>3</sup> Alan K. Brickley, Steven R. Schell and Edward J. Sullivan, in the Journal of Environmental Law and Litigation.

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

<sup>4</sup> [https://oregonexplorer.info/data\\_files/OE\\_topic/hazards/documents/GWReport-Final.pdf](https://oregonexplorer.info/data_files/OE_topic/hazards/documents/GWReport-Final.pdf)

In 2007, the Oregon Legislature adopted goals for the state to meet in reducing its total greenhouse gas emissions from all sources:

- By 2010: Arrest the growth in GHG emissions*
  - By 2020: GHG reduction of 10% below 1990 levels*
  - By 2050: GHG reduction of 75% below 1990 levels.*<sup>5</sup>
- C. Oregon Global Warming Commission (2007)

In 2007, the Oregon Legislature also implemented parts of the Governor’s Advisory Group on Global Warming report by passing HB 3543,<sup>6</sup> which created the Global Warming Commission (GWC). This legislation was co-sponsored by two current 1000 Friends Board members, who were then Representatives Jackie Dingfelder and Greg Macpherson.

In creating the GWC, the Legislature described the urgent need:

“In partnership with the Governor’s advisory group, 50 scientists signed the ‘Scientific Consensus Statement on the Likely Impacts of Climate Change on the Pacific Northwest,’ which examined the potential effects of climate change on temperature, precipitation, sea level, marine ecosystems and terrestrial ecosystems.

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Global warming poses a serious threat to the economic well-being, public health, natural resources and environment of Oregon.

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Oregon relies on snowpack for summer stream flows to provide energy, municipal water, watershed health and irrigation. Also, a potential rise in sea levels threatens Oregon’s coastal communities. Reduced snowpack, changes in the timing of stream flows, extreme or unusual weather events, rising sea levels, increased occurrences of vector-borne diseases and impacts on forest health could significantly impact the economy, environment and quality of life in Oregon.

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Oregon forests play a significant role in sequestering atmospheric carbon, and losing this potential to sequester carbon will have a significant negative effect on the reduction of carbon levels in the atmosphere. (6)

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<sup>5</sup> “ORS 468A.205 Policy; greenhouse gas emissions reduction goals. (1) The Legislative Assembly declares that it is the policy of this state to reduce greenhouse gas emissions in Oregon pursuant to the following greenhouse gas emissions reduction goals:

- (a) By 2010, arrest the growth of Oregon’s greenhouse gas emissions and begin to reduce greenhouse gas emissions.
  - (b) By 2020, achieve greenhouse gas levels that are 10 percent below 1990 levels.
  - (c) By 2050, achieve greenhouse gas levels that are at least 75 percent below 1990 levels.”
- <http://www.oregonlaws.org/ors/468A.205>.

<sup>6</sup> See full bill at <https://olis.leg.state.or.us/liz/2007R1/Downloads/MeasureDocument/HB3543>

Global warming will have detrimental effects on many of Oregon's largest industries, including agriculture, wine making, tourism, skiing, recreational and commercial fishing, forestry and hydropower generation, and will therefore negatively impact the state's workers, consumers and residents.

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There is a need to assess the current level of greenhouse gas emissions in Oregon, to monitor the trend of greenhouse gas emissions in Oregon over the next several decades and to take necessary action to begin reducing greenhouse gas emissions in order to prevent disruption of Oregon's economy and quality of life and to meet Oregon's responsibility to reduce the impacts and the pace of global warming. "

The GWC "tracks trends in greenhouse gas emissions, recommends ways to coordinate state and local efforts to reduce emissions, and works to prepare communities for the effects of climate change."<sup>7</sup>

In 2010, the GWC issued its *Roadmap to 2020*<sup>8</sup>, which makes recommendations for how Oregon can meet its 2020 GHG reduction goal (10% reduction from 1990 levels) and stay on the road to meet its 2050 reduction goal (75% reduction from 1990 levels). The recommendations related, at least in part, to land use included:<sup>9</sup>

- "Include carbon generated by local transportation and land use decisions in the community planning process.
- Incorporate meeting Oregon's GHG reduction goals into State transportation and land use planning.
- Redesign neighborhoods so schools, services, and shopping are easily accessible by walking, biking or transit.
- Make public transit more convenient, frequent, accessible, affordable.
- Transport more freight by rail, less in trucks.
- Align forest management practices to reduce and store carbon, e.g., conservation harvest, fire management.
- Align agricultural practices with carbon reduction and storage..."

#### D. Jobs and Transportation Act (2009)

Starting in 2009 with the Jobs and Transportation Act,<sup>10</sup> and related legislation,<sup>11</sup> the Legislature required the Portland area metropolitan planning organization (MPO),<sup>12</sup>

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<sup>7</sup> <https://www.keeporegoncool.org/>

<sup>8</sup> <https://www.keeporegoncool.org/roadmap-to-2020>

<sup>9</sup> <https://static1.squarespace.com/static/59c554e0f09ca40655ea6eb0/t/59f7882b0852294c3116c904/1509394479640/OGWC-Roadmap-Propositions.pdf>

<sup>10</sup> HB 2001, sections 37–39, <http://www.leg.state.or.us/09reg/measpdf/hb2000.dir/hb2001.en.pdf>.

<sup>11</sup> HB 2186, section 10, <http://www.leg.state.or.us/09reg/measpdf/hb2100.dir/hb2186.en.pdf>.

<sup>12</sup> The eight major urban areas of the state - Portland metro area, Salem/Keizer, Corvallis, Albany, Eugene/Springfield, Middle Rogue (Grants Pass), Rogue Valley (Medford area), and Bend - are known as

Metro, to develop and adopt a land use and transportation scenario (“scenario plan”) that reduces GHG emissions from cars and light trucks to meet the region’s fair share target of the statewide GHG reduction goal. The Legislature also required the Central Lane MPO to develop a land use and transportation scenario plan that would meet its GHG target, but did not require the plan to be implemented.

1000 Friends of Oregon was a key player in the development of the entire Jobs & Transportation Act (via then Executive Director Bob Stacey), and in particular, the requirements related to integrating land use and transportation planning to reduce transportation-related GHG emissions from the major urban areas. We were one of two advocacy groups (OEC was the other) named to an interim work group appointed by the Senate President and House Speaker, and co-chaired by Gail Achterman & John Van Landingham, the then chairs of, respectively, the OTC and LCDC.

#### E. SB 1059 (2010)

That interim work group developed a legislative recommendation that became SB 1059. Again, 1000 Friends was a key advocate in this work group. Passed in 2010, SB 1059 requires<sup>13</sup>:

- The LCDC and the Oregon Transportation Commission (OTC) to provide policy leadership and funding to enable the states eight major urban areas to develop and implement land use and transportation scenario plans to reduce GHG emissions by reducing driving. Still ongoing.
- LCDC to adopt GHG reduction targets for the major urban areas. Completed; updated in 2016.
- ODOT to “...after consultation with and in cooperation with [MPOs], other state agencies, local governments and stakeholders... adopt a statewide transportation strategy [STS] on greenhouse gas emissions to aid in achieving the greenhouse gas emissions reduction goals set forth in [statute].”<sup>14</sup> Completed.
- ODOT to develop a computer-modeling program to forecast the likely GHG emissions from various land use and transportation variables. Completed.
- DLCD and ODOT to develop scenario planning guidelines and a GHG reduction toolkit. Completed.
- The bill funded Metro to *start* this process, by developing and then implementing a land use and transportation scenario plan that meets the GHG reduction target set for the Metro region. Completed. Metro is now

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“metropolitan planning organizations,” a federal designation for urban areas over 50,000 in population, for federally funded [transportation](#) policy and investments. They are made up of representatives from local [government](#) and transportation authorities to ensure regional cooperation in transportation planning.

<sup>13</sup> SB 1059. See ORS 468A.200, et seq, <https://olis.leg.state.or.us/liz/2010S1/Measures/Overview/SB1059>.

<sup>14</sup> The OTC adopted the Statewide Transportation Strategy in 2018 [https://www.oregon.gov/ODOT/TD/OSTI/docs/STS/STS\\_FAQ.pdf](https://www.oregon.gov/ODOT/TD/OSTI/docs/STS/STS_FAQ.pdf).

implementing an integrated land use and transportation plan that will meet the region's transportation-related GHG reduction target. 1000 Friends was a key member of Metro's advisory committee that crafted what is now called the Climate Smart Strategy, and we continue to watchdog its implementation.

- The Central Lane urban area (Eugene/Springfield) was also funded to develop a complying plan, but was not required to. Central Lane completed the planning but to date has not adopted it.
- Each of the eight major urban areas must "Consider how regional transportation plans could be altered to reduce greenhouse gas emissions."<sup>15</sup> Only Metro has done this.

### **III. Land Conservation & Development Commission Actions**

#### **A. Petition for Goal 20**

In 2009 the Oregon Shores Conservation Coalition filed a petition with LCDC, asking it to adopt a Goal 20 to address the coastal impacts of climate change. In particular, the petition described the impacts of rising sea levels, storm surge, water shortages, changes in snowpack, flooding, and more.

1000 Friends of Oregon supported the petition for a Goal 20 but, along with other organizations, recommended expanding it to be statewide, so it would encompass the mitigation and adaptation aspects of wildfires, transportation-related GHG emissions, etc...

The Commission and Governor Kulongoski declined to initiate a process to adopt a Goal 20,<sup>16</sup> instead continuing and expanding upon the two-pronged approach of an adaptation program and a mitigation program.

#### **B. Adaptation & Mitigation**

In addition to and to implement the legislative and other directions described above, LCDC and DLCD have undertaken various programs, investments, and rulemaking over the past 10-15 years. The Department and Commission have divided the agency's work into adaptation and mitigation programs, further described below.

"The agency describes its approach as follows: Largely due to pollution from human activities, global temperatures are rising and extreme weather events are growing more frequent and severe. The climate changes already underway, and the coming climate disruption, are a major challenge for today's Oregonians. Oregon's Department of Land Conservation and Development (DLCD) uses many strategies to reduce climate change and respond to its effects."<sup>17</sup>

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<sup>15</sup> ORS 184.899(2)(b).

<sup>16</sup> See attached letter of July 30, 2009 from Gov. Kulongoski to OSCC.

<sup>17</sup> <https://www.oregon.gov/lcd/CL/Pages/index.aspx>

## 1. *Adaptation*

The Intergovernmental Panel on Climate Change (IPCC) defines adaptation as "any adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities."

In 2010, LCDC issued the *Oregon Climate Change Adaptation Framework*. This report outlined research the state should be doing, called for monitoring the effects of climate change, and made recommendations to integrate adaptation strategies into the work of all state agencies.

In a recent review of the *2010 Framework*, DLCD concluded:<sup>18</sup>

- The impacts from climate change risks (e.g. forest fires, extreme temperatures, loss of snow pack) have become more severe and frequent.
- While some recommendations from the 2010 Framework were implemented, "the state lacks an organizing structure to ensure consistent, strategic, and equitable action on climate."
- As other states have also found, mere recommendations as in the 2010 Framework "generally resulted in wish lists of projects not completed, except where action was required or institutionalized."

Therefore, the *2020 Framework*, to be published by DLCD this fall, will focus on a 24-agency climate adaptation program "to guide state agencies as each develops an adaptation action plan in its specialty areas." It will be organized under six themes - economy, natural world, built environment, public health, cultural resources, and social systems – and its recommended actions will be integrated into Oregon's *2020 Natural Hazard Mitigation Plan*.<sup>19</sup>

## 2. *Mitigation*

Climate change mitigation refers to efforts to reduce or prevent emission of greenhouse gases. This can take many forms, including using new technologies and renewable energies, design of the built environment, making older equipment more energy efficient, changing management practices, and changing human behavior.<sup>20</sup>

The Commission's climate mitigation program has been focused primarily on reducing GHG emissions from the transportation sector, through integrated land use and

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<sup>18</sup> [https://www.oregon.gov/lcd/CL/Documents/Adaptation\\_one\\_page\\_03032020.pdf](https://www.oregon.gov/lcd/CL/Documents/Adaptation_one_page_03032020.pdf)

<sup>19</sup> [https://www.oregon.gov/lcd/CL/Documents/Adaptation\\_one\\_page\\_03032020.pdf](https://www.oregon.gov/lcd/CL/Documents/Adaptation_one_page_03032020.pdf)

<sup>20</sup> United Nations Environment Programme

transportation planning. This is required by various pieces of legislation (see Part II, section D and E, above), and builds on land use Goal 12, Transportation.

a. Goal 12, Transportation

Goal 12 starts with a statement of its primary objective:

“To provide and encourage a safe, convenient and economic transportation system. A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.”<sup>21</sup>

In 1991, LCDC adopted its Transportation Planning Rule (TPR), among other actions, to implement Goal 12. The TPR requires all urban areas to develop and regularly update a transportation system plan (TSP), the scale and complexity of which varies according to the size of the city. For cities of *all* sizes:<sup>22</sup>

“[C]oordinated land use and transportation plans should ensure that the planned transportation system supports a pattern of travel and land use in urban areas that will avoid the air pollution, traffic and livability problems faced by other large urban areas of the country through measures designed to increase transportation choices and make more efficient use of the existing transportation system.

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“For all communities, the mix of planned transportation facilities and services should be sufficient to ensure economic, sustainable and environmentally sound mobility and accessibility for all Oregonians. Coordinating land use and transportation planning will also complement efforts to meet other state and local objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change.”

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<sup>21</sup> <https://www.oregon.gov/lcd/OP/Documents/goal12.pdf>

<sup>22</sup> OAR 660-012-0000(2), (3).

The two key objectives for transportation system plans are to: reduce vehicle miles traveled (VMT) and increase transportation choices to reduce principal reliance on the automobile.<sup>23</sup> Among other criteria, TSPs should reduce VMT by 5% per capita.<sup>24</sup>

1000 Friends staff attorney Mark Greenfield<sup>25</sup> was a key player in developing the administrative rules to implement Goal 12, and grew the organization's expertise in Goal 12.

#### b. Implementing the Legislature's Direction

The legislature passed HB 2009 and HB 2186 in 2009 and SB 1059 in 2010 (see Part II, sections D and E, above), recognizing that transportation is the largest contributor to global warming in Oregon, generating almost 40% of Oregon's climate emissions, and most of that is from driving cars and light trucks in the state's eight major urban areas.<sup>26</sup>

Mitigation of transportation-related GHG emissions requires reducing VMT. Goal 12 provides the building blocks on which LCDC is implementing the legislature's direction. The TPR requires reducing the need to drive as often or as far, by planning for walkable, mixed-use areas with accessible transit, biking, and compact diverse housing choices near the things people regularly need, such as schools, stores, and parks.

In DLCD's 2009 Policy Agenda, the agency explained the importance of land use and transportation planning in reducing transportation-related GHG emissions, and the critical role of the land use program:

"Oregon, like other states, has adopted aggressive goals to reduce greenhouse gas emissions over the next 40 years. Land use and transportation planning have an important role to play in achieving these goals. While expected changes to vehicles and fuels will significantly reduce emissions, reductions in the amount of vehicle travel will also be necessary to meet the state's goals. The direction in HB 2001 reflects recommendations from the Global Warming Commission, the Big Look Task Force and the Governor's Transportation Vision Committee, each of which recommends that the land use program and local plans be retooled to better promote compact development and transportation options in order to reduce the growth in vehicle miles traveled (VMT).

"Efforts to meet this new target would likely build on existing requirements and efforts in the Transportation Planning Rule (TPR) which directs local governments to plan for compact land use and transportation options. The extent

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<sup>23</sup> OAR 660-012-0035.

<sup>24</sup> OAR 660-012-0035.

<sup>25</sup> Mark Greenfield was hired by 1000 Friends Executive Director Henry Richmond in 1977 to head up the organization's Housing team. See, 1000 Friends *Progress Report* newsletter, January 1978.

<sup>26</sup> The eight major urban areas of the state are Portland metro area, Salem/Keizer, Corvallis, Albany, Eugene/Springfield, Middle Rogue (Grants Pass), Rogue Valley (Medford area), and Bend.

of VMT reduction required to meet GHG emission targets suggests substantial additional changes to land use and transportation plans will be needed.”

For the past four years, LCDC has undertaken several different processes to more closely align its TPR with the requirements of this legislation, focusing on seven of the state’s eight urban areas. As described above, Metro, the Portland area regional government, has already adopted a Climate Smart Strategy and incorporated it into its TSP, which meets the region’s state-assigned GHG reduction target. Metro and other places (including MPO regions in California) have demonstrated that it is possible to be on the trajectory to meaningfully reduce GHG emission from driving through designing and investing in better communities (extensive inter-connected pedestrian and bicycle facilities; more diverse, including affordable, housing in every neighborhood; higher densities in key areas, significant mixed-use neighborhoods) and investing in transit.

However, the other seven urban areas of the state have not done this, and LCDC has not yet required them to do so. Moreover, evidence indicates that statewide, Oregon is falling behind reaching its GHG reduction targets, and at least some of the seven urban areas are nowhere near meeting their transportation-related GHG reduction targets and, in fact, are falling further behind.

While the TPR has the right building blocks, the rule currently does not even reference the legislature’s climate direction or require that urban area TSPs show how they will achieve the state-assigned transportation-related GHG reduction targets.

LCDC has been moving much too slowly to amend the TPR and require the TSPs in every urban area to reduce their GHG emissions through integrated transportation and land use planning. The need is past due – both legally and scientifically – and the scale of what needs to be done is only increasing. For example, currently, ODOT estimates that VMT per capita must be reduced by 20%, not by the mere 5% currently in the TPR. Achieving this is do-able, as demonstrated by Metro and by cities throughout California, but only if it is required.

1000 Friends has been the leading advocate before LCDC in advocating to move quicker and go further in linking land use & transportation planning and climate in the state’s major urban areas through the TPR, including serving on several Rules Advisory Committees, testifying before the Commission, meeting individually with Commissioners, and coordinating with other organizations and individuals to participate.<sup>27</sup>

To explain why it has not yet amended the TPR, LCDC has in part cited a lack of funding for local governments to implement whatever revised TPR the Commission might adopt, and the agency has hoped that this funding would come from passage of a climate bill (the introduced bills included this funding). However, this directive to LCDC

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<sup>27</sup> If you would like to see examples of testimony 1000 Friends has submitted to LCDC, please contact Mary Kyle McCurdy.

and the state's eight urban areas arises from legislation that is now over a decade old and was never dependent on passage of a separate climate bill.

LCDC is now poised to, possibly, take up actually amending the TPR pursuant to Governor Brown's Executive Order on Climate.

### C. Amending All the Goals

In its proposed Policy Agenda for the 2019-2021 biennium, DLCD proposed to the Commission that it "discuss[] with stakeholders on the potential incorporation of climate changes mitigation and adaptation into the statewide land use planning goals."<sup>28</sup>

1000 Friends testified that while meritorious, this was an ambitious and expensive proposal to carry out properly and, moreover, would distract from the immediate actions the Commission should be taking.<sup>29</sup> We pointed out that the term "discussions" is vague, and to truly have comprehensive and inclusive conversations about all 19 Goals and climate should take extensive staff time in advance to prepare materials and then to have statewide conversations with Oregonians that are diverse in geography, income, race, age, employment, ability, and background. To then translate that into some or all of the Goals, through amending Goals and/or administrative rules, would take, as required by statute and rule, additional process, committees, and hearings. (For example, to amend one Goal requires statewide hearings.) To finally see that reflected in on-the-ground changes and outcomes would be at least years off.<sup>30</sup>

Meanwhile, it would distract from what the Commission and the legislature have already determined is the most effective method to address climate mitigation in the existing statewide planning Goals, and what LCDC committed to at least as far back as 2009: require integrated land use and transportation planning to reduce GHG emissions from the transportation sector in the state's eight major urban areas, through amending the TPR and other related policies and investments. It would also allow the sources of the major GHG emissions – car and light truck transportation – in the state's urban areas (outside of Metro) to continue evading doing their fair share to mitigate climate change.

As we testified, in the face of the urgency of climate change facing our planet, this is not the time to defer the most effective Goal action the Commission could take to reduce GHG emissions from the state's leading source. Rather, the agency should complete the work on Goal 12 and related policies first, and then or concurrent with take on an assessment of all the Goals.

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<sup>28</sup> DLCD, July 2019.

<sup>29</sup> Other organizations expressed similar sentiments for a variety of reasons.

<sup>30</sup> For a full description of what amending all the relevant Goals and their rules could require, see *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.

\*[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)

LCDC determined, in part prompted by direction from the Governor (see below), that while a meritorious concept for a longer range effort by the agency, it should stay on track to revise the TPR and other related policies and investments.

#### **IV. Climate Change Executive Order and Governor Brown’s Letter to LCDC**

On September 23, 2019, Governor Brown sent a letter <sup>31</sup> to LCDC and three other state agencies and their commissions (ODOT and the departments of Environmental Quality and Energy). Among other things, the Governor reminded DLCD and ODOT that they are climate change agencies, and should “prioritize implementation” of the State Transportation Strategy to Reduce GHG Emissions,<sup>32</sup> including through amending the TPR to reflect transportation-related GHG emissions reduction goals. 1000 Friends of Oregon worked closely with the Governor’s office on this direction.

On March 19, 2020, Governor Brown issued Executive Order 20-04,<sup>33</sup> on climate change.

The Executive Order (EO) sets out science-based goals of GHG emission reductions of 45% below 1990 levels by 2035 and 80% below 1990 levels by 2050, and gives specific direction to 16 state agencies on actions each should take to reduce GHG emissions or store carbon.

The Governor directs LCDC to “prioritize and expedite” amending its transportation planning rule to ensure that the state’s eight major urban areas make changes to their transportation plans to meet GHG greenhouse gas reduction goals that have been assigned to them for almost a decade. The Governor further directs LCDC and ODOT to provide these local governments, from the agencies’ existing funding, the financial and technical assistance to carry this out.

LCDC and the other state agencies to which the EO applies must report to the Governor, by May 15, on “proposed actions within their statutory authority to reduce GHG emissions and mitigate climate change impacts.”<sup>34</sup>

The EO also includes specific direction to LCDC/DLCD, OTC/ODOT, and the Departments of Environmental Quality and Energy and their commissions:<sup>35</sup>

“A. In a letter from the Governor, dated September 15, 2019, the OTC, LCDC, EQC and ODOE were directed to prioritize implementation of the Statewide Transportation Strategy, adopted by the OTC. These agencies are further directed to include the following elements in their implementation of the [STS]:

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<sup>31</sup> Contact Mary Kyle McCurdy for a copy of the Governor’s letter.

<sup>32</sup> [https://www.oregon.gov/odot/Planning/Documents/Oregon\\_Statewide\\_Transportation\\_Strategy.pdf](https://www.oregon.gov/odot/Planning/Documents/Oregon_Statewide_Transportation_Strategy.pdf)

<sup>33</sup> Gov. Brown Executive Order No. 20-04 (Climate Change,)

<https://drive.google.com/file/d/16islO3GTqxVihqhhLcjGYH4Mrw3zNNXw/view>

<sup>34</sup> EO para. 3(D), p. 5.

<sup>35</sup> EO, para. 9, p. 12.

- (1) Establishment of GHG emissions performance metrics; and
- (2) Amendments to the Transportation Planning Rule that direct changes to the transportation plans of metropolitan planning areas to meet GHG reduction goals.

“B. ODOT and DLCD are directed to identify and implement means to provide financial and technical assistance to metropolitan planning areas for amendment to transportation and land use plans that meet the state GHG reduction goals, or more stringent goals adopted by a metropolitan planning area.

“C. Implementation of the directives set forth [here] shall be at the highest level within the agencies, with regular and direct reporting to the Governor. The first report shall be made to the Governor no later than June 30, 2020.”

1000 Friends has submitted written testimony to LCDC, signed on to by almost two dozen other organizations, on what we believe the EO means for agency action, and by when,<sup>36</sup> and we will be testifying to this at the Commission’s meeting on May 21-22, 2020.

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<sup>36</sup> [https://www.oregon.gov/lcd/Commission/Documents/2020-05\\_Item-5\\_STS\\_GHG\\_Exhibit\\_1\\_1000Friends-OEC\\_LetterToLCDC.pdf](https://www.oregon.gov/lcd/Commission/Documents/2020-05_Item-5_STS_GHG_Exhibit_1_1000Friends-OEC_LetterToLCDC.pdf)