



**EJC**  
**ANNUAL REPORT**  
**2023**

**Department of Land Conservation and Development**

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**DLCD**

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Department of  
Land Conservation  
& Development

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# AGENCY INTRODUCTION

## Agency Mission Statement

The Department of Land Conservation and Development's mission is to help communities plan for, protect, and improve the built and natural systems that provide a high quality of life. In partnership with Oregonians and local governments, we foster sustainable and vibrant communities and protect our natural resources legacy.

The Department of Land Conservation and Development is listed as a natural resource agency in HB 4077.

## Agency Guiding Principles

Provide a healthy environment; sustain a prosperous economy; ensure a desirable quality of life; and provide fairness and equity to all Oregonians.

## Agency Leadership

Director: Brenda Ortigoza Bateman, Ph.D.  
Deputy Director: Kirstin Greene, AICP

## Land Conservation and Development Commission: Governor Appointed

|             |                 |                   |
|-------------|-----------------|-------------------|
| Chair:      | Anyeley Hallová | Metro Area        |
| Vice Chair: | Nick Lelack     | Eastern Oregon    |
|             | Stuart Warren   | Willamette Valley |
|             | Lianne Thompson | Coast             |
|             | Barbara Boyer   | Willamette Valley |
|             | Allan Lazo      | Metro Area        |
|             | <i>vacant</i>   | Southern Oregon   |

## Ocean Policy Advisory Council: Governor Appointed as of 5/23

|             |                   |  |
|-------------|-------------------|--|
| Chair:      | Susan Chambers    | Coos Bay<br>South Coast Commercial Fisheries                         |
| Vice Chair: | Tara Brock        | Portland<br>Coastal Conservation or Environmental<br>Organization    |
|             | John Holloway     | Portland<br>North Coast Charter, Sport or Recreational<br>Fisheries  |
|             | Richard Heap, Jr. | Brookings<br>South Coast Charter, Sport or Recreational<br>Fisheries |

|                   |                   |   |
|-------------------|-------------------|---|
|                   | Walter Chuck, Jr. | Newport<br>Ports, Marine Transportation or Navigation                       |
|                   | Charlie Plybon    | Newport<br>Coastal Non-Fishing Recreation                                   |
|                   | Joe Liebezeit     | Portland Audubon<br>Statewide Conservation or Environmental<br>Organization |
|                   | Margaret Corvi    | Tribal Representative<br>Oregon Coastal Indian Tribes                       |
|                   | David Yamamoto    | Tillamook County<br>North Coastal County Commissioner                       |
|                   | Bob Main          | Coos County<br>South Coastal County Commissioner                            |
|                   | Fran Recht        | Depoe Bay City Councilor<br>Coastal City Elected Official                   |
|                   | Jamie Fereday     | Coos Bay<br>Public-at-large   |
|                   | Peggy Joyce       | Albany<br>Public-at-large (statewide)                                       |
| Ex Officio Member | Geoff Huntington  | Governor's Natural Resources Sr. Advisor<br>Governor or Governor's Designee |
| Ex Officio Member | Rian Hoof         | Department of Environmental Quality   |
| Ex Officio Member | Scott Groth       | Department of Fish and Wildlife   |
| Ex Officio Member | Jonathan Allan    | Department of Geology and Mineral<br>Industries                             |
| Ex Officio Member | Lisa Phipps       | Department of Land Conservation and<br>Development                          |
| Ex Officio Member | Blake Helm        | Department of State Lands   |
| Ex Officio Member | Lisa Sumption     | Parks and Recreation Dept.  |
| Ex Officio Member | Karina Nielsen    | Oregon State University, Sea Grant College                                  |
| Ex Officio Member | Kris Wall         | NOAA, Office for Coastal Management<br>Federal Agency Liaison               |
| Ex Officio Member | <i>Vacant</i>     | Department of Agriculture   |
| Ex Officio Member | Ray Monroe        | Coastwide Small Ports and Local<br>Government                               |

### **Citizen Involvement Advisory Committee (CIAC): Commission Appointed as of January 12, 2024**

|             |                      |            |
|-------------|----------------------|------------|
| Chair:      | Leah Rausch          | At-Large   |
| Vice Chair: | Jennifer Eisele      | District 4 |
|             | Chantal Ivenso       | District 2 |
|             | Sofia Alvarez-Castro | District 3 |
|             | Michael De Blasi     | District 5 |

|                  |            |
|------------------|------------|
| Jimmy Jones      | District 6 |
| Zechariah Heck   | At-Large   |
| Artemio Paz, Jr. | At-Large   |
| Fran Warren      | At-Large   |

## Local Official Advisory Committee (LOAC): Commission Appointed as of

|             |                  |                                     |
|-------------|------------------|-------------------------------------|
| Chair:      | Nancy Wyse       | Chair, Hood River County Commission |
| Vice Chair: | Rory Bialostosky | Councilor, City of West Linn        |
|             | Elisabeth Adams  | Councilor, City of Astoria          |
|             | Joe Benetti      | Mayor, City of Coos Ba              |
|             | Jennifer Euwer   | Chair, Hood River County Commission |
|             | Jim Hamsher      | (Commissioner, Grant County         |
|             | Pam VanArsdale   | Mayor, City of Rogue River          |
|             | Colm Willis      | Commissioner, Marion County         |

### Department of Land Conservation and Development: EJ Information

|                                  |   |
|----------------------------------|---|
| EJ Council Liaison: Sadie Carney | Communications & Community Engagement<br>Manager, Director's Office |
|----------------------------------|---|

## Agency Budget and Revenue Sources

DLCD is funded primarily through the General Fund, while receiving some Federal Funds and Other Funds. Federal Funds come from various sources including but not limited to the Federal Emergency Management Agency (FEMA) for administration of the National Flood Insurance Program, the U.S. Economic Development Administration for development and expansion of Oregon Mass Timber production and products, and from the National Oceanic and Atmospheric Administration (NOAA) for planning and management of the Coastal Zone Management Program (CZM). Other Funds are mainly derived from two sources; federal transportation funds through the Oregon Department of Transportation (ODOT) for integrating land use and transportation planning, and natural hazard mitigation funding from the Federal Emergency Management Agency through the Oregon Department of Emergency Management. The department also collects a small amount of Other Funds revenue from miscellaneous receipts.

DLCD's 2023-2025 Legislatively Authorized Budget is \$53,423,703. \$9.2 million of General Fund, \$6.5 million of Other Fund, and \$2 million dollars of Federal Funds are dedicated to grant funding. DLCD has 76 FTE.

## Agency Programs

- Climate Friendly and Equitable Communities
- Coastal Management Program
- Community Engagement
- Economic Development
- Farm and Forest Protection
- Housing
- Natural Hazards Mitigation Planning
- Natural Resources and Renewable Energy
- Transportation and Growth Management
- Regional Representation - Technical Assistance



# ENVIRONMENTAL JUSTICE HIGHLIGHTS

## Internal

- Land Conservation and Development Commission endorsed the DLCD 2023-2031 Strategic Plan. The agency Strategic Plan focuses on:
  - Ensuring Equitable Planning and Engagement
  - Investing in Robust Operations
  - Building Community Resilience
  - Promoting Healthy and Equitable Communities, and
  - Conserving Farm and Forest Lands, Coastal and Natural Areas.
- The agency celebrated the **50<sup>th</sup> Anniversary of the passage of Senate Bill 100**, which established Oregon’s land use planning program. Over 430 Oregonians submitted feedback through an agency survey and indicated areas of success and improvement within the program.
  - Farm and Forest preservation was noted as an overwhelming success.
  - Urban Growth Boundaries are largely viewed as important and successful in preventing urban sprawl.
  - **More equitable and inclusive community engagement** was seen as a need in local implementation of the land use planning program.
  - Limiting the influence of special interests was a concern raised by many.
- At the DLCD 50<sup>th</sup> Anniversary event on May 24, 2023, Land Conservation and Development Commission Chair, Anyeley Hallová spoke about the **systemic bias in land use planning** that benefits communities who are primarily white, wealthy, and who have access to power and government. She noted the commission’s focus on “creating more equitable land use planning outcomes, addressing the housing crisis in Oregon, and creating solutions that mitigate our climate crisis.”
- DLCD Director, Brenda Ortigoza-Bateman issued an open letter detailing her commitment to Equitable Land Use Planning. In it, she specifically addresses the **generations of harm that have disproportionately impacted indigenous populations**. Harm that has been perpetuated by breaking treaties, terminating tribes, and suppressing indigenous language and culture. She noted Oregon’s history excluding black pioneers, removing Japanese Americans during WWII, redlining, and the failure to recognize or house those who are experiencing homelessness. She made a commitment on behalf of the department to avoid inflicting, perpetuating, or allowing harm like this...and to take corrective action wherever possible.
- DLCD staff annually engage graduate level students in Oregon’s land use planning programs at **Student Planning Day which took place this year on October 10, 2023**. Plans for the coming year will expand attendance at the event to include Eastern Oregon University, in addition to Portland State University and University of Oregon.
- The CIAC will host a panel of experts to present at the LCDC January 2024 meeting to address the following topics: **Using data to understand racial disparities, increasing**



culturally responsive engagement, and meaningfully engaging with historically marginalized and underserved communities.

- Every DLCD employee is a member of the Local and Regional Government Alliance on Race & Equity or GARE. This is a national network of governments working to achieve racial equity and advance opportunities for all.
- DLCD delivered legislative recommendations about addressing Oregon’s housing crisis with regulation, incentives, and public resources to the Oregon Legislature for consideration in the 2023 legislative session. Staff developed the recommendations in coordination with Oregon Housing and Community Services with a diverse advisory committee over 15 meetings. House Bill 2001 (2023) was passed into law on March 29, 2023 and directed the agency to conduct rulemaking that will modernize how local cities and counties plan for housing in a manner that that results in **more affordable, fair, and equitable housing outcomes**.

*“In the time I have served on the commission, DLCD has made great strides in environmental and climate justice work. Our commission and agency leadership intentionally and aggressively pursue efforts to welcome and value more Oregonians and diverse perspectives in our process and conversations. I cannot overstate the value of this work.”*

**- LCDC Chair, Anyeley Hallowá**

## Equitable Engagement

- The Citizen Involvement Advisory Committee (or CIAC) is a statutorily mandated advisory committee that is focused on the implementation of Goal 1: Citizen Involvement and supports **equitable community engagement** for the LCDC and department. The committee developed a work plan endorsed by the commission in March 2023. The committee commits in their workplan to the creation of local government guidance for engaging and sustaining relationships with community-based organizations.
- Agency staff led an online recruitment for a **Housing Need Analysis Rulemaking Advisory Committee (RAC)** through an online application that received 138 responses.
  - Staff monitored demographics of the applicants throughout the recruitment process to ensure a diverse applicant pool and target outreach to under-represented communities and specific communities.
  - 40 Oregonians were named to a historically diverse RAC.
  - 54 people were designated to serve on 3 Technical Advisory Committees.
  - An **Equitable Engagement Consultant** was contracted to assist the DLCD Housing Team with community engagement activities throughout the rulemaking effort.
- Agency staff engaged a workgroup of members of **Oregon’s tribes** over twelve months before presenting a rulemaking charge to the LCDC in November 2023. The rulemaking will address the lack of definition around **“cultural areas” as they relate to Oregon’s tribal communities**, creating more specific direction for local governments to follow in considering these areas in Oregon communities. Staff will complete this rulemaking in

2024. A rulemaking advisory committee is currently in development and agency staff are monitoring recruitment for diversity of applicants and participation from tribal members most likely to benefit from development of new rules in this area.

- The State of Oregon requires that a rulemaking notice include “a statement identifying how adoption of the rule will affect racial equity in this state.” This biennium, DLCD was identified as an agency to help pilot the full **Racial Equity Impact Statements** process for the Climate Friendly and Equitable Communities rulemaking and the Regional Housing Needs Analysis with the Governor’s Racial Justice Council.

## Tribal Engagement

During 2023, DLCD staff continued or invited consultation on the following thirteen rulemaking and major policy/program initiatives:

- Federal Consistency Consultation Processes in the Coastal Zone
- Coastal Access
- Federal Funding Opportunities, Land Acquisition Partnership
- Updates to Oregon’s Territorial Sea Plan Part Four: Undersea Cables with respect to Goal 19: Ocean Resources
- Update to Oregon’s Territorial Sea Plan Part Three: Rocky Habitat Management Strategy
- Offshore Wind Energy (with the Bureau of Ocean and Energy Management)
- Climate Change Vulnerability Assessment / Implementation
- Sea Level Rise
- Cultural Resources and Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
- Development of DLCD’s 2023-2025 Policy Agenda (includes rulemaking for Goal 5 and Cultural Resources)
- Oregon Natural Hazards Risk Assessment Upgrade
- Rural Transportation Equity
- Oregon Coastal Management Program Evaluation with the National Oceanic and Atmospheric Administration
- Oregon Housing Needs Analysis Rulemaking

## External & Policy Development

- In April 2023, the Land Conservation and Development Commission adopted an amendment to the Rocky Habitat Management Strategy, Part Three of the Oregon Territorial Sea Plan (TSP). Extensive feedback from agencies, organizations, governments, and general rocky coast users supported these revisions. The adoption adds six new management areas that **reflect the needs of the communities** that proposed them. Rocky Habitat Management Areas focus on **balancing use and conservation**

through the enhancement of visitor experiences with education and interpretation to limit wildlife disturbance and habitat degradation.

- The National Oceanic and Atmospheric Administration (NOAA) awarded the Oregon Coastal Management Program (OCMP) at the Department of Land Conservation and Development's (DLCD) a **\$2.01 million grant to provide the funding necessary for the Confederated Tribes of Siletz Indians (CTSI) to acquire land on Cape Foulweather**, located along the central coast of Oregon, for /the conservation of an iconic coastal headland. This rare rocky shore with important salt spray meadow and Sitka Spruce Forest habitat will be conserved for its ecological, cultural and visual benefits, bolstering the resilience of the Tribe and coastal community.
- The U.S. Economic Development Administration awarded the Oregon Mass Timber Coalition \$41.4M to develop and expand Oregon's emerging mass timber industry. DLCD is in the process of coordinating with **10 communities impacted by the 2020 wildfires** to modernize local development codes to support the use of mass timber in newly built modular workforce housing. This work will serve as a model for other communities looking to accelerate affordable housing production using mass timber.
- LCDC amended the Transportation Planning Rules as part of the **Climate Friendly and Equitable Communities program**, which was initially adopted in July 2022. As the program is implemented in metropolitan areas around the state, 39 cities and three counties are implementing parking reforms (these are the state requirements for reforms near transit and for equity uses, including affordable housing, single-room occupant housing, childcare facilities, homes and facilities for people with disabilities, shelters, and micro-units). A 40<sup>th</sup> city, Jacksonville, is implementing parking reforms for equity uses but not for transit.
  - *Reducing costly parking mandates helps move to a system where the poorest Oregonians, who are least likely to own cars, aren't forced to pay for parking they don't use. Parking reform can significantly reduce the costs of housing, helping local builders construct more housing units. Off-street parking makes up an estimated 10 to 20 percent of the cost of housing units.*
- Also part of the Climate Friendly and Equitable Communities program implementation, twelve cities completed a local study of possible "climate friendly areas". Climate Friendly Areas, or CFAs, are areas within existing urbanized areas that are suitable for higher-density, mixed-use development that offer an array of transportation options.
- Local governments with a population greater than 10,000 are now required to submit a **Housing Production Strategy (HPS)** to DLCD for review and approval. The HPS must contain specific and meaningful plans, tools, actions, and policies to address housing needs identified in the city's Housing Capacity Analysis, along with a timeline for adopting and executing each strategy. DLCD reviews each city's HPS to ensure it effectively meets housing needs, encourages necessary housing production, and promotes fair and equitable housing outcomes. To date, 12 Oregon communities have approved Housing Production Strategies.
- Following the 2021 update to Oregon's Climate Change Adaptation Framework, the 24 collaborating state agencies committed to conducting **Climate Change Vulnerability Assessments (CCVA)**. Staff are finalizing DLCD's CCVA, based on the vulnerability assessment. To develop a CCVA and Climate Action Plan DLCD staff conducted outreach

that included stipends for participation, 12 regionals engagement meetings around the state, and consultant-supported, interactive community focused engagement activities that included art, and small group coordination. Spanish language translation services were provided and families were welcome and encouraged to attend. The DLCD CCVA will be published in early 2024 and is intended to help the agency, commission, and Oregon Legislature understand how to best support Oregonians in this time of change.

- Natural Hazards Mitigation Planning staff at DLCD are engaged in **broad engagement**, including multiple state agencies for a natural hazards risk assessment. The risk assessment will inform the upcoming update to Oregon’s Natural Hazards Mitigation Plan, which will incorporate Oregon’s Climate Change Vulnerability Assessment. This inclusion will help Oregon target investment to protect our most vulnerable communities from harm or displacement from natural hazards.
- Agency staff began rulemaking for the Oregon Housing Needs Analysis, directed by the legislature in House Bills 2001 and 5019, to help address the state’s housing and homelessness crisis. Among other **policies and investments in housing and homelessness response**, the legislation codifies the Oregon Housing Needs Analysis (OHNA) policy. This policy will fundamentally shift Oregon’s approach to housing planning in a way that empowers cities to take action that meaningfully increase housing production, affordability, and choice including how local governments will fulfill requirements to Affirmatively Further Fair Housing. This work not only sets cities up to best comply with the Fair Housing Act but, by extension, implement Environmental Justice principles. The rulemaking will take place between now and January 2026.
- The Oregon Legislature directed DLCD staff to produce a report and recommendations on **barriers to siting early childhood education facilities** in partnership with the Building Codes Division of the Department of Consumer and Business Services and the Department of Early Learning and Care. Access to adequate childcare opportunities impacts less affluent families, and women in particular from participating in the workforce. The workgroup, which starts meeting in February 2024, includes at least 15-20 members representing early childhood education providers, advocates, land use and building code agency experts, and local governments. A December 2024 report from this workgroup will include administrative and legislative recommendations to improve early childhood education facility siting.
- House Bill 3409 directs DLCD to conduct rulemaking related to the siting of solar energy facilities. The rulemaking requires DLCD to establish a rules advisory committee consisting of at least 17 members representing interests specified in the legislation. DLCD will **coordinate closely with tribes** throughout the rule drafting process to both protect resources and determine impacts to tribal cultural assets related to solar development.
- The Oregon legislature also included funding for DLCD in House Bill 3409 to establish the **Community Green Infrastructure Grant Program**. DLCD will award grants for community green infrastructure projects, green infrastructure economic development projects, native seed banks, native plant nurseries, and green infrastructure master plans. Two of the eligibility criteria for the program address environmental justice. Project must:
  - Provide social, environmental, or economic benefits to an environmental justice community.

- Be developed in coordination with an environmental justice community that will benefit from the completion of the project.

DLCD will appoint an advisory committee for the program, and the legislation requires a representative from environmental justice communities on the committee.

- DLCD staff are currently recruiting a rulemaking advisory committee for an update to the implementing rules for statewide planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. **“Cultural Areas” are understood to include archaeological sites with Native American artifacts, human remains, and associated funerary objects.** Oregon Tribes also consider significant “cultural areas” to include sites used consistently, over centuries for ceremonial activities or food gathering. Currently, Oregon’s protection of these areas are weak or non-existent. A new administrative rule for Goal 5 Cultural Areas will address these gaps and emphasize appropriate confidentiality measures for areas and items sacred to one or more tribes in Oregon.
- DLCD’s Farm and Forest specialist is preparing to recruit a rulemaking advisory committee to assist in updating statewide protections of Oregon’s Farms and Forests. Over the 50 years it has been in place, the program has been expanded, modified, and re-designed to improve performance and adapt to changes in public priorities. This multi-year evaluation and improvement of the state’s zoning-based farm and forest land conservation program will **help preserve Oregon’s working lands and the employment supported by them.**
- Goal 17: Coastal Shorelands requires the protection and improvement of public access to the shoreline by local governments. DLCD convened a Coastal Access Advisory Team (CAAT) throughout 2022 and 2023 **to engage tribes and interested parties** on how to help strengthen this provision. The department proposes to initiate rulemaking related to Goal 17 and public shoreline access to advance some of the ideas and recommendations of the CAAT. These include requirements for greater consultation with related agencies and tribes, especially regarding rights-of-way; enhancing the protection of natural and cultural resources; and requiring information be included in programs to increase public access.

# AGENCY ENVIRONMENTAL JUSTICE CONSIDERATIONS

# ADDRESS ENVIRONMENTAL JUSTICE ISSUES (ORS 182.550 SECTION 1);

## Environmental Justice Consideration Process

- *Does the agency have a defined process for incorporating environmental justice factors into agency operations and decision-making?*

Operations:

- DLCD employs a racial equity framework for decision making that requires project managers to consider historical inequities, benefits and burdens, data equity and data justice, community engagement and empowerment, restorative justice, accountability of decision makers and government, and continuous improvement.
- DLCD's agency strategic plan includes our Diversity, Equity, and Inclusion plan.
- Staff training is planned for the coming year to continue to expand our internal capacity and understanding of DEI and Environmental Justice issues.
- DLCD strives to provide early opportunities for meaningful Tribal consultation and guidance in policy development efforts.
- All DLCD technical assistance grant applicants are required to propose outreach and community engagement participation plans that reflect inclusion of historically marginalized or excluded populations and to incorporate grant deliverables related to more equitable outcomes. Each grant recipient is provided with up to 8 hours of direct consultant assistance to facilitate these outcomes.

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*Meaningful engagement of tribes, community-based organization and traditional under-served and under-represented communities is a DLCD priority that is reflected in our everyday work, strategic plan, and commission decision making.*

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- The Land Conservation and Development Commission has an adopted set of Public Participation Guidelines that DLCD staff follow in policy development work.
- DLCD has revised and improved recruitment and interview practices with Search Advocate principles.
- DLCD regularly engages external experts in seeking to understand and enact promising and best practices around equitable outcomes. Recent examples include policy development related to housing production and climate friendly and equitable communities.

- To garner meaningful and diverse guidance on policy matters, DLCD provides contractual support for participants from low income and other culturally specific communities.
- In partnership with the Legislative Commission on Indian Services (LCIS), all DLCD agency staff will receive a training on “inadvertent discovery” in 2024. This is one of four all-staff trainings that will be sponsored by the DLCD Diversity, Equity, and Inclusion committee.
- DLCD develops agency budget requests using an engagement process that includes direct outreach to interested parties and community-based organizations, webinars, and opportunities for written and verbal comments. 2023 budget requests were aligned with agency priorities around equitable community engagement, natural hazards mitigation, climate action, housing, and transportation equity.
- DLCD’s 2025-27 Agency Request Budget will include a funding request for staffing and resources that will further our outreach work and result in better guidance and support for local government community engagement efforts.
- Each state agency is required to prepare a State Agency Coordination (SAC) program to ensure that its “rules and programs affecting land use” comply with all statewide planning goals per ORS 197.180. DLCD is committed to updating the many SAC programs that have fallen out of date with key agency partners. This will allow us to better align our work for holistic outcomes, and to ensure better transparency and involvement in community engagement processes.

#### Decision-making:

- DLCD’s racial equity framework for decision making is used when reporting to the Land Conservation and Development Commission on draft administrative rules.
- The Citizen Involvement Advisory Committee is consulted by staff in the development of rulemaking charges, composition of rulemaking advisory committees, and communications and community engagement plans.
- DLCD invites tribal consultation on all policy and rule development issues. All nine federally recognized Tribal governments in Oregon (tribes) are consulted on policy development work and the agency policy agenda. DLCD’s Regional Representatives are actively working to establish stronger relationships with tribal councils in their various regions.

## Environmental Justice Community Considerations

- *How does your agency define environmental justice communities?*

DLCD relies upon federal and state definitions for environmental justice communities. Unless federal grants requirements stipulate the use of a federal definition of Environmental Justice, state definitions are used.

- Environmental Justice: (ORS 182.535 Section 3)



“Environmental justice” means the equal protection from environmental and health risks, fair treatment and meaningful involvement in decision making of all people regardless of race, color, national origin, immigration status, income or other identities with respect to the development, implementation and enforcement of environmental laws, regulations and policies that affect the environment in which people live, work, learn and practice spirituality and culture.

- Environmental Justice Community: (ORS 182.535 Section 4 and HB 3409 (2023))  
 “Environmental justice community” includes communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, remote communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities.
- Environmental Justice: (NOAA definition)  
 The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.
- Environmental Justice Communities: (NOAA definition)  
 A geographic location with significant representation of persons of color, low-income persons, indigenous persons, or members of Tribal nations, where such persons experience, or are at risk of experiencing, higher or more adverse human health or environmental outcomes.
- Frontline Communities:  
 Also known as “Climate Vulnerable Communities.” Those that experience “first and worst” the consequences of climate change. These are often communities of color, immigrants, rural communities, low-income communities, Tribal and indigenous people who have long been excluded from the policy and funding decisions and processes used to address climate change. (EcoTrust, APEN).
- Underserved Communities:  
 Refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. The barriers to opportunity and participation these communities face have occurred throughout history and continue today.
- Social Vulnerability:  
 The potential for loss within an individual or social group, recognizing that there are characteristics that influence an individual or group’s ability to prepare, respond, cope, or recover from an event. These characteristics can overlap within populations to create

heightened vulnerability, which may be compounded by deficiencies in infrastructure within communities and historic or existing discriminatory government policies.

- *What tools does your agency use to identify and prioritize environmental justice communities?*

DLCD takes the opportunity to reflect on environmental justice successes and challenges annually, through the completion of the Environmental Justice Council's required annual report.

# PUBLIC PARTICIPATION AND MEANINGFUL INVOLVEMENT (ORS 182.535 SECTION 2)

**ORS 182.550 Section 2: Increase public participation of individuals and communities affected by agencies' decisions;**

## Community Engagement Policy and Processes

- *Does your agency have a public engagement processes for promoting community participation in agency decision-making processes?*

Community engagement is a required part of land use planning in Oregon and central to the work conducted at DLCD. The requirement extends to local implementation of the land use planning program and is written in the first goal of nineteen in the statewide land use planning system.

Goal 1 calls for the opportunity for community members to be involved in all phases of the planning process. It requires the department, along with each city and county responsible for implementing Oregon's land use planning program to have a community involvement program that addresses:

- Opportunities for widespread community engagement,
- Effective two-way communication with community members,
- The ability for the community to be involved in all phases of the planning process,
- Making technical information easy to understand,
- Feedback mechanisms for policy-makers to respond to public input, and
- Adequate financial support for community engagement efforts.

DLCD provides a staff liaison to the commission's statutorily required Citizen Involvement Advisory Committee (CIAC). The CIAC advises the Land Conservation and Development Commission on matters related to equitable community engagement and Goal 1. DLCD also provides staff to answer questions about public participation in the land use planning process for members of the public and local governments as they implement the land use planning program at a local level.

While the name of the goal is rightly criticized for being out of date, based on our contemporary understanding and use of the word "citizen," the intent of the goal is to provide for broad, equitable community engagement in decision making. DLCD routinely refers Oregonians to the Department of Justice definition of "citizen," which is "Any individual within the planning area; any public or private entity or association within the planning area, including corporations, governmental and private agencies, associations, firms, partnerships,

joint stock companies and any group of citizens.” To equitably involve Oregonians, the Land Conservation and Development Commission provides community members and interested parties opportunities to participate in (and potentially influence) decisions about proposed policy changes, guidance documents, or program outcome that will affect their community, environment and/or health. DLCDC staff and decision makers proactively seek out and facilitate the involvement of those potentially affected.

- The Land Conservation and Development Commission adheres to adopted Public Participation Guidelines.
- DLCDC staff routinely review demographic information for advisory committee applicants during the application process and increase outreach to underrepresented communities.
- The CIAC and commission have a joint meeting once a year to review agency accomplishments in community engagement, and to create a work plan for the CIAC moving forward, as they develop resources and guidance for the department and local governments.
- The CIAC annually accepts applications for Achievement in Community Engagement awards. The Achievement in Community Engagement (ACE) Award recognizes organizations and individuals who have actively promoted and implemented the values of Oregon’s Statewide Planning Goal 1 through an outstanding community engagement strategy.

*Describe the current level and quality of public participation?*

The level and quality of community engagement in DLCDC and LCDC decision making is substantial for a relatively small agency. Our agency and commission are committed to governmental transparency and engaging community members. The DLCDC 2023-2031 Strategic Plan included the following themes related to community engagement:

- Using data to understand racial disparities,
- Increasing culturally responsive engagement,
- Working with community-based organizations,
- Meaningfully engaging with historically marginalized and underserved communities,
- Engaging youth of color and young professionals,
- Compensating participation, and
- Discussing the importance of plain language and language access.



## Selecting Audiences

- *Has the agency performed analysis to determine the groups impacted by agency decisions?*

DLCD consults census demographics from the American Community Survey and US Census Quickfacts to understand the demographics of the state or a region of the state. Due to the nature, scope, and diversity of land use rulemaking and projects, lists of impacted groups are developed and considered at a project level. Each DLCD project team and policy development effort has a unique set of impacted groups. Some “impacted groups” are predetermined by the legislature. When applicable, DLCD carries out legislative direction in determining RAC and workgroup membership.

DLCD follows federal and state Title VI guidance to determine Title VI and EJ populations to be addressed.

Title VI (per Title VI and “related authorities”)

- Race/color/national origin
- Age
- Sex
- Disabilities (mental and physical)
- Limited English Proficiency
- Minority (Black, Hispanic, Asian, American Indian, Alaskan Native, Native Hawaiian and Pacific Islander)
- Low-income (median housing income at or below poverty level)

- *With which Oregonians, groups, or organizations does your agency engage?*

DLCD engages with a unique and diverse group of interested parties, advocacy organizations, professional groups, and scholars for each policy development effort. The agency also maintains a list of community-based organizations with whom we seek regular contact. In 2023, the following groups were among those represented on advisory committees for the agency:

- Affordable Housing Advocates
- Affordable Housing Financial Organizations
- Agricultural Land Advocates
- Architects
- Chambers of Commerce
- Childcare Workers
- Childcare Workers Union
- Climate Advocates
- Community Renewable Energy Developers
- Consulting Firms
- Culturally Responsive Organizations (Community-Based Organizations)
- Development/Homebuilders
- Disability Advocates
- Economic Development Districts
- Economists
- Emerging Planners
- Environmental and Social Justice Advocates
- Fair Housing and Civil Rights Advocates
- Farmworker Advocates
- Frontline Workers Advocates
- Habitat Conservation Advocates
- Homelessness Advocates
- Housing Equity Advocates
- Indigenous support community organizations
- Industrial Forestland Management Organizations
- Land and Water Use Experts
- Land Use Law Practitioners
- Land Use Planning Advocates
- Landowners
- Large-scale Renewable Energy Developers
- Local City Governments
- Local County Governments
- Local Land Use Planners
- Low-Income Advocates
- Metro
- Natural Resource Conservation Organizations
- Organizations Representing Clean Energy Labor Interests
- Policy Research Organizations
- Port Authorities
- Property Rights Organizations
- Public Transportation Providers

- Public Works Providers
- Realtors
- Renewable
- Senior or Older Adult Advocates
- Small Woodlands Advocates
- Special/Utility Districts
- Tenant Advocates
- Transmission Siting Experts
- Transportation and Transit Planners
- Tribal Governments
- Youth Serving Organizations

## Public Engagement Policy

The Land Conservation and Development Commission has adopted Public Participation Guidelines that aim to provide and promote clear guidance for community engagement in the development of policy at DLCD. The Public Participation Guidelines provide guidance that is consistent with and in some cases beyond the legal requirements of the Attorney General's Model Rules of Procedure, state law, land use goals, and the Commission's administrative rules. The commission and department follow these guidelines to the extent practicable in the development of new or amended statewide planning goals and related administrative rules, and in other significant policy development activities related to the statewide land use program.

## Meaningful Engagement

*What is the extent of meaningful engagement?*

All land use decisions in the State of Oregon, including those made by the LCDC, are subject to Goal 1: Community Engagement. DLCD staff complete a communications and community engagement plan for each policy development effort which includes incorporation of guidance principles and practice included in *Putting the People in Planning*.

## Criteria

*What criteria triggers public participation?*

All land use decisions in the State of Oregon, including those made by the LCDC, are subject to Goal 1: Community Engagement.

## Follow-up

*Does your agency follow-up with participants after decisions are made?*

When capacity exists within a consultant contract, specific RAC members are engaged in an evaluation of the engagement process. DLCD also maintains ongoing relationships with several community-based organizations, interested parties and advocacy organizations. These relationships include candid conversations on process improvement related to community engagement.

*"It is with great pride that I present the work of the department and commission as a model for fostering equitable and sustainable land use policy nationwide." - Anyeley Hallová, LCDC Chair*



# AGENCY ENVIRONMENTAL JUSTICE IMPACTS (ORS 182.550 SECTION 3)

## **ORS 182.550 Section 3: Determine the effect of agencies' decisions on environmental justice communities.**

The landscapes we inherit, where and how our built and natural environment exists, are a result of deliberate planning and policy decisions. Organizations like the DLCD play a pivotal role in laying the groundwork for a more just future. Our strategic plan, rule development, and policy decisions prioritize health, racial equity, income equality, transportation equity, and quality of life for Oregonians.

The work carried out by the department and the decisions made by LCDC impact elements of the built and natural environments that fall within all nineteen statewide land use planning goals:

- Goal 1 - Community Engagement
- 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

The quest for equitable housing and environmental justice lies at the heart of DLCD's work, strategic plan, and overall mission. DLCD and our commission are committed to fostering thriving communities where individuals have access to safe, affordable housing and enjoy a healthy environment. To achieve this, DLCD is implementing a multifaceted approach that

revolves around expanding housing options, ensuring accountability at the local level, enhancing transportation choices, and promoting walkable, mixed-use developments.

While all 19 goals have environmental justice implications and impacts, one of DLCD's primary initiatives in 2023 involves diversifying housing options to meet the diverse needs of our communities. Where, in what form, and for whom housing is planned and constructed impacts the life of every Oregonian. By encouraging a mix of housing types—ranging from single-family homes to duplexes, apartments, and affordable housing units—we aim to address the varying requirements of different demographic groups. This strategy helps in fostering inclusive neighborhoods where individuals from diverse socio-economic backgrounds can live and thrive together.

Local government accountability is crucial in achieving our housing and environmental justice goals. We work closely with municipalities, establishing benchmarks and targets to ensure they are meeting state-set objectives. By providing technical resources, grant funding, guidance, and support, we empower these entities to adopt policies that facilitate the development of affordable housing, protect natural resources, and create vibrant and sustainable communities.

Transportation plays a pivotal role in shaping the accessibility and affordability of housing and its environmental impact. DLCD is dedicated to bolstering transportation options, including public transit, biking infrastructure, and pedestrian-friendly pathways. This not only reduces carbon emissions but also enhances mobility for residents, particularly those in underserved areas. By integrating housing with well-connected transportation systems, we aim to reduce dependency on cars, mitigate traffic congestion, and enhance overall livability.

Promoting walkable, mixed-use communities is a cornerstone of our strategy. We have established zoning and urban planning policies that encourage the development of neighborhoods where residents can live, work, shop, and access amenities within close proximity. This approach not only fosters a sense of community but reduces driving and commuting distances, promoting a more sustainable lifestyle while fostering economic vibrancy.

Equitable outcomes are at the core of our efforts. DLCD is striving to dismantle systemic barriers and address historical injustices by ensuring that our initiatives prioritize marginalized and vulnerable communities. By engaging with community members and interested groups, listening to their needs, and incorporating their perspectives into our policies and programs, we aim to create lasting, positive impacts that uplift all individuals.

## **Does your agency measure the impacts of agency decisions on environmental justice in Oregon communities? Why or why not?**

The impact of agency decisions are carried out at a local government level, often over a course of decades. Anecdotally, we take the measure of program impacts on Oregon communities via public comment and bi-annual 360° surveys of director's performance. However, DLCDC currently lacks the funding, capacity, and tools that would make it possible to track implementation of agency decisions at a meaningful scale.

# AGENCY ENVIRONMENTAL JUSTICE PROGRESS (ORS 182.550 SECTION 4)

**ORS 182.550 Section 4: Improve plans to further improve environmental justice in Oregon;**

## **How is EJ built into agency strategic plans?**

Focus Areas 1 and 2 of the [DLCD Strategic Plan](#) also serve as the agency's Diversity, Equity, and Inclusion (DEI) Plan, which addresses issues that include environmental justice. Focus Area 1: Ensuring Equitable Planning and Engagement includes a number of action items specific to environmental justice:

- Use data to develop a framework to help understand racial disparities across Oregon. Review State of Oregon racial equity mapping tools to be used in policy development and implementation to reduce disparities.
- Provide training to support all staff familiarity and comfort with implementing racial equity concepts and best practices to help inform daily work.
- Collaborate by using grants, existing committees, meetings, and regional representatives and local jurisdictional partners to increase culturally responsive engagement, access to opportunity, and understanding of racial equity and DEI concepts and strategies.
- Use translation services to ensure Oregonians with limited English proficiency and English language learners are invited to request translated material in appropriate languages.
- Work with community-based organizations and trusted community leaders to share program and project materials. Prioritize the organizations that have served on the housing and climate Rulemaking Advisory Committees. Invite others to express interest.
- Create and maintain social media platforms to increase awareness of Oregon's land use planning program and increase outreach. Work with the Citizen Involvement Advisory Committee to help ensure messaging is delivered in a culturally responsive manner.
- Develop relationships with community-based organizations across the state to understand their organizational priorities. Where interests align, partner on initiatives. Invite their assistance to help recruit members of Rulemaking Advisory Committees and other work groups to help reflect the diversity of Oregon communities. Where needed, provide financial support.
- Involve youth of color and young professionals of color in agency programs.
- Provide technical assistance to help ensure opportunities for project teams and decision makers to receive input from community leaders/groups, explore concepts

together, and/or allow additional time for one-on-one discussion; use DCLD's publication, *Putting the People in Planning* as a guide for this work.

- Update guidance documents for DLCD's government-to-government responsibilities, including consultation. Review and update policies and program as needed.
- Strengthen the capacity or role of tribal liaison(s).
- Provide training and guidance documents to strengthen regional representatives and all staff relationship-building efforts to improve service delivery.

DLCD takes a programmatic approach that centers race. Research shows that when investments focus on Black, Indigenous, and People of Color, these benefits also accrue to low-income community members. Low-income community members also include a greater share of Oregonians who identify as living with a disability than the population as a whole. Accordingly, DLCD takes an intersectional approach that centers race.

*Black, Indigenous, and People of color share similar barriers with other historically marginalized groups such as people with extremely low income, people with disabilities, LGBTQIA2S+ communities, women, older adults, and young people (this concept is known as intersectionality). People of color also tend to experience those barriers more deeply due to the pervasive and systemic nature of racism. They experience the most disparate outcomes in nearly every category of social well-being, including housing, transportation, climate, access to nature, education, and health.<sup>1</sup>*

DLCD recognizes that by addressing barriers experienced by Black, Indigenous, and People of Color and centering their wisdom, voice, and experience in the statewide planning process, the agency can effectively identify equitable solutions that also remove barriers for other marginalized groups. DLCD commits to practicing racial equity approaches that intersect with other historically underserved communities in our work so that all Oregonians can thrive.

## **What does your agency need to further develop and implement environmental justice policies at the agency?**

- Increased staff capacity.
- Additional tools to identify and connect with environmental justice communities.
- Additional GIS and data collection capacity.
- Budget support for environmental justice efforts.
- Access to and support for translation services.
- Enterprise provision of communications platforms and tools.
- DAS guidance on compensated participation.
- Financial support on legal costs.
- Updated State Agency Coordination Programs.

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<sup>1</sup> DLCD 2023-2031 Strategic Plan: [https://www.oregon.gov/lcd/Commission/Documents/2023-07\\_Item\\_17\\_Combined.pdf](https://www.oregon.gov/lcd/Commission/Documents/2023-07_Item_17_Combined.pdf)

# AGENCY ENVIRONMENTAL JUSTICE MAPPING TOOL INVOLVEMENT (ORS 182.550 SECTION 5)

**ORS 182.550 Section 5: Utilize the environmental justice mapping tool developed under section 12 of this 2022 Act.**

**How is your agency participating in the development of the environmental justice mapping tool?**

DLCD has a designated staff member participating in meetings associated with the environmental justice mapping tool. DLCD staff participated in the EJ mapping tool inventory work group meetings hosted by the Department of Administrative Services (DAS) in preparation for submitting its inventory of environmental justice-related datasets to be considered for the tool. The collection of datasets was coordinated through a series of internal meetings and communication, and datasets were submitted to DAS on schedule. Staff have been present at methodology-specific and Environmental Justice Council meetings to stay informed of the mapping tool's progress.

Due to a meeting invitation error outside the agency and technical issues associated with virtual meeting attendance, some conversations held by the EJ Council about the map intent, contents, and outcomes have taken place without DLCD staff fully participating.

# AGENCY ENVIRONMENTAL JUSTICE COUNCIL ENGAGEMENT 2024

## How would your agency like to engage with the EJC in 2024?

We would like to present or share our experience with:

- Oregon's Natural Hazards Mitigation Plan.
- Equitable Community Engagement Initiatives - Using data to identify historically marginalized communities and increase culturally responsive engagement.
- Goal 5 Rulemaking for Tribal Cultural Assets.

# AGENCY ENVIRONMENTAL JUSTICE COUNCIL LEGISLATION CITATIONS

Please share agency impacted legislation from the last legislative session where Environmental Justice Council or Environmental Justice Task Force engagement is cited in the legislation.

- None



# AGENCY MEANINGFUL ENGAGEMENT RELATED LEGISLATION

**Please share agency impacted legislation that includes language regarding meaningful engagement.**

- HB 3409 - Community Green Infrastructure
- HB 3409 - Reduced Conflict Solar Siting in Eastern Oregon
- HB 2727 - Evaluating Permitting Barriers and Strategies Affecting New and Expanded Child Care Facilities in Oregon

## **How does DLCD collaborate when multiple agencies are listed?**

DLCD partners closely with agencies across the enterprise. Subject matter experts across the agency work closely with partner agencies to establish work plans, coordinate with interested parties and advisory committees, and develop solutions.

Each state agency is required to prepare a State Agency Coordination (SAC) Program to assure that its "rules and programs affecting land use" comply with the statewide planning goals, and are compatible with acknowledged city and county comprehensive plans and land use regulations. (See ORS 197.180, OAR 660-030 and OAR 660-031.) SAC agreements are used to document the results of an agency evaluation and the coordination of technical assistance provided by DLCD to assure compliance and compatibility.

Many State Agency Coordination Programs have fallen out of date. DLCD is championing efforts to fund the update of these programs across the enterprise.