

MEMO

TO: BCC
FROM: Dan Johnson, DTD Director
Date: September 14, 2021
RE: Letter to Land Conservation and Development Commission (LCDC) about Climate Friendly and Equitable Communities (CFEC) Rulemaking process

On March 10, 2020, the Governor issued [Executive Order 20-04](#), directing state agencies to reduce climate pollution. In response, the Land Conservation and Development Commission formed the Climate Friendly and Equitable Communities Rulemaking Advisory Committee (CFEC RAC) who have been meeting to develop the draft rules. The rulemaking focuses on significantly strengthening Oregon's administrative rules about transportation and housing planning, particularly for Oregon's eight urban areas with populations over 50,000 people (Albany, Bend, Corvallis, Eugene/Springfield, Grants Pass, Medford/Ashland, Portland Metro, Salem/Keizer). Some of the rule changes will also apply to communities outside those areas.

At the CFEC Rulemaking Advisory Committee (RAC) meeting on August 18th, the initial language for portions of the rules was discussed for the first time. There was acknowledgement by the RAC members that there was a large amount of material that was required to be reviewed in a short amount of time. Since that meeting, Clackamas County staff have met with other local government staff to build an understanding of possible next steps for interfacing with the process.

At this point, the rules are fluid and it is not clear how much they will change over the next few months. One key concern is that the process is moving too fast for local jurisdictions to review and provide meaningful comments. The current schedule is:

- September through October rule development
- September 23-24 – Update to LCDC
- October - general outreach (four meetings throughout the state)
- November — Final Rule review by CFEC RAC
- November 18-19 – Update to LCDC
- December – January – DLCD staff work (legal review)
- First public hearing in late January
- Final public hearing in March 2022

The progress on the rulemaking process will be discussed at an upcoming meeting of the Land Conservation and Development Commission. Staff proposes that the attached letter be submitted to LCDC requesting more time to engage with the rulemaking development process.

DRAFT

September 14, 2021

Land Conservation and Development Commission
Attn: Ester Johnson, Commission Assistant
635 Capitol St. NE, Suite 150
Salem, OR 97301-8911

Dear Commissioners:

Thank you for the opportunity to comment on the Climate Friendly and Equitable Communities (CFEC) rulemaking process. ***We are very concerned with the aggressive timeline for adoption and ask that you extend the rulemaking development process for at least 2 months to allow time for local jurisdictions to review and provide meaningful feedback and engagement in the process.***

The comprehensive nature of these rules requires statewide cross-discipline and cross-jurisdictional coordination which has not occurred to date and must occur to ensure that the rules are as effective as possible in moving us toward our statewide climate goals.

Over the past few years, local jurisdictions have actively engaged local residents on topics that will be impacted by this rulemaking, such as creating successful mixed-use communities. It is critical that these local experiences and tools be folded into the rules as they are drafted. Your decision to provide additional time will create the opportunity for this coordination to occur.

Only by incorporating workable, local solutions, will there be success in achieving the carbon reduction goals. We must not rush and instead must be thoughtful and deliberate in order to accomplish these critical goals.

We recognize that this work is an important step forward in our efforts to reduce climate pollution. Here in Clackamas County, we are currently working with a Task Force to create a Climate Action Plan that will have specific locally supported actions designed to allow the county to be carbon neutral by 2050. We expect to adopt the Climate Action Plan by 2023 with its specific recommendations on how to achieve the goal of becoming carbon neutral. There are likely to be actions similar to those being discussed by the CFEC Rulemaking Committee included in our local plan. We look forward to building our understanding of how these two processes align to help us meet our carbon neutral goals.

Thank you for your attention to this very important issue.

Sincerely,

Tootie Smith

Chair
Clackamas County Board of Commissioners