

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

March 17, 2022

Dear Commissioners:

Thank you for the opportunity to comment on the proposed Climate Friendly and Equitable Communities (CFEC) rules. We support efforts to address climate change through the review of existing tools under the direction of DLCD, and we appreciate the inclusion of elements that provide the foundation for electric vehicle charging stations to become more widely available. We do, however, have significant concerns regarding the **clarity and feasibility** of how the rules will be applied; the need for more **time and resources** to ensure the rules actually help us achieve our climate goals, and the need for **exemptions or exceptions** in recognition of the fact that not all communities have the same level of transit service and resources for transportation options.

Clarity and Feasibility

- It is unclear how the proposed rules will be implemented in the Portland Metro area -- As written, it is difficult to determine which elements will or will not be led through the Metro Regional Transportation Plan. This will create confusion for local jurisdictions and is an inefficient use of resources. Jurisdictions in the Portland Metro area have been working together under the direction of the Metro Climate Smart Strategy and the Regional Transportation Plan to address many of the topics covered by the proposed rules. It is logical that Metro should continue to lead on the appropriate solutions within the Portland Metro area.
- Because of the complexity and vagueness of the proposed rules, it is questionable whether Clackamas County and other impacted jurisdictions could feasibly implement the performance standards within our development review processes as well as through our comprehensive plan and land use actions.
- The requirements related to parking contradict and would likely undo some of the work we have underway with our communities around the implementation of Middle

Housing (HB2001) rules. During the process of developing our middle housing regulations, for example, we have repeatedly heard about the importance of off-street parking in neighborhoods. Conflicting direction from various state agencies about this and other issues make it difficult if not impossible for us to provide clear, rational regulations for our communities.

Time and Resources

- We want to reiterate our previous request that more time is needed for DLCDC staff to work with local jurisdictions to refine the proposed rules to address the issues around clarity and feasibility of implementation. The short timeframe for drafting and reviewing the rules has been inadequate for meaningful review and comment.
- Implementation of the rules will require significant staff resources at a time when we are already burdened with implementing HB 2001 and other unfunded state regulations and mandates, in addition to conducting our regular business. We have significant concerns that there are not enough resources in the state to support implementation of these rules. For example, as the parking reform rules are written, unless we remove all parking minimums (which would be counter to the needs and wishes of our residents), Clackamas County and other impacted jurisdictions will have to develop new processes and tools, managed by staff that we don't have, to implement the rules.
- Until funding can be identified to help jurisdictions implement these rules by amending comprehensive plans and development regulations, it will be difficult if not impossible to meet the proposed timelines. There will also be costs related to ensuring compliance with the rules that will be ongoing and way beyond the initial expense of updating plan documents.

Exemptions and Exceptions

- The current "one-size fits all" approach of the proposed rules does not recognize the diversity and needs of individual communities across the region and the state. A solution that may be appropriate in Portland may not work in a smaller, more suburban community on the edge of the urban growth boundary; a plan that can be meaningfully applied in a suburban community may not be manageable in a metro area elsewhere in the state.
- Our community has significant transit deficiencies, and with fewer opportunities to access transit, there is a need for parking. While we have been working diligently with transit providers that serve Clackamas County, the lack of resources for transit operations limits their ability to expand transit coverage.
- In addition, while we support the shared intent of the rules related to engagement and equity analysis, we recommend allowing for flexibility to respond to each area's local focus on communities of concern.

- While the rules are directed at the MPO area, the changes will impact our rural communities as our rural residents rely upon our urban places for jobs, shopping, health care and other services. It is imperative that we are able to consider and take into account the implications of these changes inside the MPO for all residents of Clackamas County.

We recognize and support the need for thoughtful rulemaking to improve our climate future, and we look forward to working with you and other partners on this important issue. We believe it is critical for the residents of our entire county that the issues noted above are considered as the rule-making moves forward. Thank you for your consideration.

Sincerely,

Tootie Smith, Chair
On Behalf of the Clackamas County Board of Commissioners