

Dear Chair McArthur and Members of the Commission:

Thank you for the opportunity to provide comments on the Climate Friendly and Equitable Communities (CFEC) rulemaking. We write as RAC members, representing both advocates and local governments, to propose some critical improvements to both the CFEC rulemaking process and the proposed content of the CFEC rules. We fully support the overall intent and outcomes directed by the Commission and described by staff and agree that **Oregon's response to the current climate crisis must be swift and bold, however it must also be implementable.**

While we might not agree on all aspects of the final rules this Commission might adopt, we do agree on some overarching principles concerning both process and content that we hope the Commission will use to revise the current rulemaking.

#### Rulemaking Process

We are concerned that the current rulemaking process is not on track to succeed. The amount of material and level of detail assigned to the Rules Advisory Committee (RAC), primarily in the last several meetings, has attempted to cover too many topics and details and in too short a timeframe for RAC members to meaningfully review, gather feedback and expertise from colleagues, and respond with constructive suggestions.

- We propose that staff **extend the rulemaking schedule by at least two months and restructure the process to be more manageable.** Each RAC meeting should be limited to 1 or 2 related topics at most, with at least two weeks to review the material in advance. Use subject area subgroups to allow sufficient technical analysis and discussion.

#### Rulemaking Content

The current proposed rules are in danger of missing the forest for the trees. There are a handful of significant actions local governments should take soon, with support from DLCD and ODOT, while the more detailed elements should be woven in during later planning processes. Currently, the proposed rules blend these together, and some seem overly detailed and prescriptive. Local communities have invested considerable time and funding to plans and processes; we need to ensure the proposed rules will not conflict with local progress and will align with local timelines that are consistent with the desired climate outcomes. We respectfully urge the Commission to consider the following proposals:

- **Align implementation of CFEC requirements with existing planning schedules for Housing Needs Analysis (HNA), scenario planning, and transportation planning.** For those key steps that are not on a regular schedule, incorporate them into existing ones or put them on a regular schedule. Implementation timelines should be in rules, but some timelines will need to extend past May 2022 to allow alignment. Rules should acknowledge where local jurisdictions have made progress, i.e., the Metro 2040 plan, and where additional progress is needed. Funding to support local implementation should follow any local schedules.
- **Align state funding** (DLCD and ODOT) to support local implementation of these processes and required outcomes. We cannot make progress on reducing greenhouse gas emissions through policy alone.
- **Adopt Rules to Designate Climate Friendly Areas (CFAs) by May 2022 and phase in additional requirements at later dates.** Require initial adoption of CFAs, defined as areas where the high-level State Transportation Strategy (STS) outcomes – and the investment and policy changes to support them – will largely be met: 30% of all housing and development capacity and significant

modal shift. CFAs are the building block for much of the rest of the proposed rules. Therefore, it is critical to designate them soon in recognition of the role they will play, while taking a bit longer to get the rules for them right.

- **Focus the rulemaking on outcomes, deadlines, reporting, and accountability.**
- **Allow appropriate flexibility in rules to allow respectful, well-calibrated community engagement.** While the outcomes are essential to reach greenhouse gas reductions, is it also essential to allow communities to weigh in through equitable local engagement.

Thank you for considering our feedback. We look forward to working with you to ensure this rulemaking process and content can accomplish our shared goals for Climate Friendly and Equitable Communities.

Sincerely,

1,000 Friends of Oregon  
League of Oregon Cities (LOC)  
Association of Oregon Counties (AOC)  
Washington County

