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AGENDA ITEM 3
MAY 19-20, 2022-LCDC MEETING
EXHIBIT 160

May 17, 2022

VIA EMAIL AND FIRST-CLASS MAIL

Brenda Bateman, Director
Department of Land Conservation and Development

Robin McArthur, Commission Chair
Land Conservation and Development Commission
635 Capitol Street NE Suite 150
Salem, OR 97301

Re: Climate Friendly and Equitable Communities Rulemaking

Dear Ms. Bateman and Ms. McArthur:

Pursuant to ORS 183.335(4), this letter requests on behalf of Mark Long, Chief Executive Officer of the Oregon Home Builders Association, that the Department of Land Conservation and Development postpone its intended adoption of the Climate Friendly and Equitable Communities rulemaking currently scheduled for May 19, 2022. That postponement is requested for the purpose of allowing Mr. Long an opportunity to submit data, views, and arguments concerning the proposed rules.

When an agency proposes to adopt an administrative rule, Oregon law provides that "[u]pon request of an interested person received before the earliest date that the rule could become effective after the giving of notice" pursuant to ORS 183.335(1), **"the agency shall postpone the date of its intended action** no less than 21 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action."

Here, the proposed rules that the Department intends to adopt were provided to the public on May 5, 2022, twelve days ago. As the Department's own "Summary of Amendments" explains, some of the proposed rules have been "substantially changed" since release of the previous draft of the proposed rules in March 2022. Indeed, some parts of the May 5, 2022 draft rules do not appear in any form in the Department's March 1, 2022 Notice of Proposed Rulemaking.

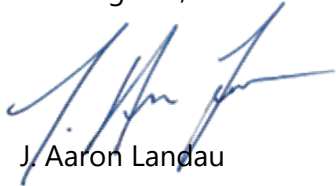
Mr. Long is an "interested person" for purposes of ORS 183.335(4), and this notice is being provided before the earliest date the proposed rules could become effective. Particularly in light

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of the numerous and "substantial" changes appearing in the latest draft rules, a postponement will enable Mr. Long to prepare certain additional data, views, and arguments relevant to those changes.

Best regards,

A handwritten signature in blue ink, appearing to read "J. Aaron Landau", with a stylized flourish at the end.

J. Aaron Landau

JAL:tl

CC: Kirstin Green, Deputy Director, Oregon Department of Land Conservation and Development
(via email)