



TO: Rep. Helm, Chair, House Committee on Agriculture, Land Use, Natural Resources & Water
Members, House Committee on Agriculture, Land Use, Natural Resources & Water

FROM: Palmer Mason, Department of Land Conservation and Development

DATE: April 3, 2023

RE: **House Bill 2659**

The Department of Land Conservation and Development (DLCD) appreciates the opportunity to comment on HB 2659, which halts implementation of the Climate Friendly and Equitable Community (CFEC) rules. DLCD opposes this bill as unnecessary, and we urge the committee to vote against HB 2659.

The CFEC program requires cities and counties within the state's eight metropolitan areas to plan transportation systems to reduce climate pollution, include underrepresented communities in land use and transportation planning, and remove restrictive housing barriers. Climate change, equity, and housing – each issue is a crisis threatening Oregon. Because meaningful and urgent action is required, the CFEC rules were adjusted and adopted after two years of debate and input from many organizations and stakeholders.

HB 2659 would jeopardize urgent action. The bill would block implementation of the CFEC rules until the Land Conservation and Development Commission (LCDC) adopts amendments or replacement rules. The process to change the current rules would likely stretch over a couple of years, after which the rules could be vetoed by a handful of local governments, locking in existing car-dependent development patterns. Without immediate implementation of the CFEC rules, Oregon will miss the state's greenhouse gas reduction goals in ORS 486A.205.

DLCD also urges a vote against HB 2659 because the bill is unnecessary. We know our local partners and stakeholders have voiced concerns about the rules. In response, DLCD has worked with communities to provide more time to implement or grant exemptions from specific rules. This table shows DLCD has granted flexibility from the rules:

Type of Flexibility	Eligibility	Number of Jurisdictions With Requests	Number of Jurisdictions with Requests Granted
Alternative Dates (Extensions)	Available to any local government	21	20 (1 pending) ¹
Exemptions	Available to cities less than 10,000 for any rule provision	8	7 (1 pending) ²

¹ Local governments with granted requests: Ashland, Bend, Clackamas County, Eugene, Fairview, Gladstone, Grants Pass, Gresham, Happy Valley, Hillsboro, Keizer, Lake Oswego, Marion County, Medford, Oregon City, Portland, Salem, Springfield, West Linn, and Wilsonville.

² Cities with granted exemptions: Durham, Jacksonville, Johnson City, King City, Maywood Park, Rivergrove, and Rogue River.

DLCD further supported local governments by holding office hours, facilitating peer-to-peer implementation networking, offering guidance documents, and participating in local implementation community events.

Along with flexibility and support to local governments under the current rules, DLCD is moving forward with temporary rules designed for more flexibility and easier local implementation. The proposed rules will address the following areas of concern DLCD identified through conversations with local governments and other stakeholders:

- Alternative date flexibility
- Certainty for committed transportation projects to avoid additional review
- Climate friendly areas
- Parking reform
- Site design

For more information on the proposed temporary rules and other technical assistance, please access this link: [Draft Rule Amendments for Climate-Friendly and Equitable Communities Program; Office Hours; Climate-Friendly Area Guidance \(govdelivery.com\)](#)

While these rules do not address every concern, they show continued effort by DLCD to collaborate in good faith and to facilitate local implementation. We intend to incorporate the concepts from the temporary rules into a larger process scheduled to bring permanent rule amendments to LCDC for adoption in November 2023. DLCD believes the on-going efforts to address concerns about the CFEC program make HB 2659 unnecessary, especially because delay in CFEC implementation compounds the challenges of climate change, equity, and housing.