



April 3, 2023

Rep. Ken Helm, Chair  
House Committee on Agriculture, Land Use, Natural Resources & Water  
900 Court Street NE  
Salem, OR 97301

Dear Chair Helm and Members of the Committee:

As Mayor of the City of Springfield, I am writing in support of HB 2659. Cities across Oregon need your legislative leadership and oversight to bring the Land Conservation and Development Commission (LCDC) back to the table and address the outstanding issues with the Climate Friendly and Equitable Communities (CFEC) rules that are not workable and create more obstacles than pathways for cities like Springfield to advance the goals of creating more climate-friendly and equitable communities.

Cities and counties in Oregon – including Springfield – face tremendous challenges because of the degree of prescriptive requirements in the rules. We have urged LCDC to work with our communities to address the issues, both during the rulemaking and afterward, but our requests to work collaboratively have gone unaddressed.

The City of Springfield's major concerns are summarized below. We would be happy to provide specific technical details on the issues and concerns with the language of the rules and the prescriptive rules requirements if helpful to the Committee.

### **The CFEC rules are an alarming expansion of LCDC's authority over local government planning.**

- LCDC adopted the rules without adhering to many important requirements of the Administrative Procedures Act that would have required LCDC and DLCD to explore less costly methods to achieve the same results, and would have required taking into account input from local governments as important stakeholders in state planning rules.
- The rules allow LCDC to "unacknowledge" an existing acknowledged transportation system plan – even if we have not changed the plan. This is a radical departure from the statutes enacted by SB 100 and thereafter. It severely undercuts local governments' and property owners' abilities to rely on the certainty of development being permitted consistent with adopted and acknowledged plans.
- Rules would prohibit construction of transportation projects that have been approved for federal or state funding if a project does not meet the prescriptive rule requirements, which may be impossible to achieve.
- Rules would require re-analysis of state highway projects or interchange area management plans that have already gone through extensive federal environmental reviews.

### **The CFEC rules are a top-down, unfunded mandate that dictate local land use regulations at high level of detail that does not work for local governments.**

- LCDC's rulemaking process ignored or disregarded significant input from cities and counties about the negative impacts of the rules.
- The rules include a high level of detailed, prescriptive requirements that apply directly to local governments. This is compounded by a lack of technical expertise on the Rulemaking Advisory Committee related to the rules' many components.
- The rules are way out of step with the intent of the statewide planning program to retain local control over local planning decisions (e.g. see the legislative findings in ORS 197.005).

- DLCD has not identified sufficient funding to support rule implementation, even if the rules were implementable.

**The CFEC rules inhibit Springfield from meaningfully integrating input from underrepresented groups.**

- The rules require extensive outreach to under-represented populations, but do not provide enough flexibility to allow their input to meaningfully influence the final decision, which may do more harm than good.
- Some of the rules actually make it more difficult to plan for areas with disproportionately underserved populations, by effectively requiring the city to prioritize planning in wealthier neighborhoods (e.g. the bicycle and pedestrian inventory requirements).

**The CFEC rules make it harder to add housing for homeownership.**


- The rules for climate friendly areas (CFAs) limit the housing types and homeownership opportunities that will be allowed or practical in the CFAs.
- Because 30% of the city's housing has to be located in a CFA, this has a significant impact on the city's housing stock.
- By driving up the cost of constructing housing inside the UGB, households are forced into rural areas, where commuting into urban areas for jobs and services is much less climate friendly.

**The "flexibility" provided in the rules does not allow Springfield to make meaningful choices.**

- Significant parts of the rules have no flexibility at all for local governments (e.g. preemption of parking requirements in large parts of the city, minimum dimensional requirements for Climate Friendly Areas).
- Where the rules give local governments any choices, the choices are limited to a selection among two or more prescriptive, costly approaches that are unlikely to work for cities and counties.
- The rules do not allow transportation projects to result in any increase in "vehicle miles traveled per capita." The engineering methods for these calculations have not yet been developed for Oregon, which makes it difficult to determine how they are likely to impact communities. It may be impossible, under the VMT rules, to build new roads for employment lands on the edge of existing Urban Growth Boundaries, because extending new miles of roads without adding new homes adds to the "vehicles miles traveled" part of the calculation without adding to the "per capita" denominator.
- Funds spent implementing these rules will be a waste of tax-payer dollars, because the rules will not achieve positive climate and equity results if they do not work for local governments.

We urge your support of HB 2659 to bring LCDC back to the table and ensure that more climate friendly and equitable communities can be achieved in Oregon. We look forward to partnering in that effort with a renewed rulemaking process.

Sincerely,



Sean VanGordon  
Mayor, City of Springfield