



*Advocating for a liveable and sustainable
Rogue Valley through responsible land use.*

December 14, 2021

To: Land Conservation and Development Commission
From: Devin Kesner, Land Use Program Manager, Rogue Advocates
Re: LCDC Meeting of December 17, 2021
Climate-Friendly and Equitable Communities rulemaking update

The following comments from Rogue Advocates are focused on the sufficiency of Climate Friendly Areas (CFAs) as currently envisioned in the proposed rules. We support the detailed and comprehensive comments submitted by 1000 Friends of Oregon and Central Oregon LandWatch as minimum goals that this rulemaking effort should not go below to have any chance at achieving the state's GHG targets. We urge the LCDC to ensure that its rulemaking matches the urgency and severity of the climate crisis by adjusting the timeframe and reliance on CFAs.

Background.

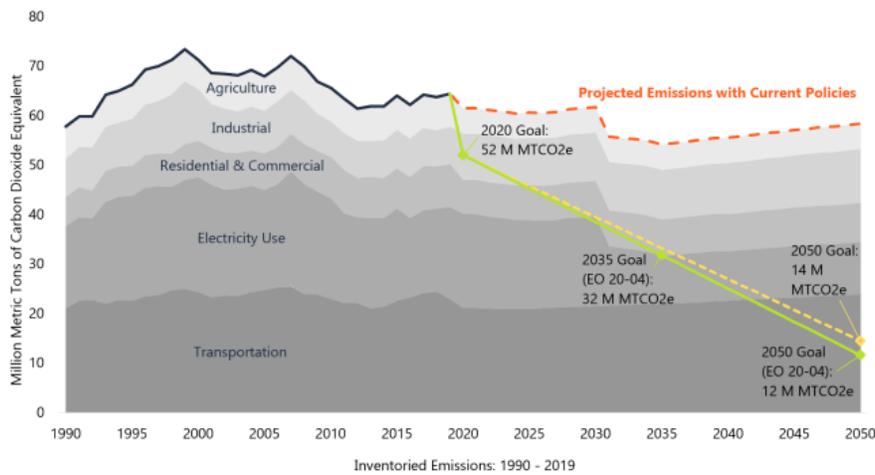
Rogue Advocates (RA) is dedicated to cultivating livable and sustainable communities in southern Oregon's Rogue Valley. We work to preserve productive rural lands and promote vibrant urban centers. RA recognizes and appreciates the significance of the efforts being made by LCDC under Executive Order 20-04 to plan for a sustainable future by directly considering how land use decisions will impact emissions for decades.

As the latest report from the Oregon Global Warming Commission (OGWC) points out, there is no time to lose to quickly reduce our state's greenhouse gas (GHG) footprint: "we are in an all-hands-on-deck climate crisis with a need for faster, more ambitious, and sustained action across all economic sectors."¹ This same report also points out that thus far the efforts by the state to achieve its stated goals in this direction have largely failed.

The result of this failure is that we need to reduce our GHG footprint at a much faster rate than was previously assumed. Inadequate policy for years has squandered the option to slowly reduce GHGs at this point, as demonstrated in the figure below from OGWC's 2020 report. We need to hit the brakes hard and it is now or never. This has been made abundantly clear by the latest climate science coming out of the Glasgow COP26 summit.

¹ Oregon Global Warming Commission, 2020 Biennial Report 1 (2020).

Figure 6. Oregon's Past and Projected Greenhouse Gas Emissions Compared to Goals.²³ (Source DEQ, 2020)



2

As reported by climate scientists at COP26, we need “unprecedented rapid and massive changes to the world’s economy and infrastructure” to limit warming to 1.5°C, beyond which the likelihood of irreversible and extreme climate impacts are much higher.³ A 5% global reduction in GHGs annually is required for even a 50% chance of avoiding the negative outcomes associated with temperature increases beyond 1.5°C.⁴

Unfortunately, based on Oregon’s current reduction rates and proposed rulemakings, we will not be contributing our fair share to meeting that target. In fact, it appears that the target of this state is not aligned with the latest science. The current state goals as outlined in Executive Order 20-04 amount to approximately a 3% per year GHG reduction rate.⁵ This contribution extended to the global level gives us about a 30% chance of staying within 1.5°C. In reality this state’s goals are in line with a target of about 1.7°C, and likely beyond that considering its history of failing to meet its targets. Transportation is the single largest contributor to Oregon’s total GHG emissions, with a quarter of those emissions deriving from car and small truck travel that would be directly impacted by CFAs.⁶

Decisionmakers and scientists from both the global and Oregon context agree that urgent and ambitious action is needed to prevent the most dire climate impacts. While LCDC’s proposed rules on CFAs are a step in the right direction, they do not rise to the level of ambition or urgency necessitated by this crisis. Nor do they satisfy draft rule 660-012-0000(1)(d)’s stated purpose of ensuring that Oregon meets its climate reduction goals.

Considering transportation’s outsized role in Oregon’s GHG emissions and the need for lasting change, Rogue Advocates believes that planning to make auto-independent 1.5°C lifestyles

² Oregon Global Warming Commission, 2020 Biennial Report 14 (2020).

³ Future Earth & Earth League, 10 New Insights in Climate Science 2021, at 7–8, <https://10insightsclimate.science/10-new-insights-in-climate-science/1-1-5c-is-still-possible-but-extremely-challenging/>.

⁴ Future Earth & Earth League, 10 New Insights in Climate Science 2021, at 7, <https://10insightsclimate.science/10-new-insights-in-climate-science/1-1-5c-is-still-possible-but-extremely-challenging/>.

⁵ Calculated by comparing Oregon’s current GHG emissions with its 2035 and 2050 reduction goals.

⁶ Oregon Global Warming Commission, 2020 Biennial Report 15 (2020).

accessible for all urban dwellers should be the highest priority of this rulemaking effort. Oregon's proposed rule calling for only 30% CFAs is simply insufficient to get Oregon out of the business of promoting auto-dependent sprawl fast enough to successfully meet realistic GHG reduction targets in the short time frame we have to prevent runaway climate change.

Remedy.

In light of the urgency and ambition required to meaningfully respond to the climate crisis, LCDC should be more stringent with its CFA requirements and timelines. The Rulemaking Advisory Committee (RAC) has recognized the importance of reworking land use planning and the resulting transportation system to reduce emissions through "smart growth" principles,⁷ yet the current rules leave too much potential for continued dumb growth that will lock in emissions and auto-dependency for decades.

Increase the percentage of required CFAs. CFAs need to be increased to at least 50% of total urbanized areas. In its comments in the record, 1000 Friends of Oregon made the important point that to achieve the stated goal of 30% CFAs overall, new expanding growth needs to be 40 to 50% CFAs since most development occurs as new outward growth rather than as redevelopment or infill. We believe that in order to have a chance of meeting GHG reduction targets, CFAs would need to be somewhere in the amount of 70% for new expanding growth to achieve 50% CFAs overall. To put this in simple terms: if we are serious about reversing climate change we need a minimum of 70% smart growth.

Planning for only 30% smart growth means we are still committed to 70% dumb growth. The 30% CFA figure was derived from Oregon's 2013 Statewide Transportation Strategy,⁸ developed in a time when Oregon's inevitable failure to meet its GHG emission reduction targets and the urgency of the climate crisis were less apparent. As DLCDC Lead Staff put it: "[w]e must do things differently than we have in the past, or risk unacceptable outcomes."⁹ At this late date in this crisis such lackluster planning for a target of 30% smart growth leads to unacceptable outcomes and is no longer a justifiable use of public resources.

Tighten deadlines for achieving CFAs to reflect the urgency of the crisis. As the OGWC Commission put it in its 2020 Biennial Report: "[w]e only have 10 years to budget, plan, and implement significant changes to the trajectory of GHG emissions."¹⁰ Yet, as described more fully in Central Oregon LandWatch's November 2 comments, the latest draft rules allow cities to delay fully implementing CFAs until 2027, almost three-quarters of the way into that short 10 year window to make significant changes to our GHG trajectory. Additionally, as pointed out in comments by Central Oregon LandWatch and 1000 Friends, there is currently no mechanism for requiring cities to update their Transportation System Plans to ensure compliance with the CFA

⁷ Smart Growth America's 2020 report *Driving Down Emissions: Transportation, Land Use, and Climate Change* is included as an item informing the work of the Climate-Friendly and Equitable Communities Rulemaking Advisory Committee.

⁸ Oregon Department of Transportation, *Oregon Statewide Transportation Strategy: A 2050 Vision for Greenhouse Gas Emissions Reduction* 84 (2013).

⁹ Climate-Friendly and Equitable Communities Rulemaking Advisory Committee, RAC Meeting 10 Meeting Packet, RAC 10 Item 10: Draft Transportation Planning Rules (Division 12), at 1 (December 6, 2021).

¹⁰ Oregon Global Warming Commission, 2020 Biennial Report 15 (2020).

requirement and the rest of the proposed rules. These loose and delayed deadlines do not reflect the urgency of the crisis and should be updated pursuant to the recommendations made by Central Oregon LandWatch and 1000 Friends.

Tend towards prescriptive measures. There is ongoing discussion of how much of these proposed rules should be prescriptive and how much should be outcome based. Given the urgency of the situation Rogue Advocates feels compelled to point out that because Oregon has failed to meet its targets in the past, it will be too late for outcome based rulemaking since there is no time left to tinker. We need rules that deliver a clear path to success with measurable mileposts along the way. We say this based on our experience of the longstanding, well-entrenched culture of climate change avoidance and denial that permeates the politics of land use planning in our region.

Aim higher for the sake of equitable outcomes for all communities. We are encouraged to see that much thought and effort is going into making this rulemaking process result in equitable outcomes for traditionally and chronically underrepresented communities in the state. We should not lose sight of the fact that globally, these same underrepresented communities are bearing the brunt of developed nations failures to adequately reduce their GHG footprints. Because of this, Oregon has an obligation to not only aim for equitable outcomes for all Oregonians but to do its part to achieve equitable outcomes for underserved communities planetwide.

To put this idea into context, Oregon is experiencing fire and drought at unprecedented levels at a current 1.1°C above pre-industrial levels. What will be the impacts for each tenth of a degree of increase and can Oregon sustain this increase even if it manages to hold its own footprint to 1.7°C? For this region we have seen the costs already fall disproportionately on underrepresented communities.

Conclusion.

Oregon has been a national leader in land use policy for many decades and now it is time for this state to lead once again and set a high bar for other states to aspire to as they develop their own policies. We need to learn the lesson from our past efforts at reducing GHGs that to achieve a desired outcome we need to aim higher than that goal if we hope to achieve it. We need to recognize that we must plan to do more than our fair share of GHG reduction since other states and nations will likely not do their full fair share.

Because of this inescapable truth these proposed rules should be considered as absolute minimums and should not be weakened. In reality this rulemaking body should be aiming higher, in particular by increasing the percent of CFAs, tightening deadlines, and tending towards prescriptive measures, as these are key to limiting unsustainable sprawl and getting people out of cars in the urgent timeframe that the climate crisis demands.