



March 27, 2023

**Clackamas County Board of Commissioners
Policy Position
Relating to Suspending the Climate Friendly and Equitable Communities Rules**

Clackamas County supports HB 2659: This bill will suspend implementation of the Climate Friendly and Equitable Communities (CFEC) rules until such time as they are reworked to be more reasonable, equitable and workable for local communities. The county fully supports working to create more climate-friendly and equitable communities, but the rules as currently drafted are not a practical or effective way for most jurisdictions to achieve that goal.

We are particularly concerned about the CFEC rules related to parking mandates (OAR 660-012-400 through OAR 660-012-450). The current “one-size-fits-all” approach of the proposed rules does not recognize the diversity and needs of individual communities across the region and the state. A solution that may be appropriate in Portland may not work in a smaller, more suburban community on the edge of the urban growth boundary; a plan that can be meaningfully applied in a suburban community may not be manageable in a metro area elsewhere in the state.

In addition, the rules, as currently written, do not provide real options for communities that do not want to remove all parking mandates. The “options” provided are so complicated and costly to implement for a jurisdiction that does not already have a mechanism in place to price on-street parking or to mandate and enforce unbundling of parking for new development that they are all but unworkable.

We understand the intent is to reduce greenhouse gas emissions by getting people out of their cars, but the approach is not practical or equitable for many jurisdictions for a number of reasons:

1. **Lack of adequate transit:** Suburban communities, including unincorporated Clackamas County, do not have the same access to transit as an urban community like Portland. The vast majority of our transit lines are not frequent enough and do not connect enough locations that provide daily goods and services for a household to realistically not need a car at all. In addition, the perceived, and sometimes real, lack of safety of the transit options is a severe deterrent for many members of the public. We, at the county level, have little control over changes to the public transit system, which is provided by Tri-Met.

2. **Apparent contradiction with the state's Zero Emission Vehicle (ZEV) rules:** With Oregon's ambitious goals to have 250,000 registered ZEVs by 2025 and ZEVs be at least 90% of the new vehicles sold annually by 2035, the state is acknowledging that much of the population will continue to drive personal vehicles. These vehicles will likely help the state reach reduced greenhouse gas emission goals, but will still need somewhere to park, and likely to charge.
3. **Lack of evidence provided on how the CFEC parking rules will positively affect climate change and create more equitable communities:** Arguably, one of the best ways to affect greenhouse gas emissions is to plan complete communities that are walkable and served with adequate alternative modes of transportation. Within these communities, it may then be appropriate to reduce access to parking. Without adequate access to alternative forms of transportation – as exists in most of the areas the CFEC rules would apply – the effect is more likely to be either:
 - a. The creation of less equitable communities as we see housing that has access to parking selling or renting for a premium; or
 - b. More greenhouse gas emissions caused by higher VMT (vehicle miles travelled) from households that will move out of the urban and suburban areas to find housing they can afford with parking for the cars they need to use to get to work, school, medical appointments, or other locations that are not reasonable to reach on public transit.

We are also concerned with other aspects of the CFEC rules, related to analysis of the transportation system, including specifically the rules that prohibit approval of any land use decision relying on transportation modeling that would “increase vehicle miles traveled per capita. (OAR 660-012-0210). While the goal to reduce vehicle miles per capita traveled is worthy, such a strict mandate is extremely problematic because any development that adds vehicle trips without also increasing population violates the requirement. Local governments need flexibility to balance projects in a manner that allows them to achieve vehicle travel reduction goals while also supporting job growth and additional housing; they cannot simply stop all projects that may increase vehicle travel.

If local jurisdictions are forced to continue to implement the CFEC rules, as currently drafted, the hard work jurisdictions across the state have already been doing to create more equitable and climate-friendly communities through thoughtful land use and transportation planning will be negated. These communities may be irreparably harmed, all while the goals that the CFEC rules are attempting to achieve remain elusive.

We urge a “yes” vote on HB 2659.

Please contact Chris Lyons at clyons@clackamas.us for more information.