



## TUALATIN CITY COUNCIL MEETING

MONDAY, JANUARY 22, 2024

**TUALATIN CITY SERVICES**  
**10699 SW HERMAN ROAD**  
**TUALATIN, OR 97062**

Mayor Frank Bubenik  
Council President Valerie Pratt  
Councilor Maria Reyes      Councilor Bridget Brooks  
Councilor Christen Sacco      Councilor Cyndy Hillier  
Councilor Octavio Gonzalez

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To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the City's website.

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to Deputy City Recorder Nicole Morris up until 4:30 pm on Monday, January 22. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so: either by speaking in person or entering the meeting using the zoom link and writing your name in chat. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 861 2129 3664

Password: 18880

Link: <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

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### Work Session

- 1. 5:00 p.m. (20 min) – Tualatin Moving Forward Final Report.** In 2018, Tualatin voters approved a \$20 million transportation bond to pay for projects that improve traffic flow, neighborhood safety, and provide safe access to schools and parks citywide. This Final Report reviews the projects constructed in 2023 and summarizes the program.
- 2. 5:20 p.m. (50 min) – Transportation System Plan Update.** Staff and the consultant team will provide a briefing on the current process to update Tualatin's Transportation System Plan (TSP). This update will include details on the TSP goals, engagement summary, existing conditions overview, and upcoming TSP tasks.
- 3. 6:10 p.m. (20 min) – Prohibition and Regulation of Camping on Public Property Ordinance Check-In.** The City Council adopted Ordinance 1475-23 in June 2023, which prohibited and regulated camping on public property in Tualatin. As part of the City Council's discussion, they requested an update on implementation of the ordinance after

approximately six months' time. Staff is looking for direction from the City Council as to whether there is a desire for any changes to the ordinance at this time.

4. **6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the January 22 City Council meeting and brief the Council on issues of mutual interest.

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## **7:00 P.M. CITY COUNCIL MEETING**

### **Call to Order**

### **Pledge of Allegiance**

### **Announcements**

1. New Employee Introduction- Heather Heidel, Legal Assistant

### **Public Comment**

*This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

### **Consent Agenda**

*The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda.*

1. Consideration of **Resolution No. 5751-24** Awarding the Contract for Construction of Veterans Plaza at the Tualatin Commons
2. Consideration of the System Development Charge Annual Reports for Fiscal Year 2022-23

### **Special Reports**

1. Juanita Pohl Center Advisory Committee Annual Report
2. Outside Agency Grant Awardee- Tualatin Food Pantry

### **General Business**

*If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

1. Consideration of the Planning Division Work Plan for Fiscal Years 2023-24 and 2024-25
2. Updates to Tualatin's Vehicle Parking Regulations to Comply with State-Mandated Climate Friendly and Equitable Communities (CFEC) Rulemaking



## **Items Removed from Consent Agenda**

*Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.*

## **Council Communications**

## **Adjournment**

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Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at [www.tualatinoregon.gov/council](http://www.tualatinoregon.gov/council).

Tualatin City Council meets are broadcast live, and recorded, by Tualatin Valley Community Television (TVCTV) Government Access Programming. For more information, contact TVCTV at 503.629.8534 or visit [www.tvctv.org/tualatin](http://www.tvctv.org/tualatin).

In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting.



## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Mike McCarthy, City Engineer  
**DATE:** January 22, 2024

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**SUBJECT:**  
Tualatin Moving Forward Final Report

### **EXECUTIVE SUMMARY:**

In 2018, Tualatin voters approved a \$20 million transportation bond to pay for projects that improve traffic flow, neighborhood safety, and provide safe access to schools and parks citywide. 36 bond-funded projects have been constructed.

This Final Report reviews the projects constructed in 2023 and summarizes the program.

A copy of the report will be mailed to all Tualatin residents.

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### **ATTACHMENTS:**

- PowerPoint Presentation
- Sixth Annual/Final Report



# **FINAL** Report

City Council  
January 22, 2024

# FINAL Report



- *Tonight: update on 2023's "Final Five" completed projects*
- *Report card: on-time, on-budget*
- *No more quarterly reports!*
- *Look back on our progress at [TualatinMovingForward.com](https://TualatinMovingForward.com)*

# The Road to Program Completion

## 2018

May 15	Election Night – Measure 34-282 approved by voters
August 8	Bonds sold at a premium, providing additional program funds
September	First project completed

## 2019

January	Program manager on board; team in place
January-May	4 more projects completed

## 2020

January-December	9 more projects completed; 8 projects underway
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## 2021

January-December	6 more projects completed; 14 more projects underway
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## 2022

January-December	4 more projects completed; 12 more projects underway
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## 2023

January-May	12 more projects completed;
June-December	“Final Five” projects completed





## 36 Completed Projects – All Around Town!





- ✓ Add a 3rd eastbound lane
- ✓ Redesign the intersection to provide more greenlight time
- ✓ Improve operations and safety at intersections





# **Built!** – Boones Ferry Corridor Sidewalk and Bike Lane Project



- ✓ Create continuous facilities for safer walking and biking along Boones Ferry Road

## *Built!* – Highway 99: Pony Ridge Neighborhood to 124<sup>th</sup> Ave



- ✓ New sidewalks on Hwy 99W to connect the Pony Ridge neighborhood with the signalized crossing at 124<sup>th</sup> Avenue



## **Built!** – 67<sup>th</sup>/68<sup>th</sup> Avenues Loop at Stoneridge Park

- ✓ Add pedestrian improvements as identified by community members
- ✓ Enhance lighting, improve parking, reduce speeds



- ✓ Install improvements to help people walking and biking across the bridge







- ✓ Porous asphalt reduces runoff volume
- ✓ Sagert Street stormwater mitigation facility



# City Council's End of the Trail Tour



City Council Bus Tour – September 25, 2023

## Tualatin Moving Forward Report Card – December 2023

### BUILT (36 Projects)

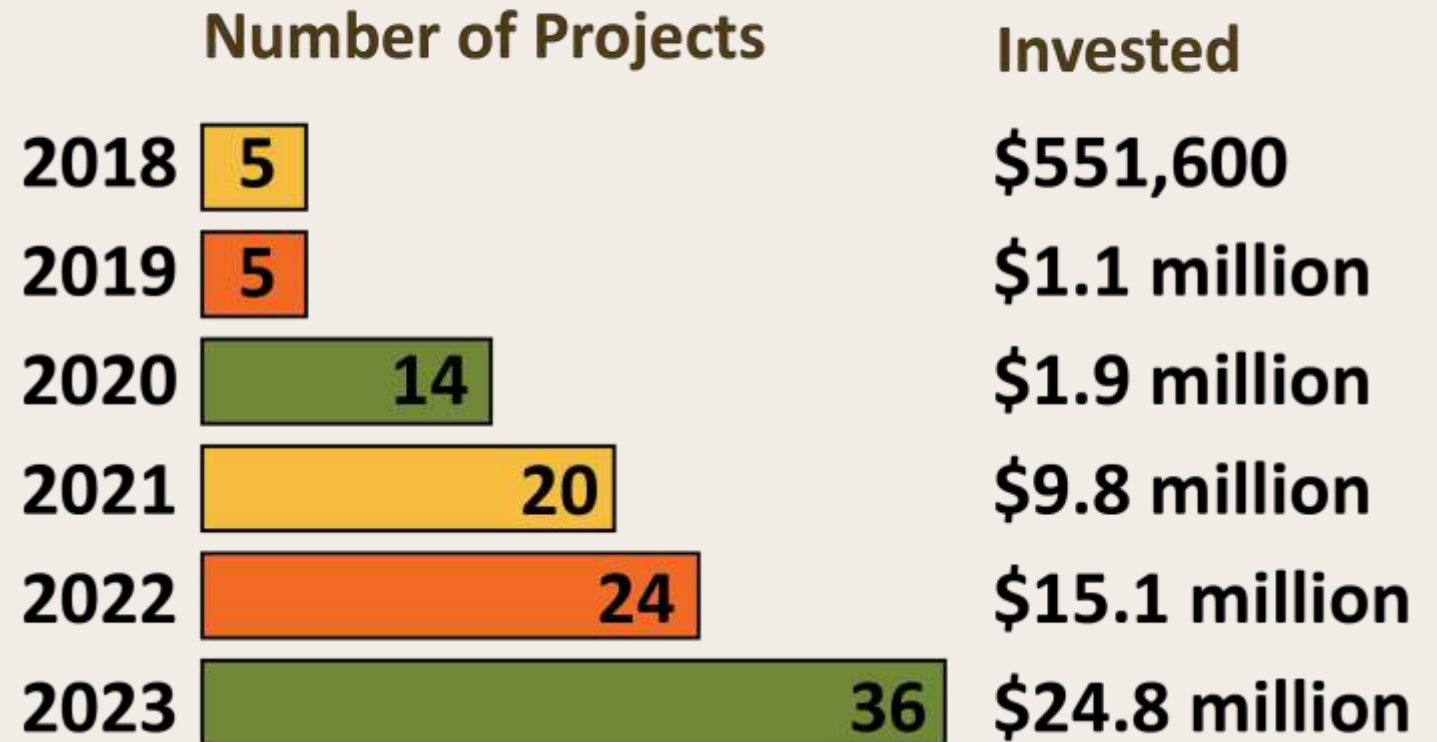
### FINAL COST

50th Ave and Wilke St	\$122,000
65th Ave near Meridian Park Hospital	\$398,000
67th/68th Ave loop at Stoneridge Park	\$500,000
90th Ave and Sweek Dr	\$115,000
90th Ave Near Kaiser Permanente	\$102,000
95th Ave and Avery St (Tualatin Elementary School)	\$1,160,000
115th Ave: Tualatin Rd to Hazelbrook Rd	\$15,100
Avery St: Boones Ferry Rd to Martinazzi Ave	\$31,100
Avery St at Tualatin-Sherwood Rd	\$100,000
Boones Ferry Corridor Sidewalk and Bike Lane Project	\$8,000,000
Boones Ferry Rd at Arapaho St	\$100,000
Boones Ferry Rd at High School	\$616,000
Boones Ferry Rd at Siletz Dr	\$297,500
Boones Ferry Rd at Tualatin Commons	\$121,000
Boones Ferry Rd at The Commons Phase 2	\$150,000
Borland Rd: Bridgeport Elementary to 60th Ave	\$104,600
Garden Corner Curves: Moratoc Dr to Willow St	\$3,477,000
Grahams Ferry Rd at Dogwood St	\$190,000

Hazelbrook Area	\$856,000
Hazelbrook Rd Crossing	\$106,000
Hwy 99W: Pony Ridge Neighborhood to 124th Ave	\$1,350,000
Ibach St at Ibach Park	\$85,500
Martinazzi Ave: between Avery St and Dakota Dr	\$25,300
Martinazzi Ave and Sagert St	\$1,700,000
Martinazzi Ave at Fred Meyer Driveway	\$150,000
Martinazzi Ave at Mohawk St	\$130,000
Mohawk St: East of Martinazzi Ave at PGE	\$22,700
Nasoma Ln: near Marquis Assisted Living	\$97,000
Nyberg Ln at 57th Ave	\$150,000
Sagert St at 72nd Ave	\$90,000
Sagert St at Atfalati Park	\$86,200
Sagert St Bridge/I-5 Walkway	\$200,000
Stormwater Mitigation (Martinazzi Ave and Sagert St)	\$725,000
Tualatin Rd: between 105th Ave and 115th Ave	\$141,700
Tualatin Rd: Sweek Dr to Community Park	\$706,000
Tualatin-Sherwood Rd: Martinazzi Ave to I-5	\$3,275,000

# BUILT!

## Cumulative Progress





# FINAL

# Annual Report *English*



City of Tualatin







[www.tualatinmovingforward.com](http://www.tualatinmovingforward.com)



[www.Tualatinoregon.gov/ntsp](http://www.Tualatinoregon.gov/ntsp)



[www.tualatintsp.com](http://www.tualatintsp.com)





**Celebrate Our Success!!**

**Thursday, January 25**

**5-6:30 pm**

**Brix – 8187 SW Tualatin-Sherwood Rd.**



# Discussion





## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Cody Field, Management Analyst II  
Mike McCarthy, City Engineer  
Steve Koper, Assistant Community Development Director

**DATE:** January 22, 2024

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**SUBJECT:**  
Tualatin Transportation System Plan Update

### **EXECUTIVE SUMMARY:**

Staff and the consultant team will provide an update on the process to update Tualatin's Transportation System Plan (TSP). This update will include details on the following topics:

- Transportation System Plan Goals: Staff and consultants shared five priority statements with Council on August 28, 2023. Those statements have been refined based on staff comments, discussion with Council, and public outreach.
- Engagement summary: The consultant team will share an update on the activities that took place during Phase 1 and 2 of the TSP engagement process, and the results of those engagement efforts.
- Existing conditions overview: The Existing Conditions report lays the groundwork for the TSP through an inventory of existing transportation infrastructure and identification of gaps, deficiencies, and opportunities in the current transportation system. The report is broken into three key sections: Plan Area, Existing Systems Inventory, and Operations & Safety.
- Next steps: the consultant team will review upcoming TSP tasks.

Staff and the project team will be seeking Council input on all of these elements of the Transportation System Planning process.

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### **ATTACHMENTS:**

- PowerPoint Presentation
- Existing Conditions Report January 2024
- Tualatin Existing Conditions Technical Documentation January 2024 PDF





# TSP Goals, Engagement Summary, & Existing Challenges

Tualatin City Council | January 22, 2024





## INTRODUCTIONS





## AGENDA



Goals



Community  
Engagement  
Summary



Existing  
Conditions



Wrap Up & Next  
Steps





## Goals

- The draft goals were created and refined using:
  - The goals in the current TSP
  - Review of related planning efforts such as the climate action plan and comprehensive plan
  - City staff input
  - City Council feedback in August
  - Community participation in the online survey, open house, and focus groups



## Transportation Goals

### ***Advance Our Land Use Vision***

Create a transportation system that enhances Tualatin's growing economy and future land use vision.

### ***Provide a High Quality of Life***

Safely and efficiently move people and goods to provide a high quality of life for people who live, work, learn, and play in Tualatin.

### ***Expand Opportunities for Safe Multi-Modal Transportation***

Expand travel options for users of all ages and abilities by improving options for walking, rolling, cycling, and accessing transit.

### ***Advance Climate and Health Goals***

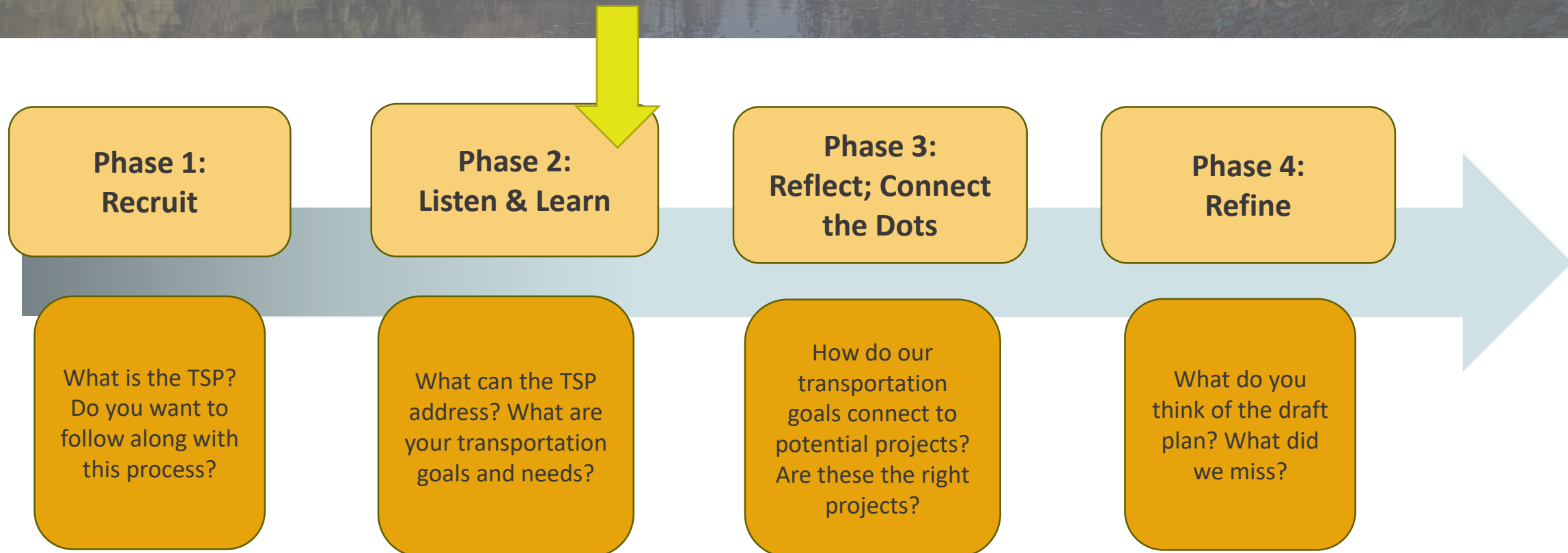
Reduce greenhouse gas emissions from the transportation system and support the City's climate and health goals.

### ***Invest Wisely***

Maximize transportation funding by effectively maintaining the transportation assets we have, finding creative maintenance solutions that can help improve the transportation system, and leverage outside funding opportunities.



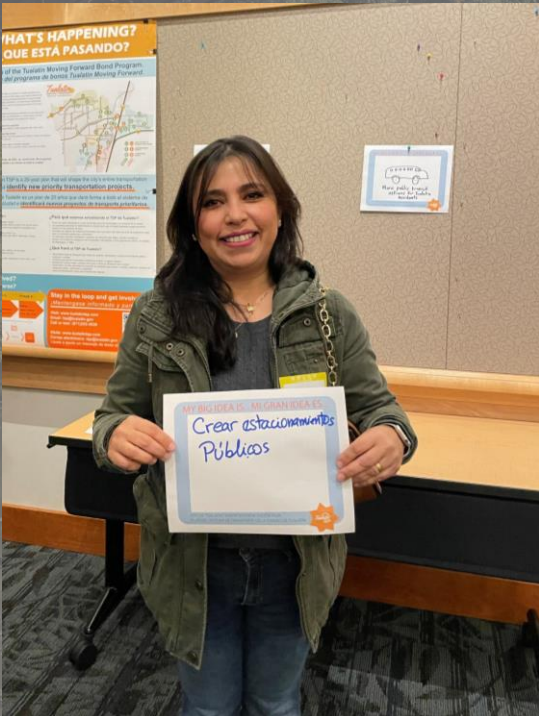
## TSP Public Engagement Process







## Public Engagement Events



### **Viva Tualatin**

- Atfalati Park
- ~100 participants

### **TSP Open House**

- Tualatin Library
- ~40 participants

### **National Night Out**

- Stoneridge Park
- ~50 participants

### **Focus Groups**

- Zoom meetings
- 23 participants

### **Pumpkin Regatta**

- Tualatin Commons
- ~300 participants

### **Tualatin TSP Survey**

- Online and hard copy
- 202 participants

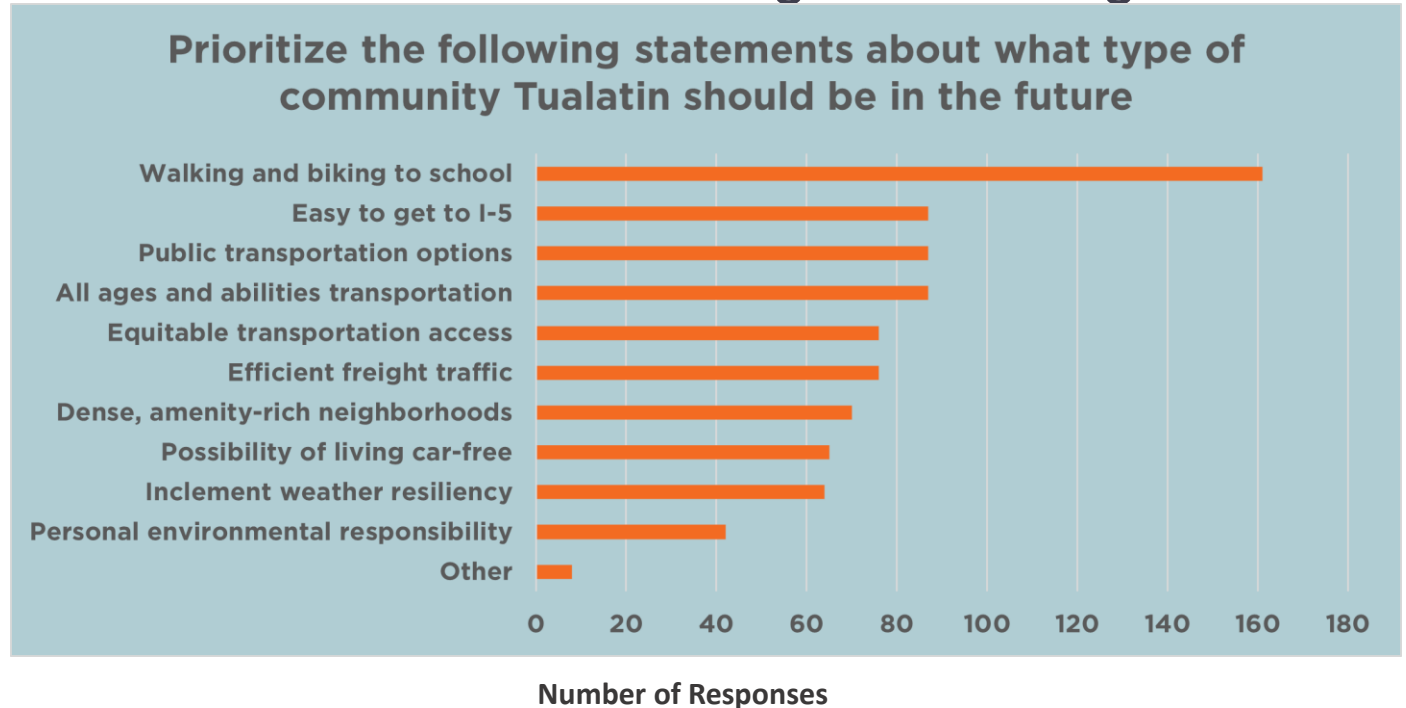




## TSP Public Engagement Key Takeaways



- People want to walk, bike, and take transit more.
- They also want to continue to travel by car.
- Concern about the future capacity of the roadway system with growth.
- Concern about increasing traffic congestion.





## TSP Public Engagement Key Takeaways

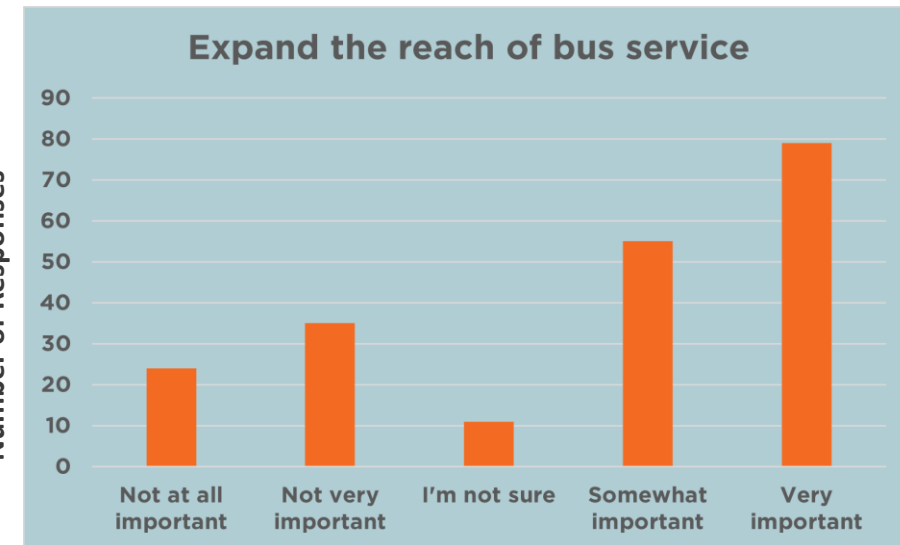
- Improving safety for road users is a high priority.
- People want improved coverage and frequency of transit service.



Number of Responses



Number of Responses





# Existing Conditions Inventory







## Roadway Network Functional Class

Functional classification is based on the planned roadway function and who it is intended to serve.

Functional classification guides roadway features and mode prioritization.

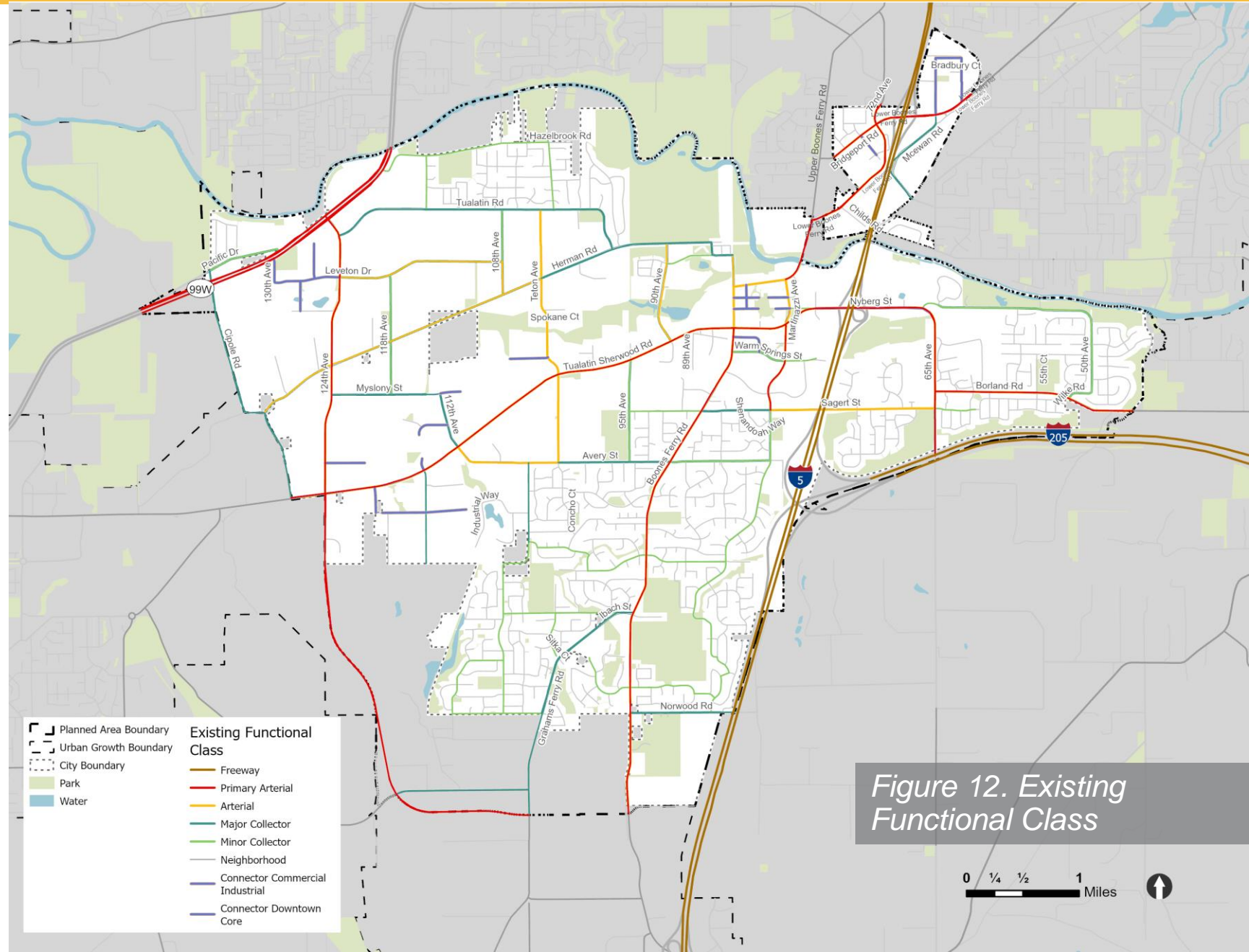


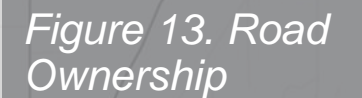
Figure 12. Existing Functional Class







Improvements recommended on key roadways not owned by Tualatin will require coordination with the County or ODOT.





Tualatin transit service includes bus, shuttles, and rail operated by three different providers.

Bus service is located primarily in the downtown core and on key arterials.

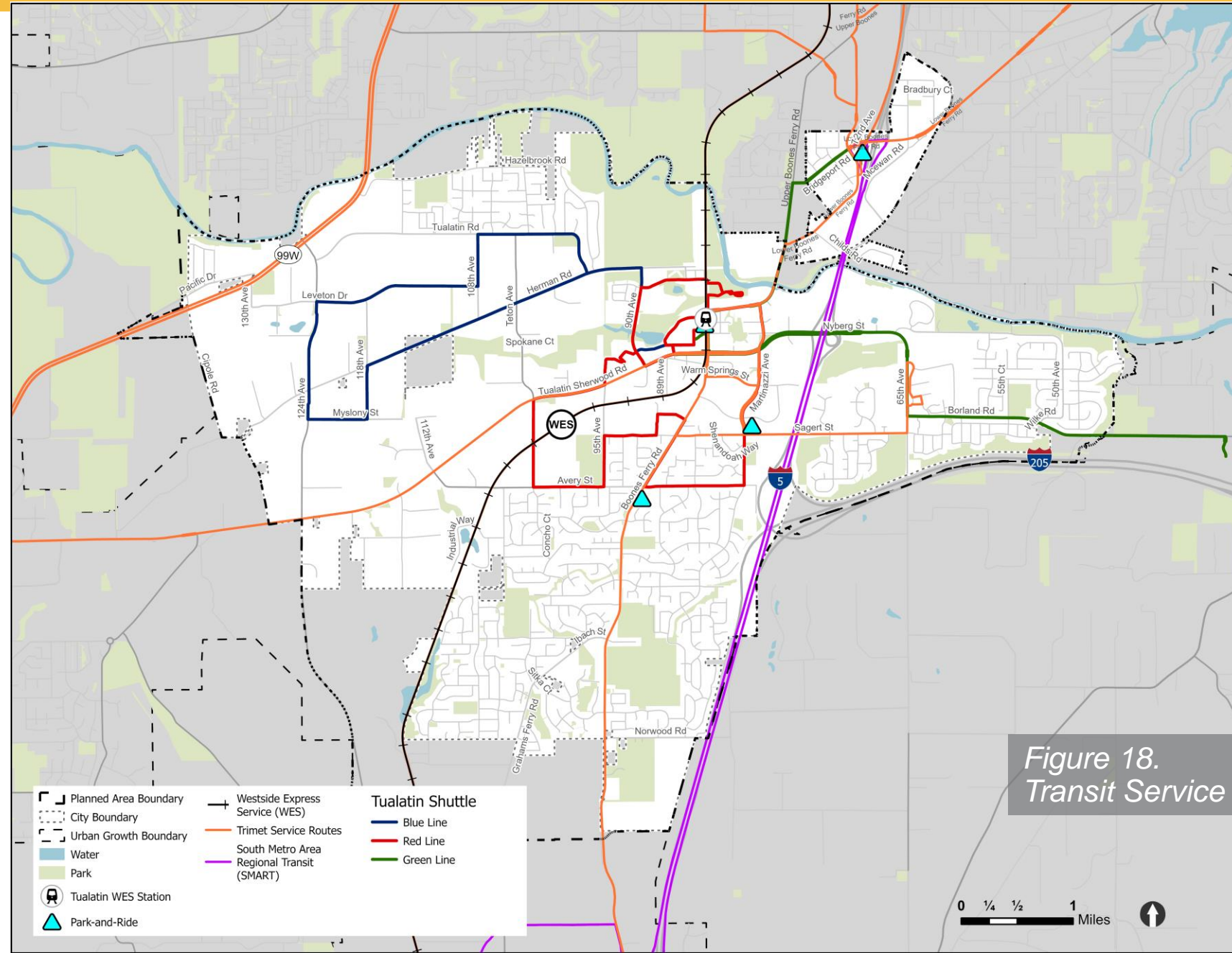
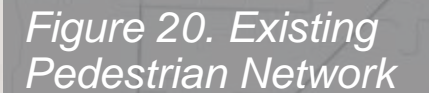


Figure 18.  
Transit Service





The trail system provides strong east-west connections.







The distance between marked crossings is lowest in downtown and longest in the industrial areas.

There are multiple arterial and collector roadways with crossing distances greater than a quarter mile.

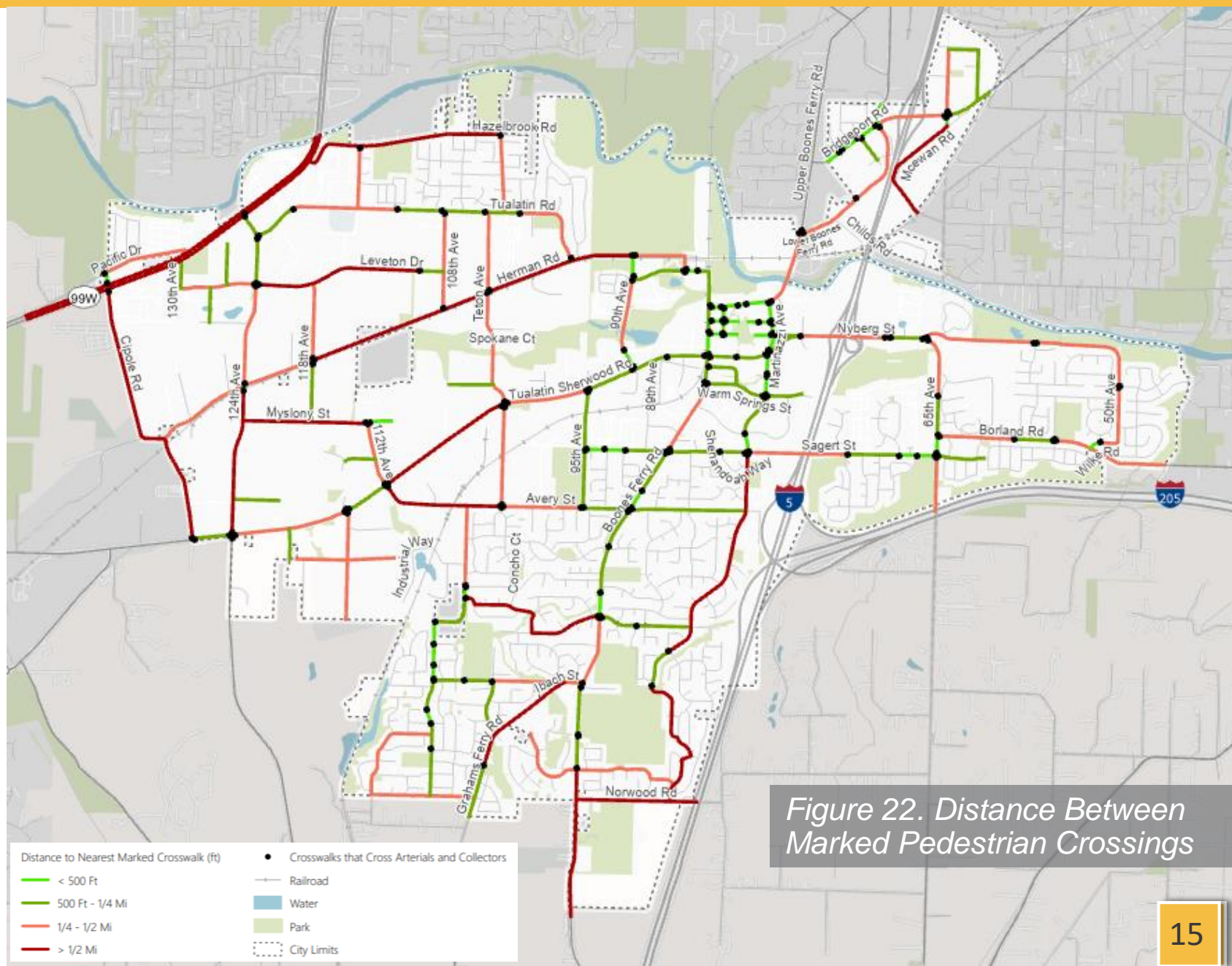


Figure 22. Distance Between Marked Pedestrian Crossings

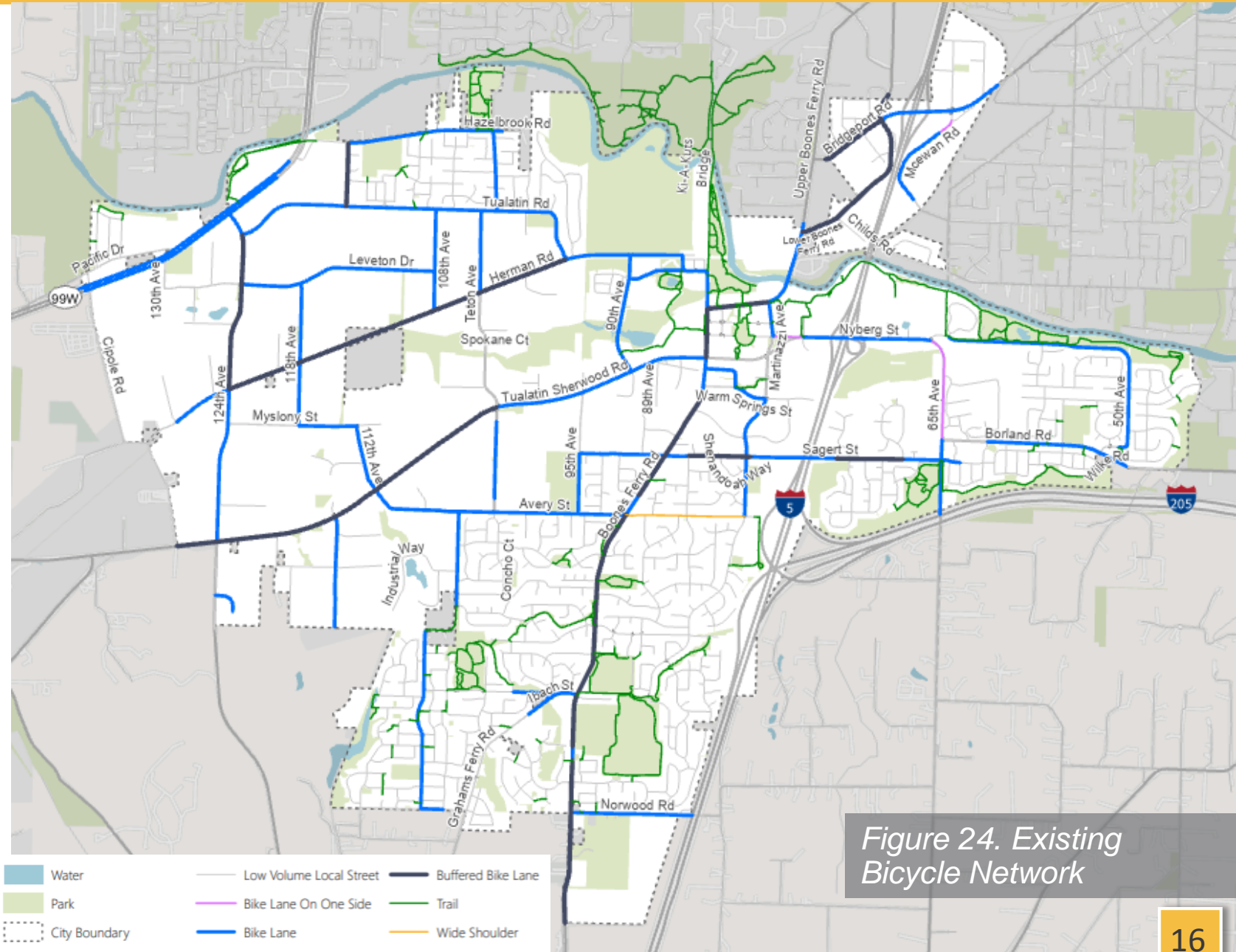


## Bicycle System Existing Network

Tualatin's bicycle network is primarily comprised of striped bike lanes on arterial and collector roads.

The off-street trail system is extensive but lacks connectivity.

I-5 is a major barrier for bicyclists.



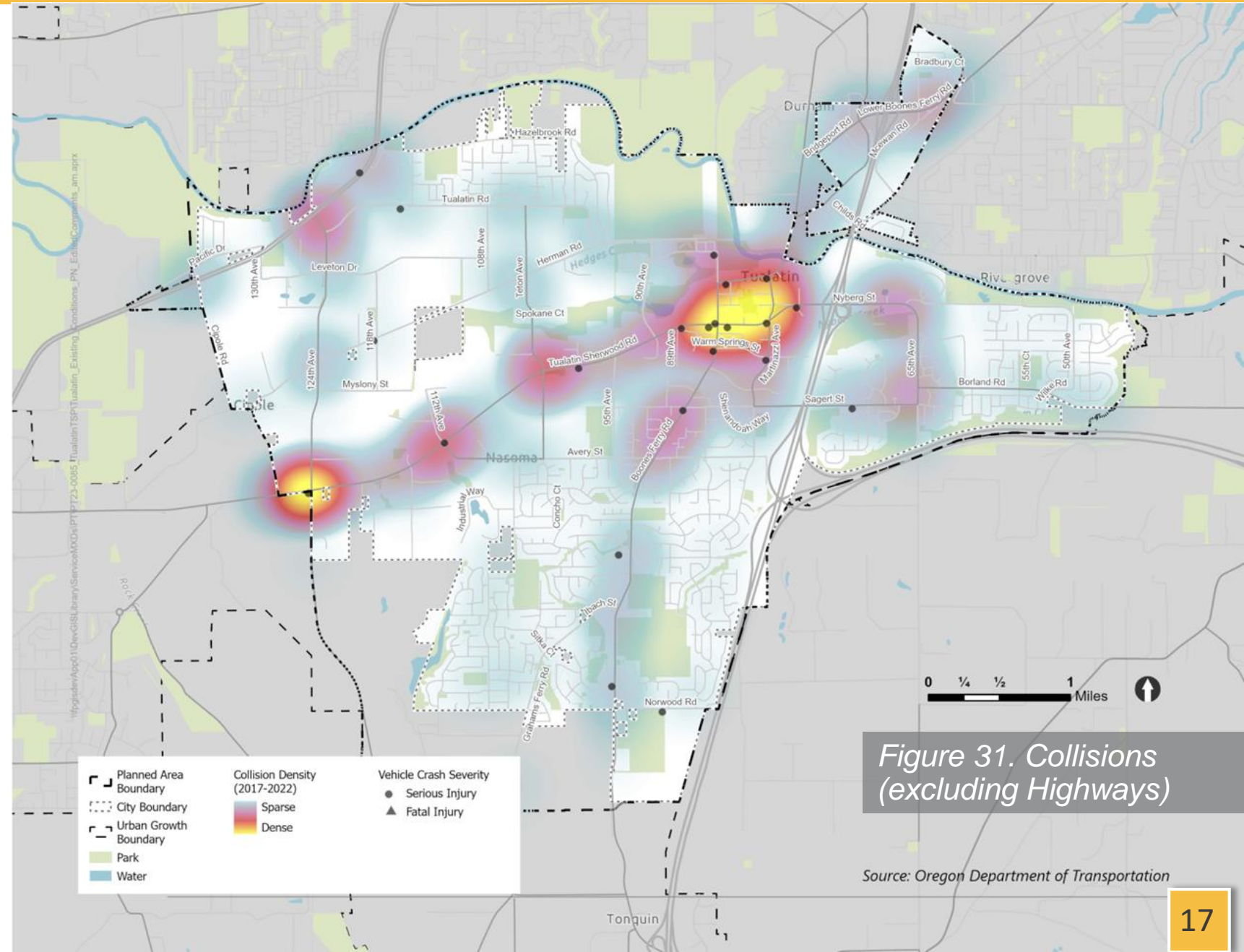




The highest concentration of collisions occurs on Tualatin-Sherwood Road with hot-spots near downtown and 124<sup>th</sup> Avenue.

Most serious injury collisions occurred on Tualatin-Sherwood Road or Boones Ferry Road.

Within the past five years, 1.9% of collisions in Tualatin involved a pedestrian or bicyclist.





# Opportunities and Challenges

- Where are there existing challenges for people traveling in Tualatin?
- Where are there opportunities to create connections or enhance the current transportation system to shape the future we want for travel in Tualatin?
- Is there anything we've missed in the existing conditions analysis?





## Next Steps

- Provide additional feedback on the existing conditions by Monday 1/29
- We'll be finalizing the Existing Conditions and TSP Goals with CAC and City Council input over the next few weeks
- Our next touchpoint with City Council will discuss modal priority networks and multi-modal level of service.



# EXISTING CONDITIONS

January 2024



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# Introduction





The **Tualatin Transportation System Plan (TSP)** will serve as Tualatin's long-range transportation plan to guide the development of transportation projects over the next 20 years.

The **Existing Conditions Report** lays the groundwork for the TSP through an inventory of existing transportation infrastructure and identification of gaps, deficiencies, and opportunities in the current transportation system.

The report is broken into three key sections:

- **Plan Area** describes Tualatin as a whole and the demographics of people who live in the city.
- **Existing Systems Inventory** describes the existing modal systems in Tualatin and identifies existing infrastructure gaps.
- **Operations and Safety** describes locations where people driving experience delay and locations where collisions have occurred in recent years.

Additional information on all three areas can be found in the **Existing Conditions Technical Memorandum**.

The City of Tualatin is located approximately 12 miles south of Portland and within both **Clackamas and Washington Counties**.

Interstate 5 (I-5) runs north-south through the city and acts as a barrier to east-west travel.

The city is also bounded by Interstate 205 (I-205) to the southeast, Oregon Route 99W to the northwest, and the Tualatin River to the north.

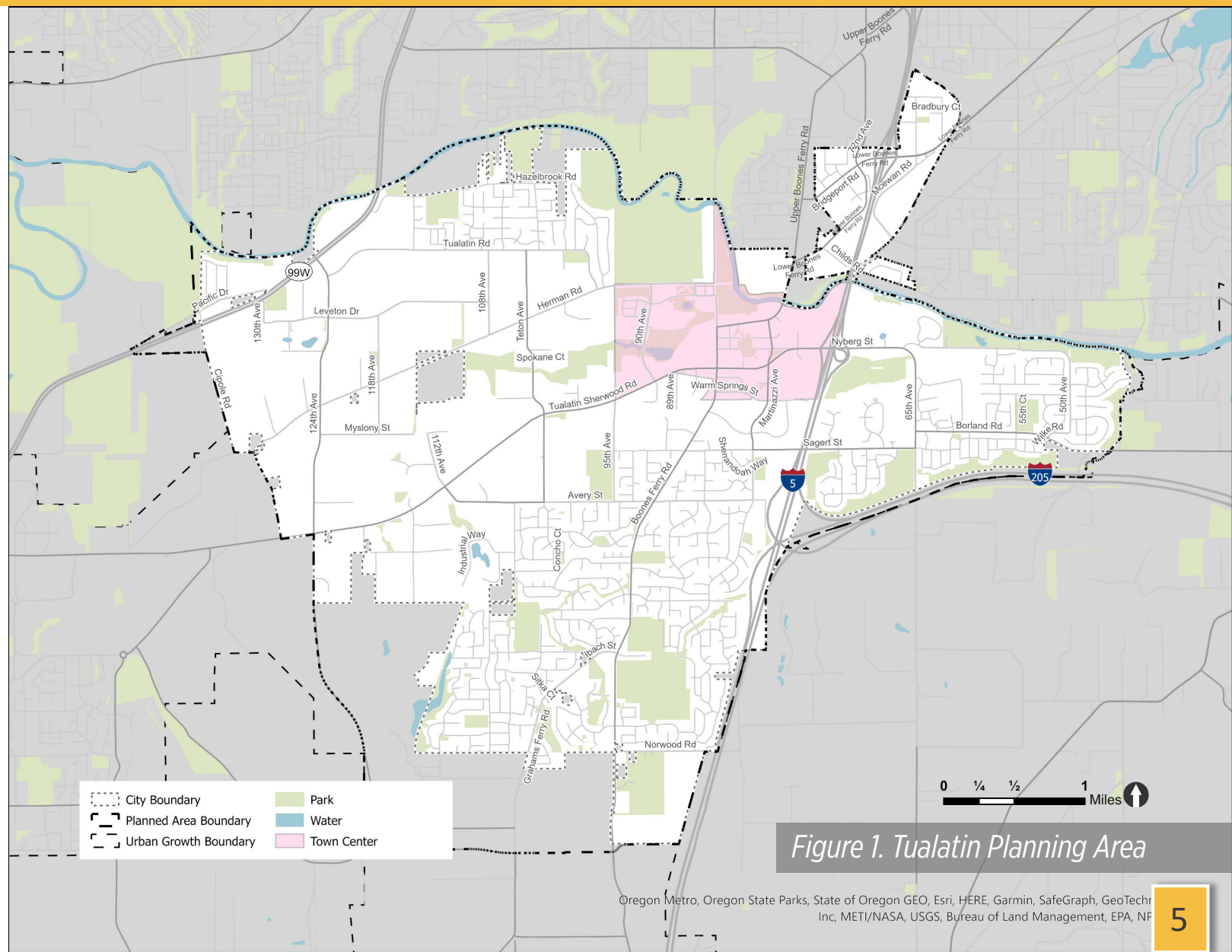


Figure 1. Tualatin Planning Area



Tualatin is largely comprised of manufacturing and industrial uses in the western part of the city.

The northeastern and central parts of the city are zoned for commercial and mixed-use with several pockets of zoning for multifamily residential.

The southeastern part of the city and areas to the east of I-5 are primarily zoned for lower-density single-family residential with several areas that allow for commercial and multifamily uses.

Tualatin is home to five Commercial Centers, which are described on the following page.

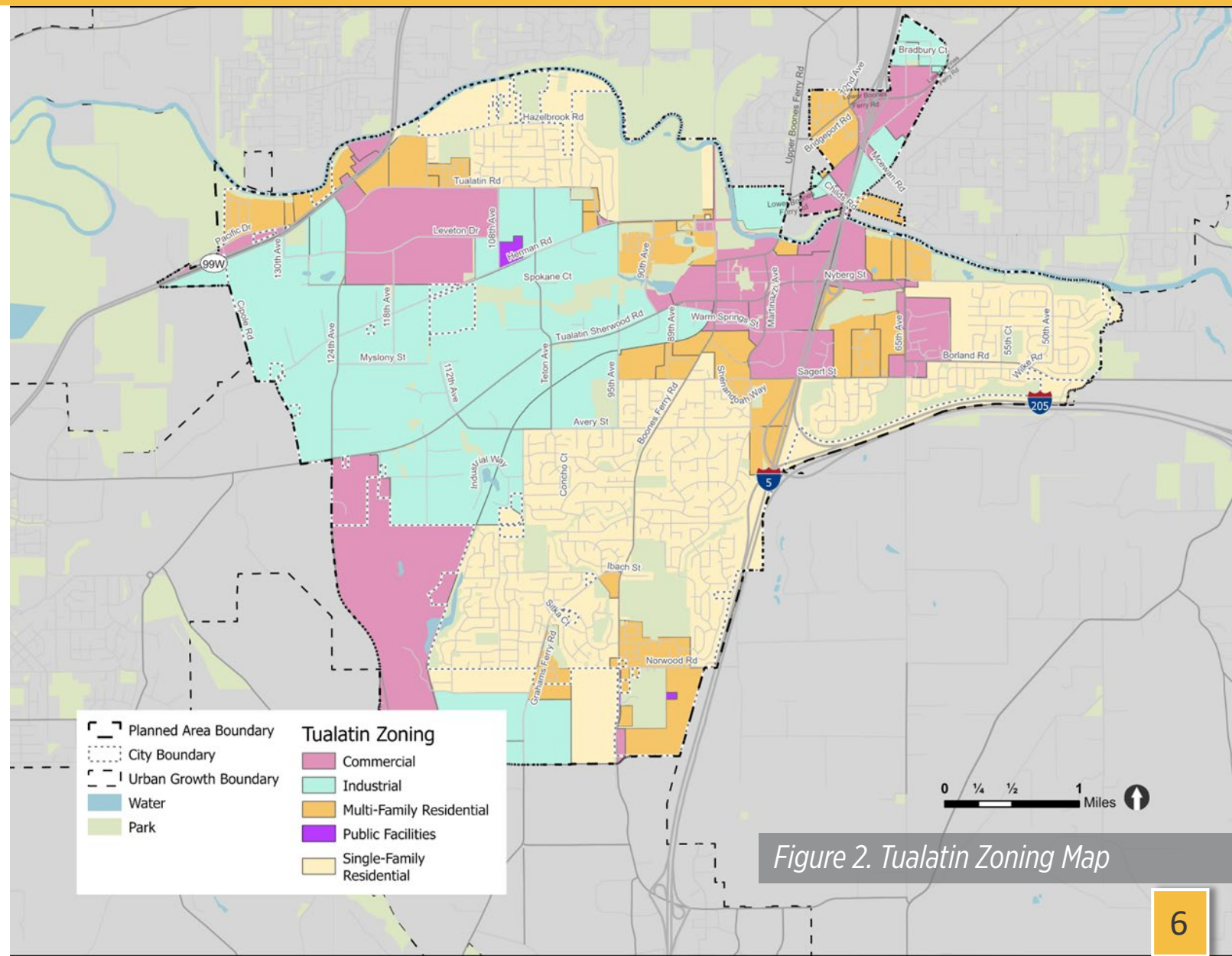


Figure 2. Tualatin Zoning Map

Downtown Tualatin is located in the central part of the city and is home to the Tualatin Commons.

**Tualatin Commons** is a 19-acre site in the northeastern part of the city west of I-5 that features a three-acre manmade lake surrounded by a wide public promenade, plazas, and an interactive fountain. The area is also home to multi-family residences and hosts several events year-round, including Concerts on the Commons, and a Summer Reading Program.

**Bridgeport Village** is an upscale mixed-use commercial center in the northeast corner of the city. The center hosts a large movie theater, national and regional chain restaurants, and several retail stores.

**Nyberg Woods**, a 250,000-foot lifestyle center, is located just south of Bridgeport Village and at the conjunction of I-5 and Nyberg Road. The center is anchored by big-box retail, smaller retail uses, restaurants, and office spaces.

**Nyberg Rivers** contains approximately 300,000 square feet of retail, restaurant, fitness and entertainment space.

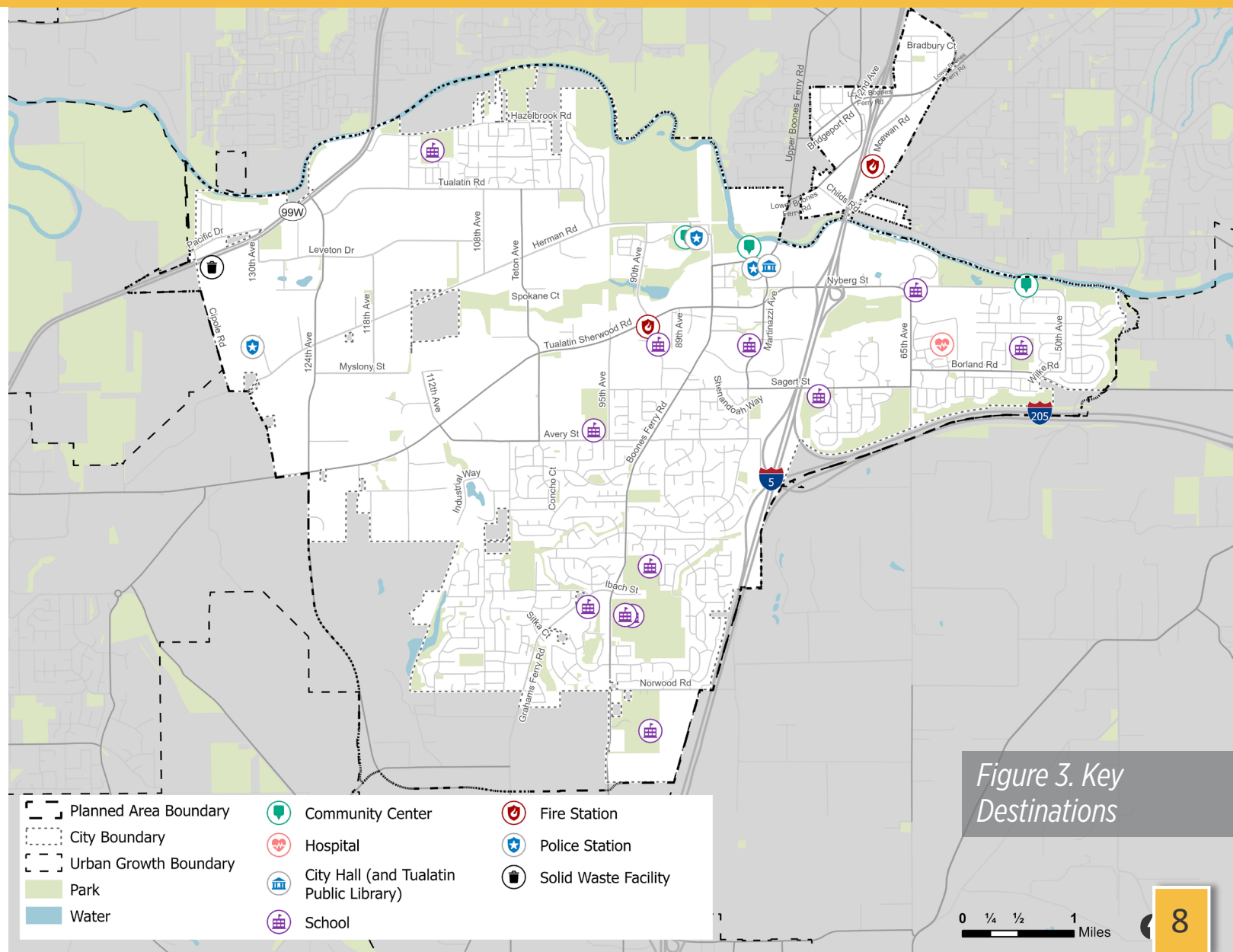
**Basalt Creek** is land on the south end of the city in unincorporated Washington County that will be used for employment opportunities.



Key destinations for community members traveling in Tualatin include:

- Community Centers
- Schools
- City Hall
- Emergency Service Centers

Recommendations that provide safe connections to these destinations will be one outcome of the TSP update.



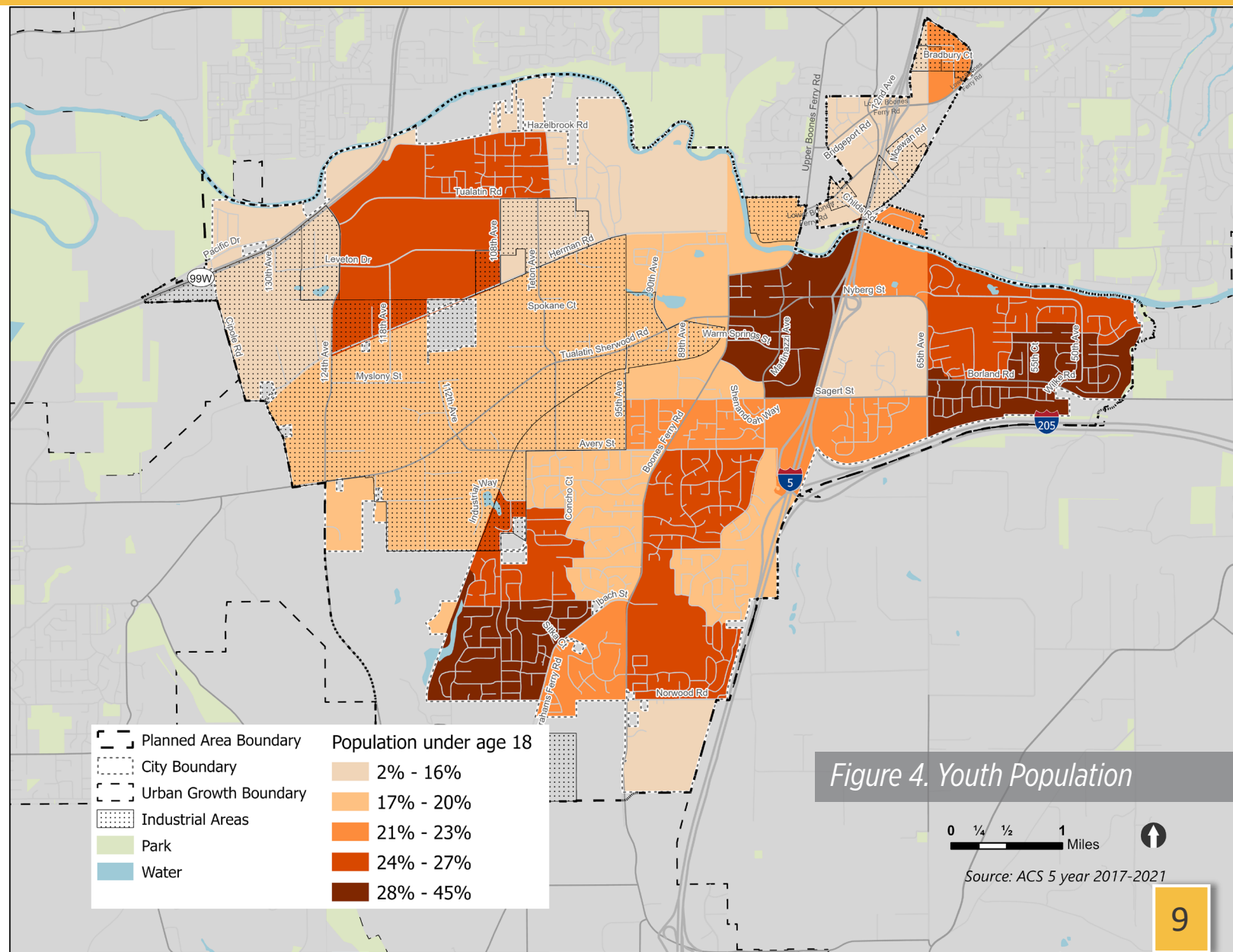
### Figure 3. Key Destinations

The City of Tualatin is home to **27,821 people** according to the 2021 Census Data.

Understanding how and where younger populations travel is an important component of developing a transportation system that meets the needs of some of the most vulnerable users.

The city is slightly **younger** than the metropolitan region with a greater proportion of the city population under 18.

As shown, the highest concentrations of youth population are in the southwest corner of the city, areas surrounding Tualatin Commons, and the eastern edge of the city.

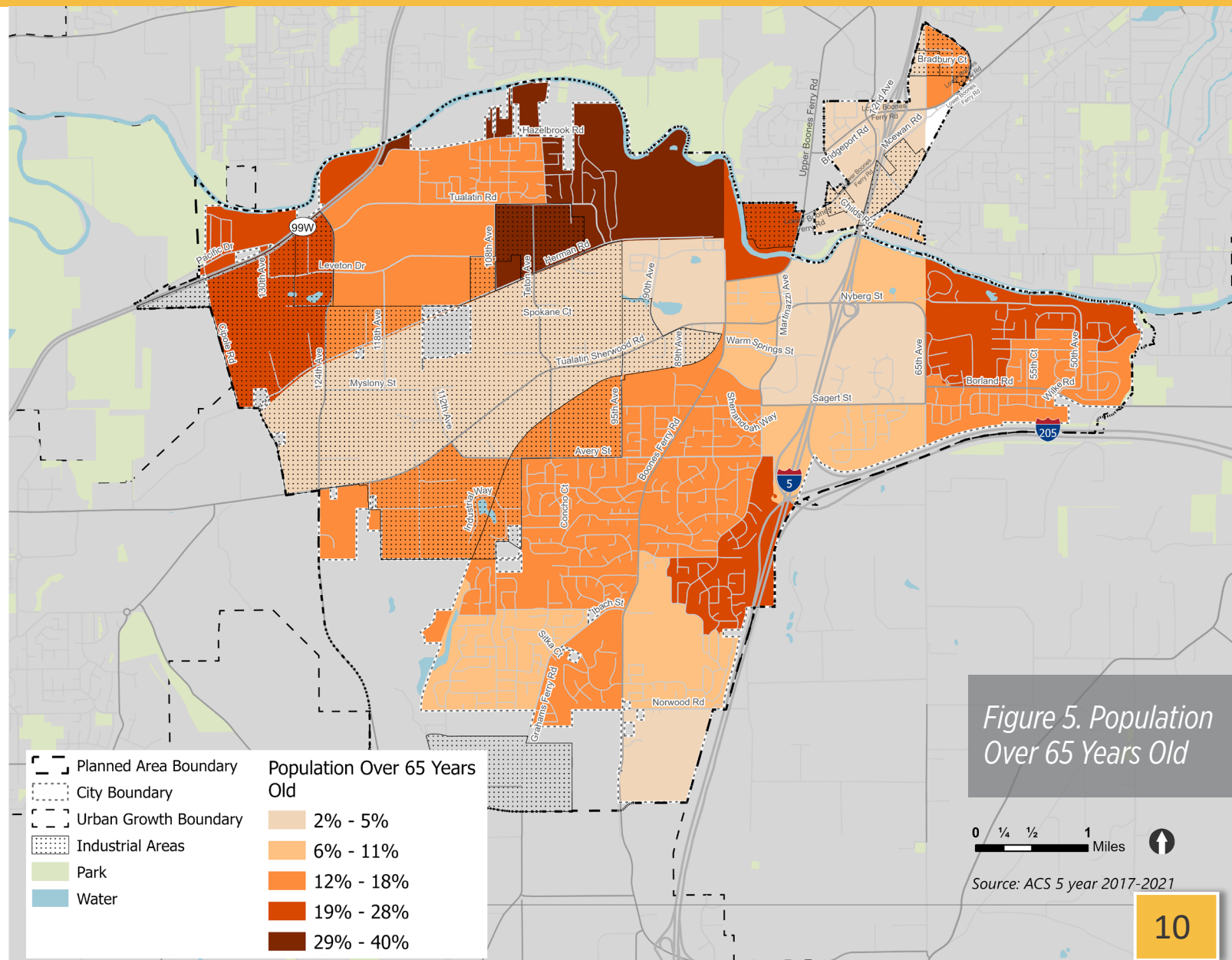




Understanding the travel patterns and needs of members of the population **over 65 years** old is also an important component of building a transportation system for all ages and abilities.

Figure 5 shows the concentration of members of the population over 65 years old.

The portion of the city between Boones Ferry Road and SW 106<sup>th</sup> Avenue and north of SW Herman Road has the largest concentration of population members over 65 years old within the City Boundary.

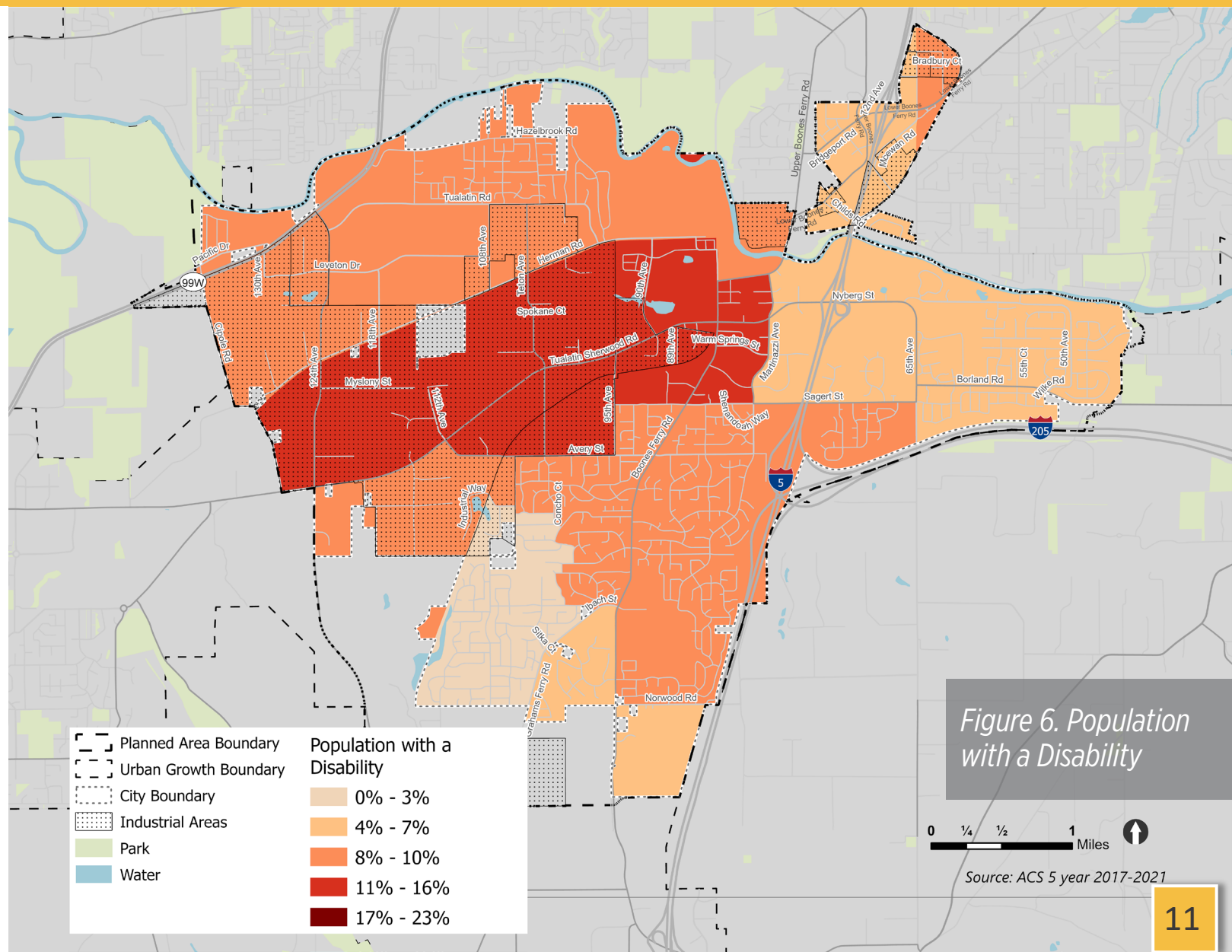




In Tualatin, the highest concentration of population with a disability live just north and south of Tualatin Sherwood Road. Much of this area is industrial so housing is concentrated toward the central city.

Disabilities captured in the American Community Survey (ACS) data include:

- Hearing
- Vision
- Cognitive
- Ambulatory

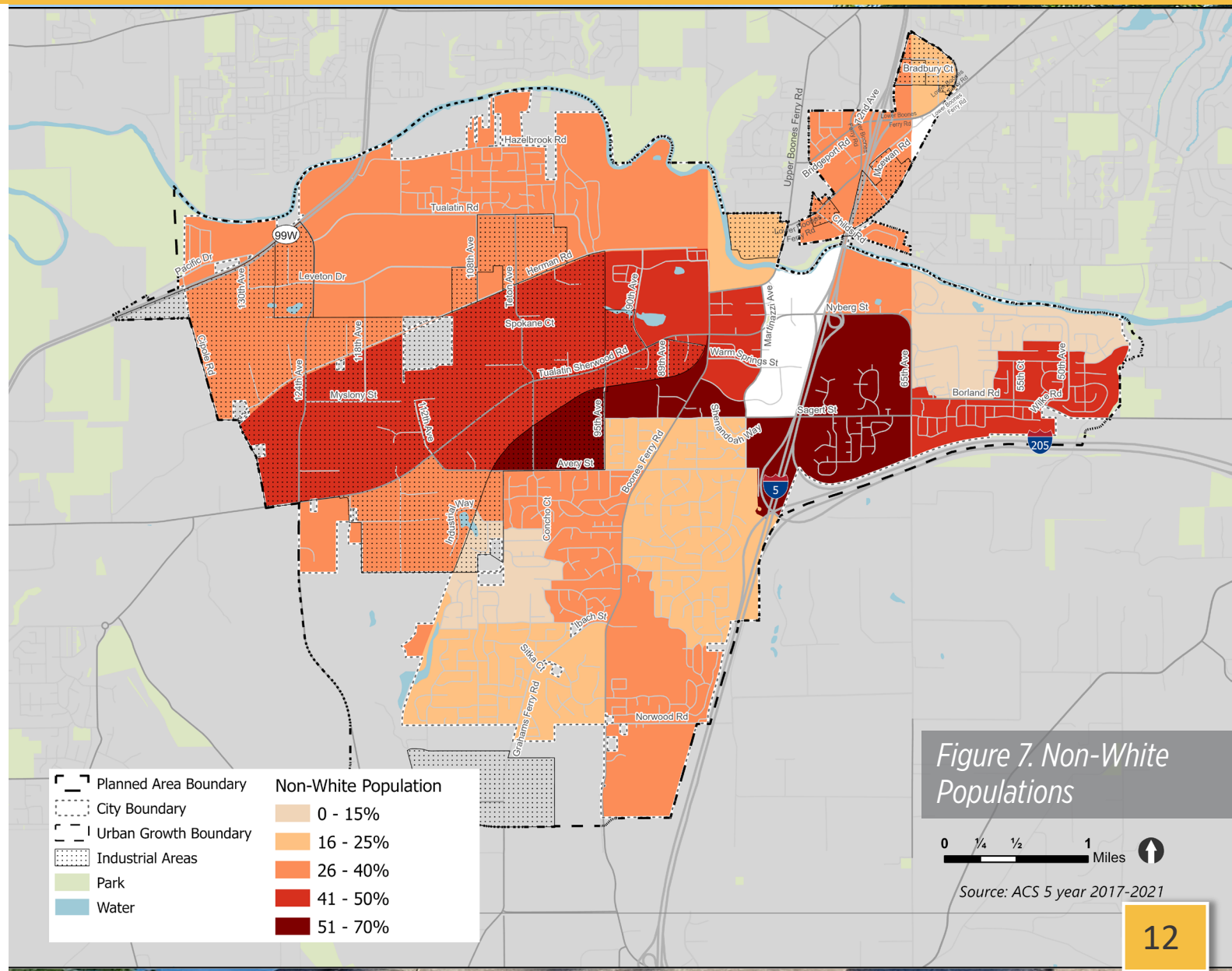




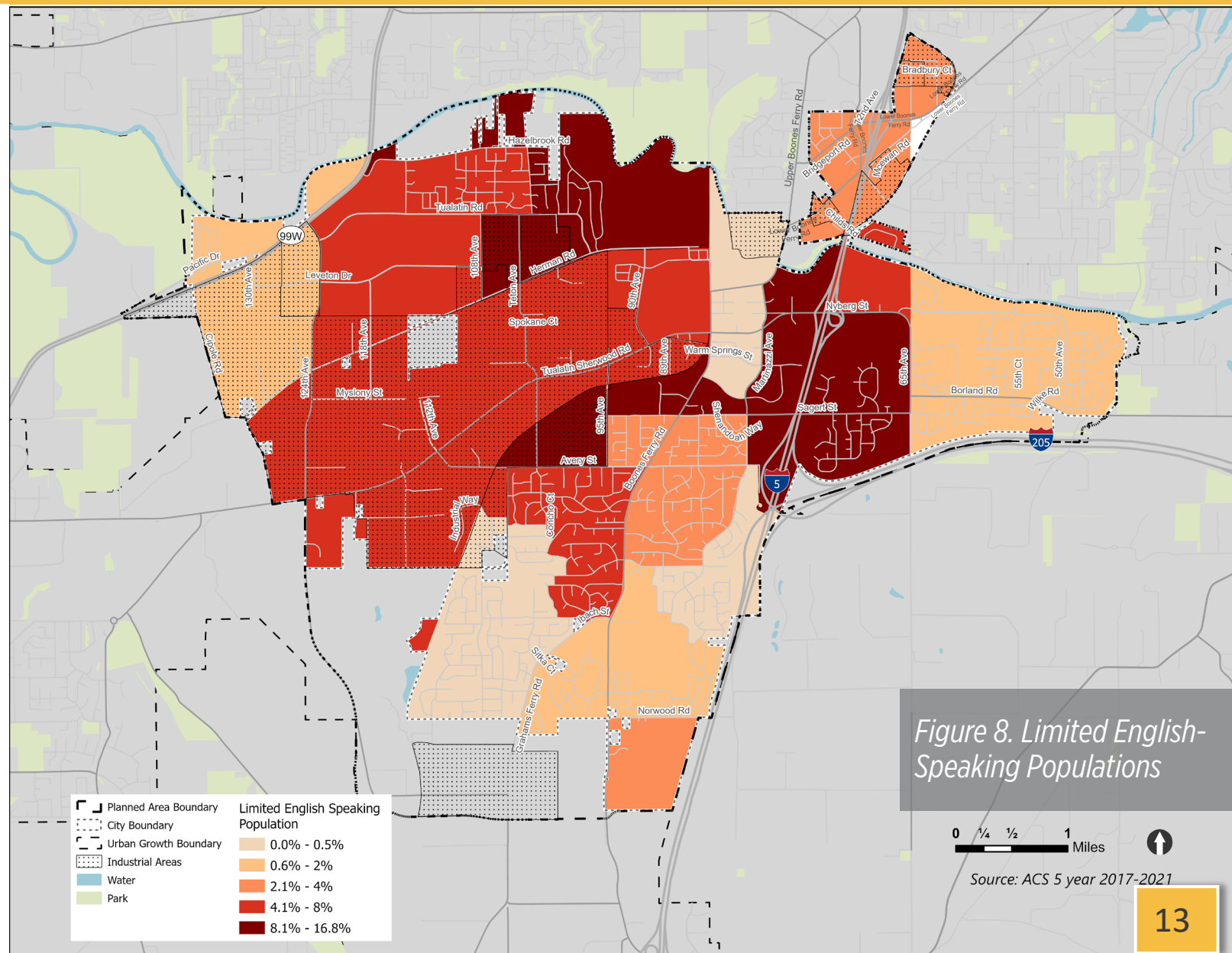
The portion of Tualatin's population that identifies as Non-White and Hispanic or Latino is **greater than the regional average** at 27% and 22%, respectively.

The highest concentration of non-white population in the city is concentrated around the I-5 interchanges in the middle of the city.

Other high concentrations include areas between Tualatin-Sherwood Road and Avery Street and on either side of Borland Road.



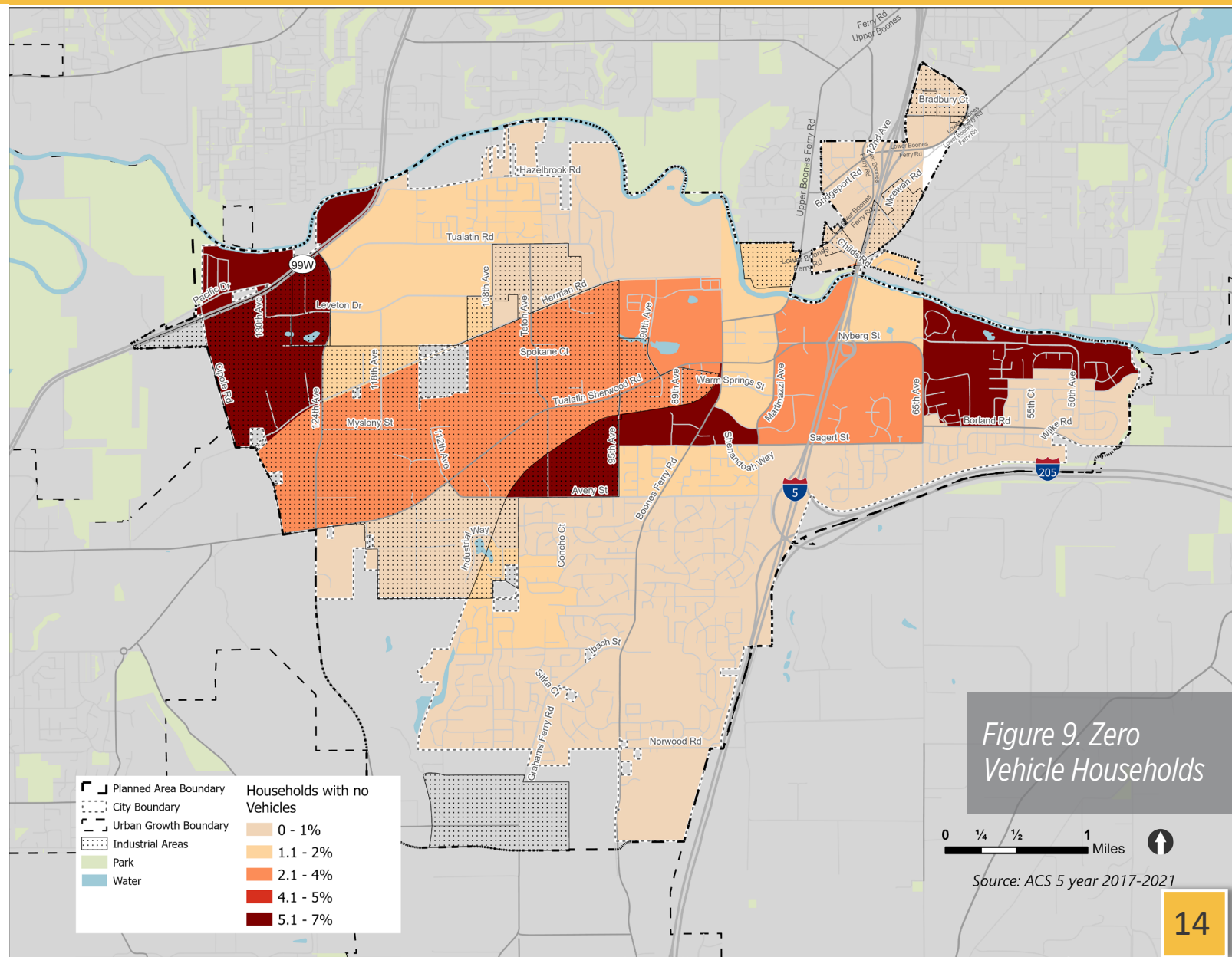
As shown on Figure 8, Limited English-speaking populations in Tualatin tend to live in the same tracts as non-white populations as well as the northernmost part of the city.





The number of households with no vehicles in Tualatin is **three percent lower** than the regional average.

Households with zero vehicles are primarily located in westernmost and eastern most parts of the city as well as the area between the railroad track and Boones Ferry Road.

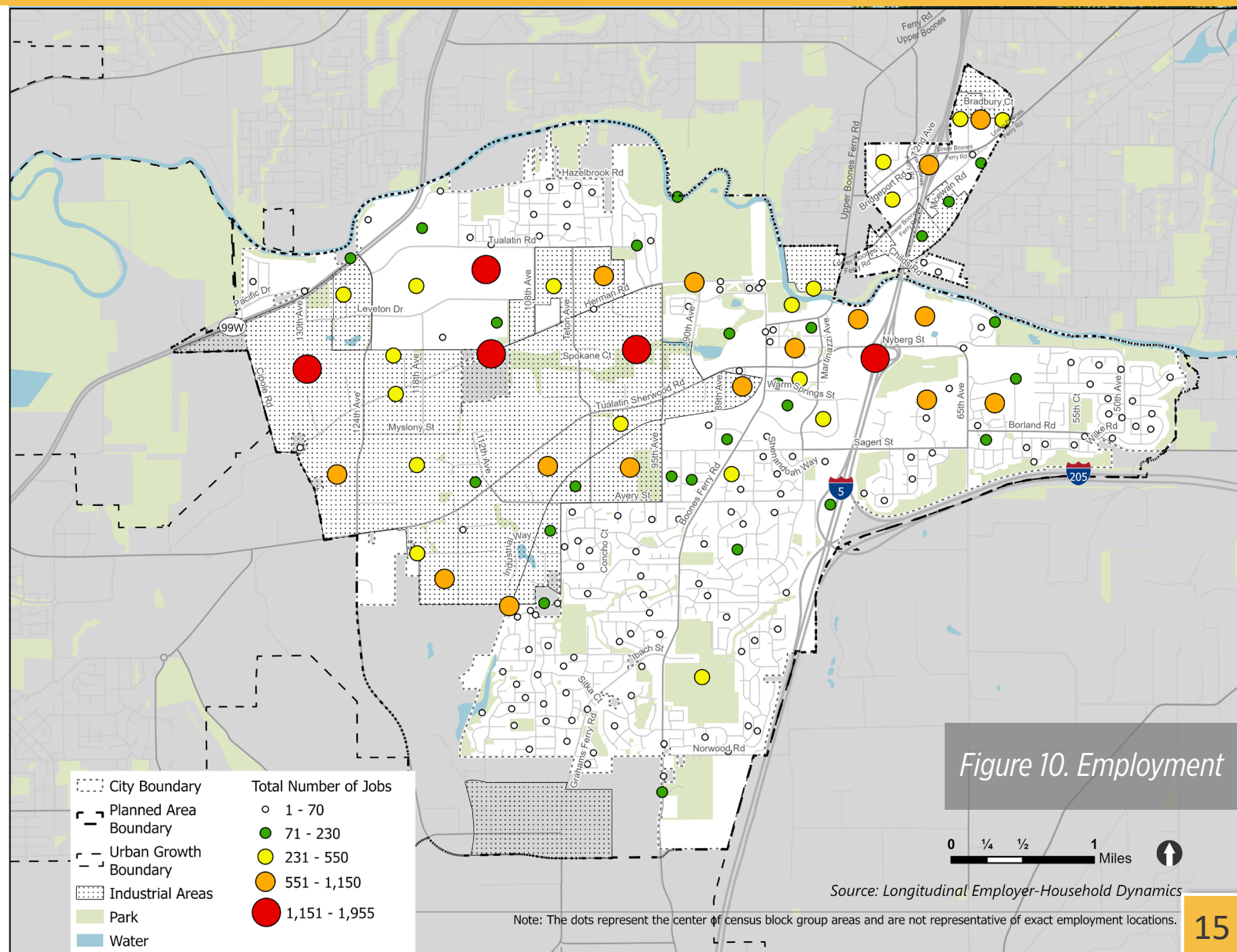


There are **five key industry clusters** in Tualatin that provide the majority of employment opportunities. Those five sectors are:

1. Manufacturing
2. Health Care and Social Assistance
3. Wholesale Trade
4. Construction
5. Retail Trade

The largest employer in Tualatin is **Lam Research**, a supplier of wafer-fabrication equipment and related services to the semiconductor industry.

The largest employment clusters are in the western part of the city, which is where most of the industrial uses are located.

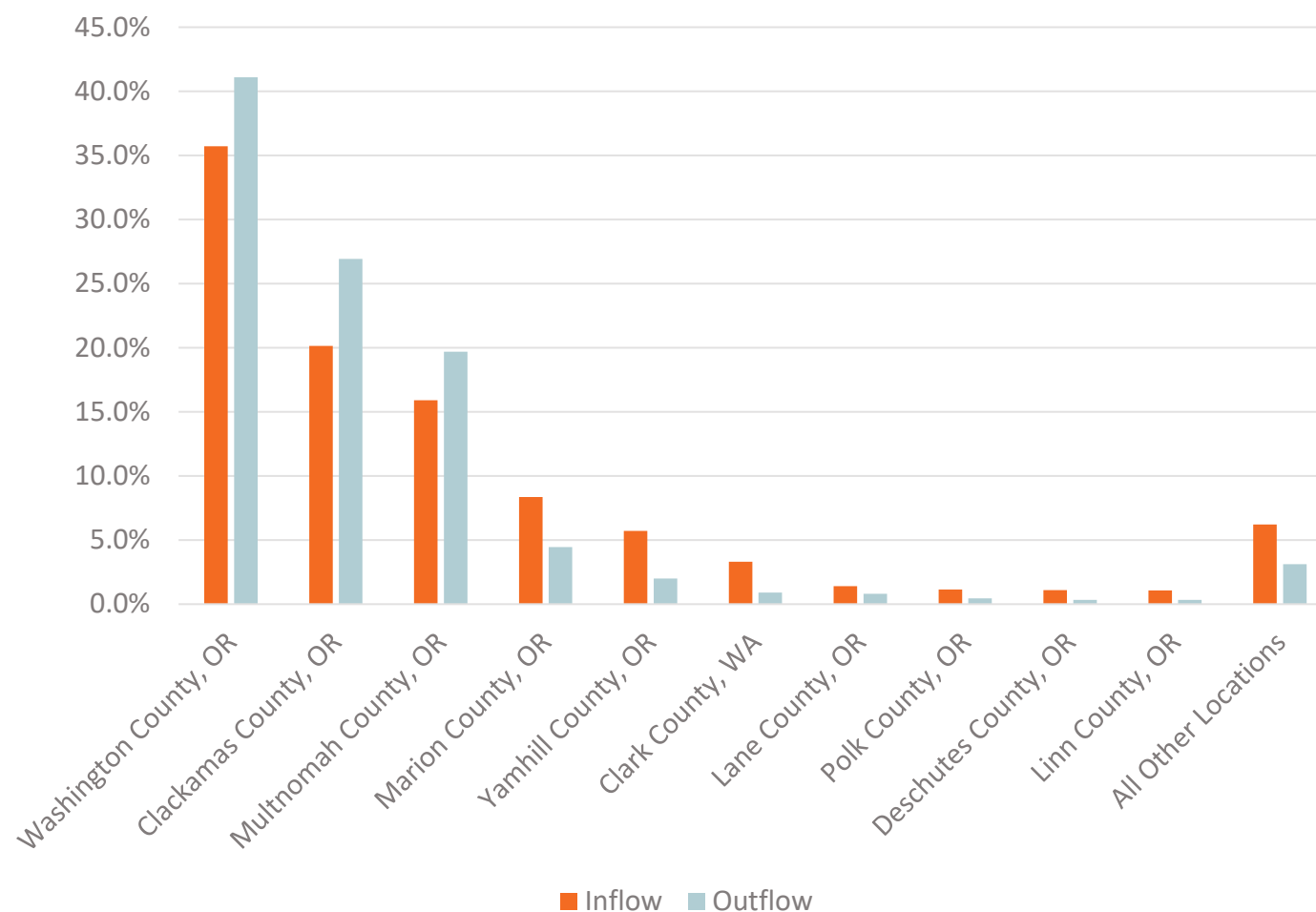




While Tualatin has many employment centers, many of its workers work in other communities.

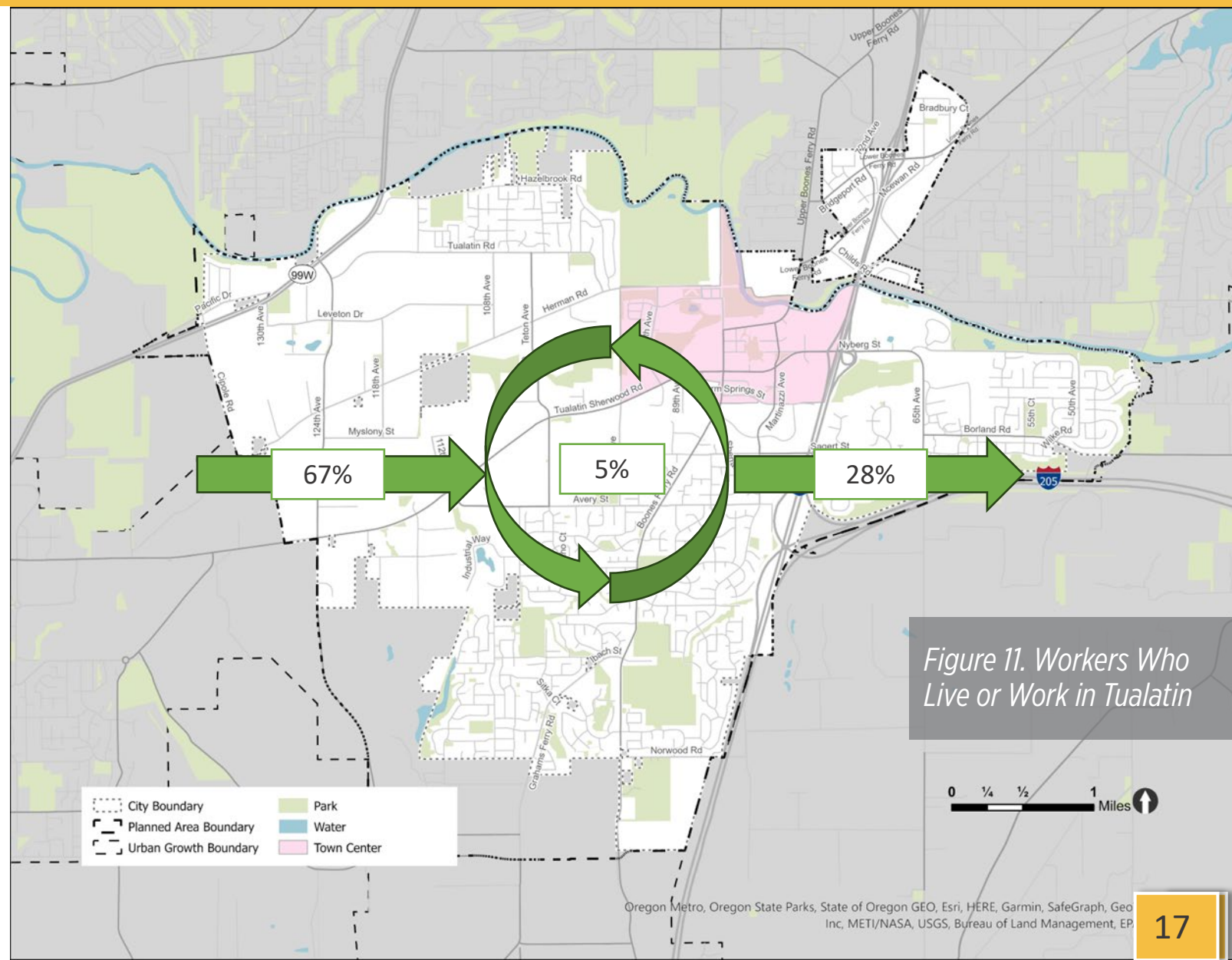
**12.3%** of workers who live in Tualatin work outside the Metro region.

**28.3 %** of workers in Tualatin live outside the Metro region.



According to the most recent LEHD data on workers who live or work in Tualatin:

- 5%, or 1,947, of workers both live and work in Tualatin.
- 67%, or 27,991, live outside of Tualatin and come to the city to work.
- 28%, or 11,531, live in Tualatin and go outside the city to work.







# Existing System Inventory



# Roadway Network





Functional classification is used to sort roadways into classes based on the how a roadway is intended to function and who it is intended to serve.

**Arterials** are generally intended to prioritize moving vehicles through an area and connecting them to regional destinations.

**Collectors** are designed to connect users to local destinations, including retail and residential areas.

As shown on Figure 12, Primary Arterials in Tualatin include: 99W, Tualatin-Sherwood Road, and Boones Ferry Road.

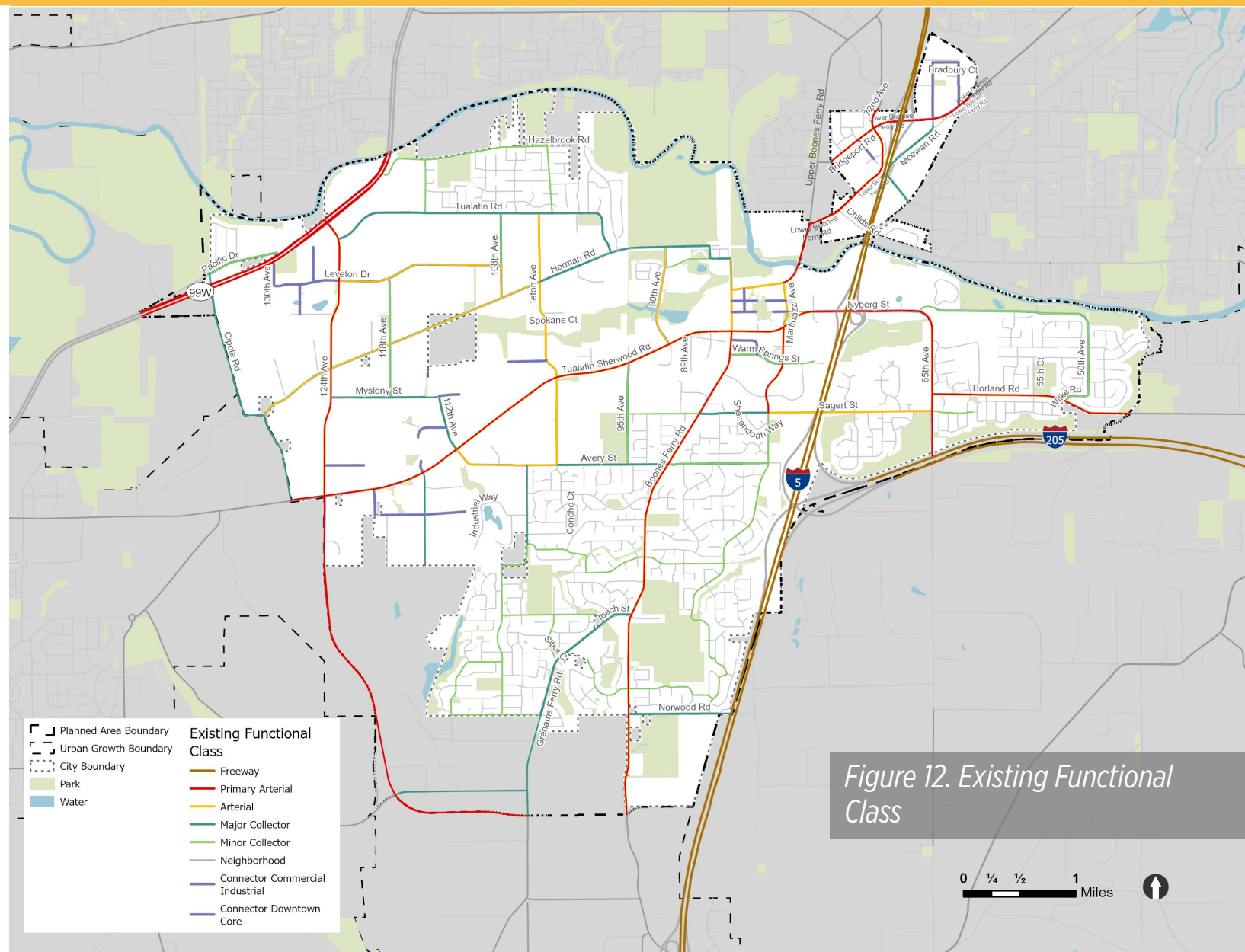


Figure 12. Existing Functional Class

The agency that owns and operates a roadway is responsible for setting standards for roadway design and operation and must approve any changes to the roadway.

Arterials and collectors in Tualatin are owned and operated by a mix of the Oregon Department of Transportation (ODOT), Washington County, and Tualatin.

Improvements recommended on 99W, Tualatin-Sherwood Road, 66<sup>th</sup> Avenue and other key roadways not owned by Tualatin will require coordination with Washington County or ODOT.

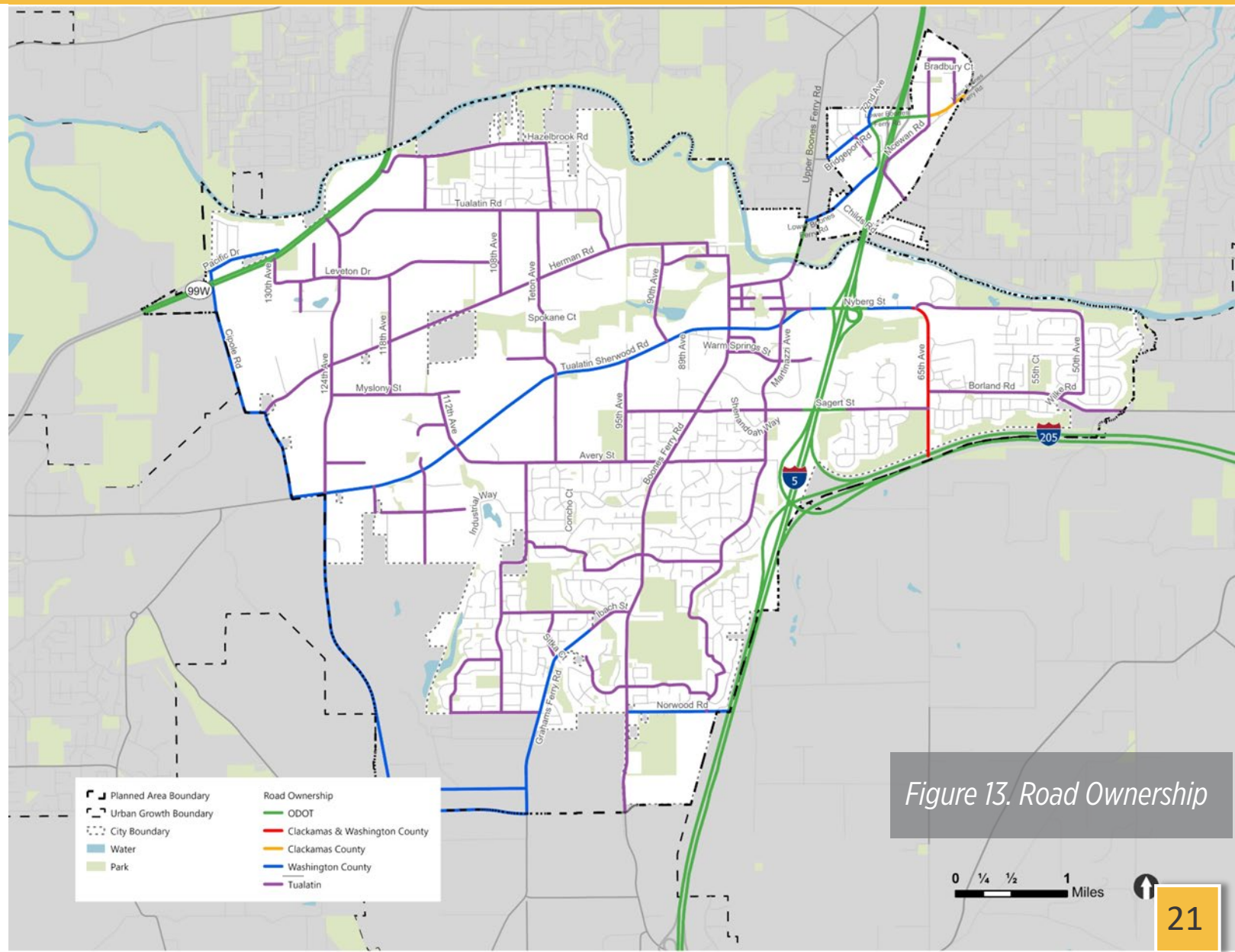


Figure 13. Road Ownership



The number of travel lanes provided on a roadway is the primary indicator of roadway capacity.

Figure 14 shows the number of travel lanes on arterials and collectors in Tualatin.

As shown, most roadways within the City provide two travel lanes (one lane in each direction); however, there are several areas, particularly roadways that connect to I-5 and 99W, where additional capacity is provided.

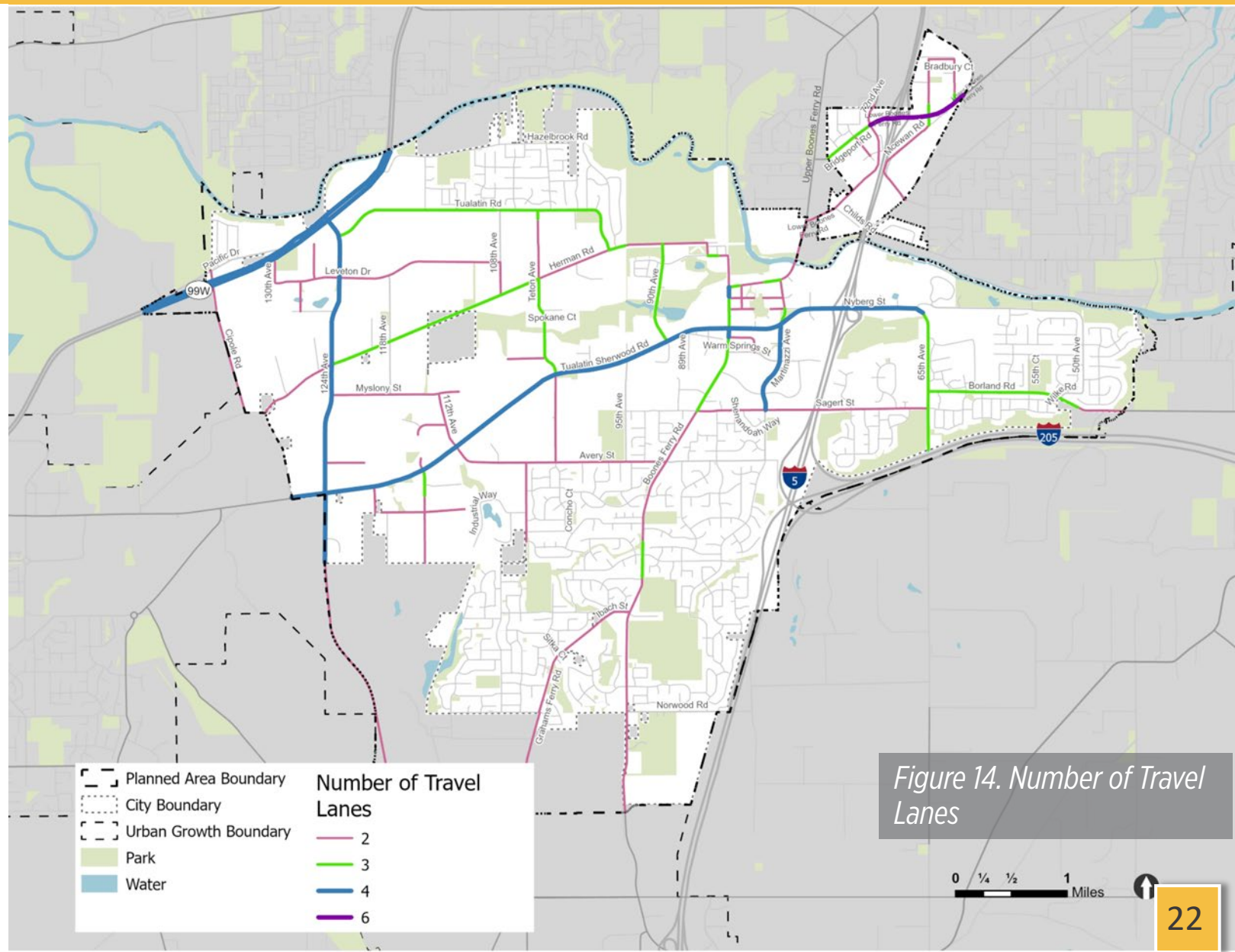


Figure 14. Number of Travel Lanes



Local streets in Tualatin, which are mostly located in residential areas, have a speed limit of 25 miles per hour (mph).

The arterials and collectors within the city generally have a posted speed limit of 35 mph or lower except for major roadways including:

- Herman Road
- 124<sup>th</sup> Avenue
- Tualatin-Sherwood Road

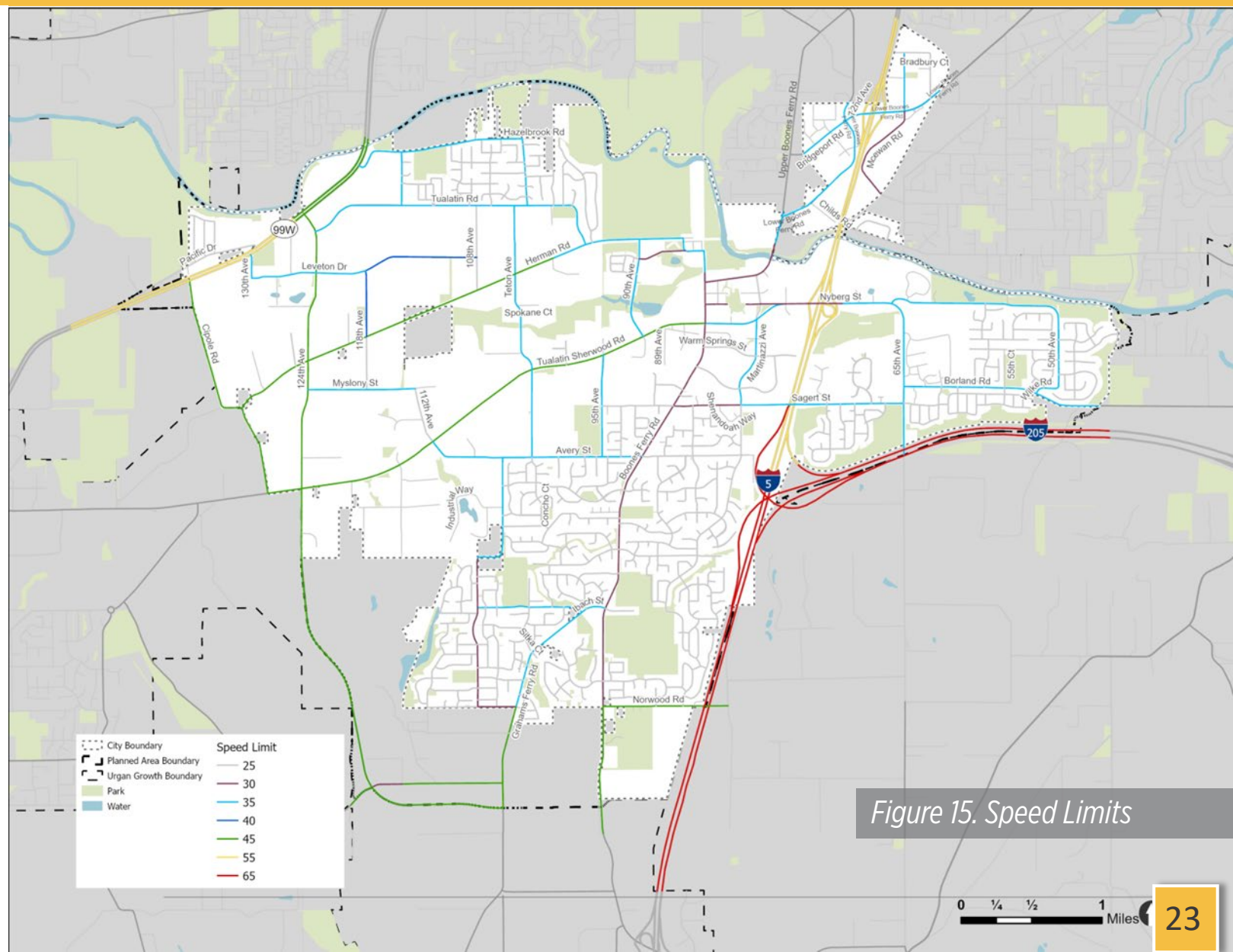
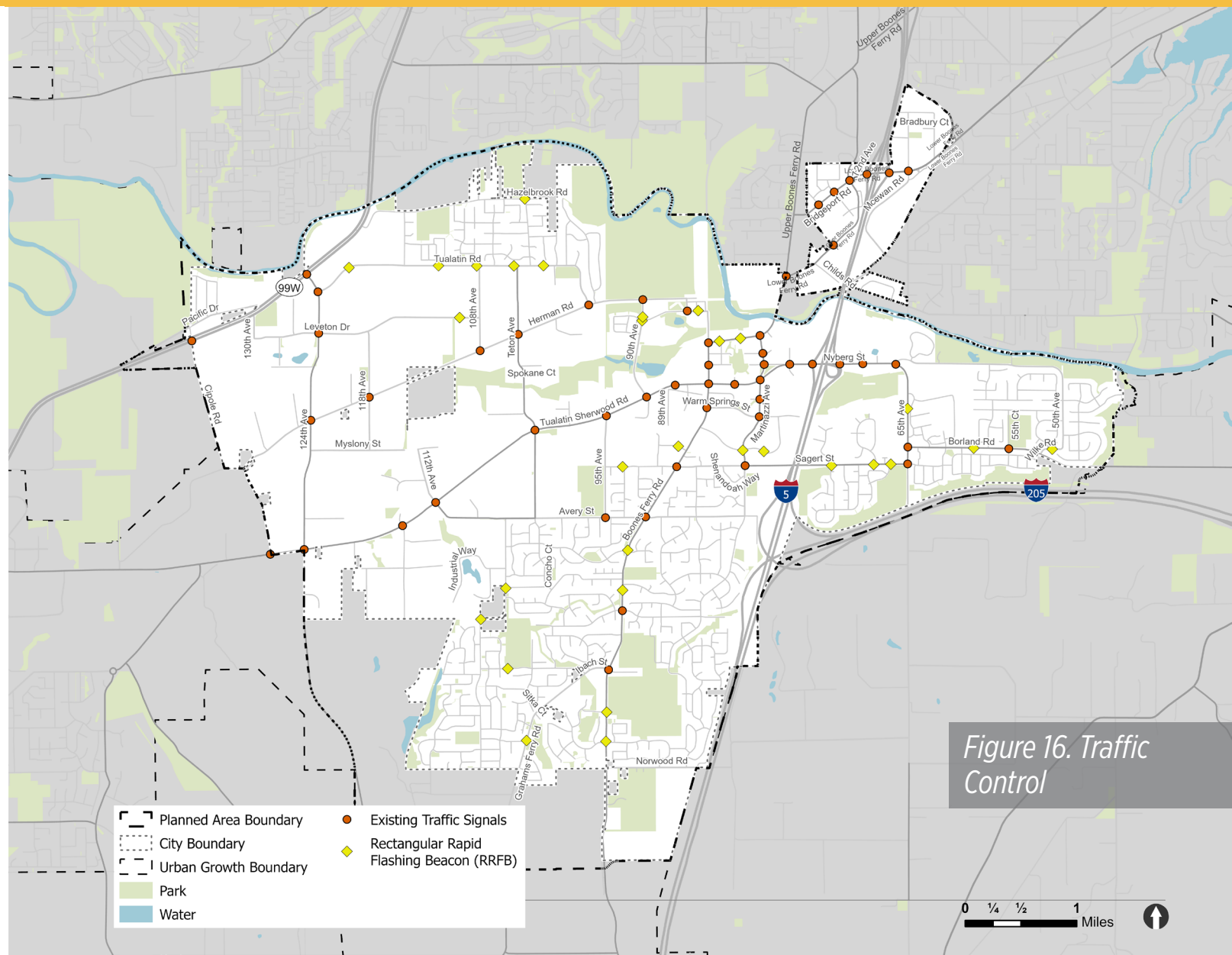




Figure 17 shows the existing traffic signals within Tualatin.

Most signalized intersections within the city have at least one marked crosswalk to facilitate pedestrian crossings.

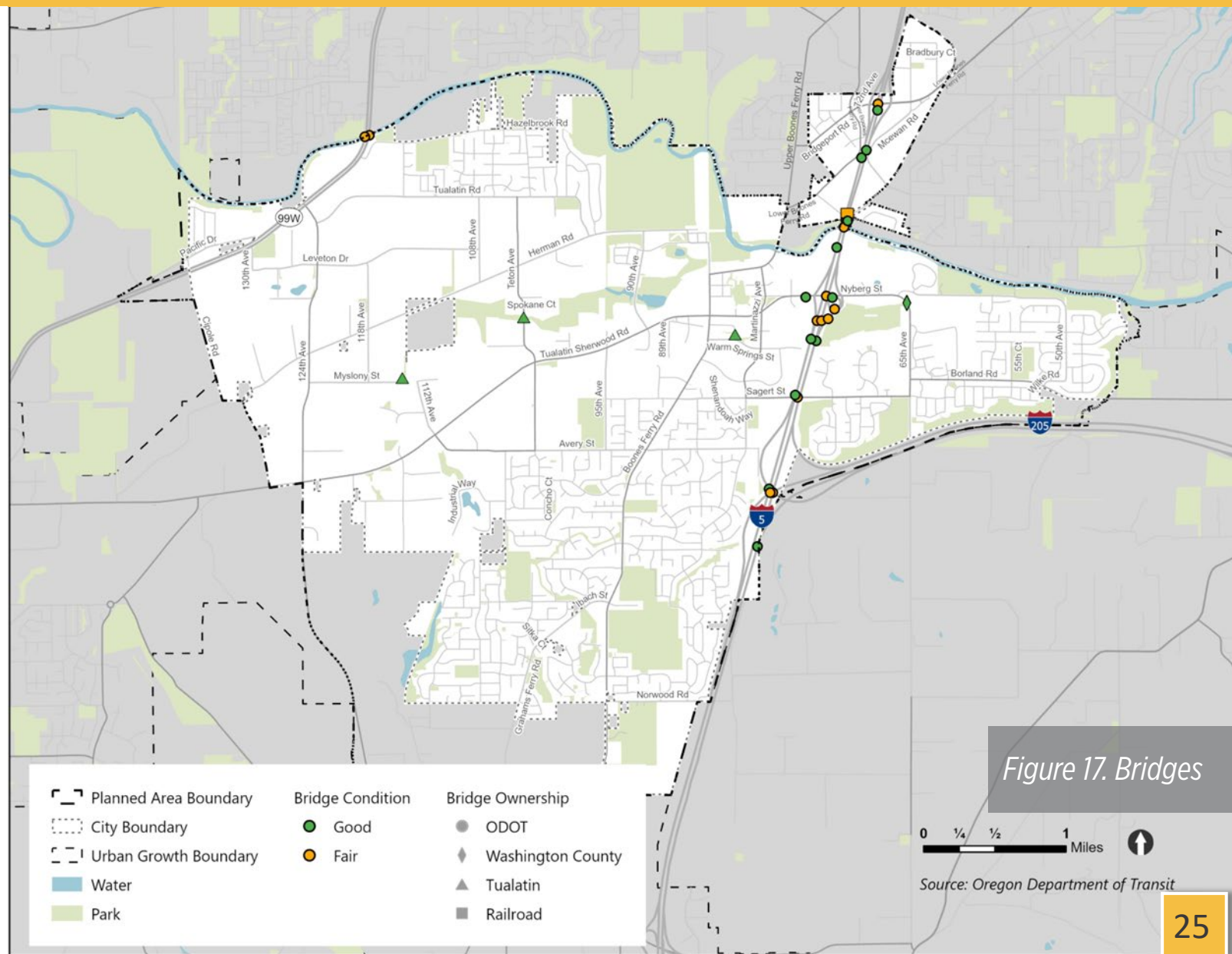
There are a number of rectangular rapid flashing beacons (RRFB) around the city, located primarily on primary arterials and major collectors, that provide safer crossings for pedestrians.



With I-5 bisecting the city and the Tualatin River acting as the northern boundary for the city, bridges are a critical piece of Tualatin's transportation system.

Only three bridges are maintained by the City of Tualatin, all of which are in good condition.

ODOT maintains most of the bridges, specifically along the I-5 and 99W corridors. All bridges maintained by ODOT are also in good or fair condition.





# Transit System







Locally, Tualatin is served by **Ride Connection**, a dial-a-ride program that services people in the Portland metropolitan region. Ride Connection operates **three local dial-a-ride shuttles in Tualatin**: the Red Line, the Blue Line, and the Green Line.

Regionally, Tualatin is served by **TriMet** and **Sound Metro Area Regional Transit (SMART)**. TriMet is the state's largest transit agency and provides bus, light rail, and commuter rail service in the Portland metropolitan region. TriMet has seven regional lines that provide inner-city and intercity travel in Tualatin. There are also four TriMet Park & Ride locations in Tualatin.

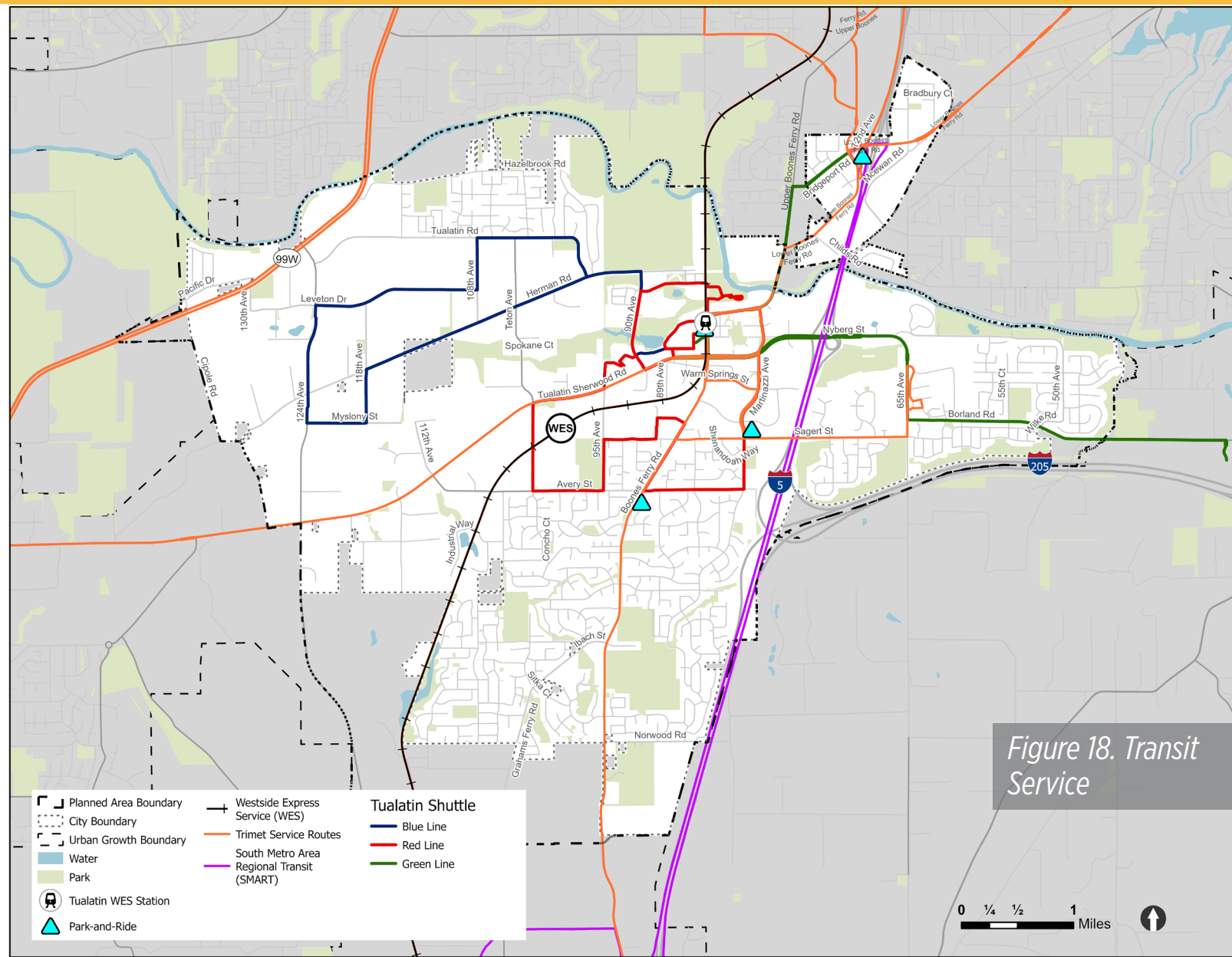
SMART is operated by the City of Wilsonville and services Wilsonville with connections to nearby cities, including Tualatin.





Within Tualatin, bus service is located primarily on roadways that connect users to retail and employment centers in Tualatin or to destinations outside Tualatin.

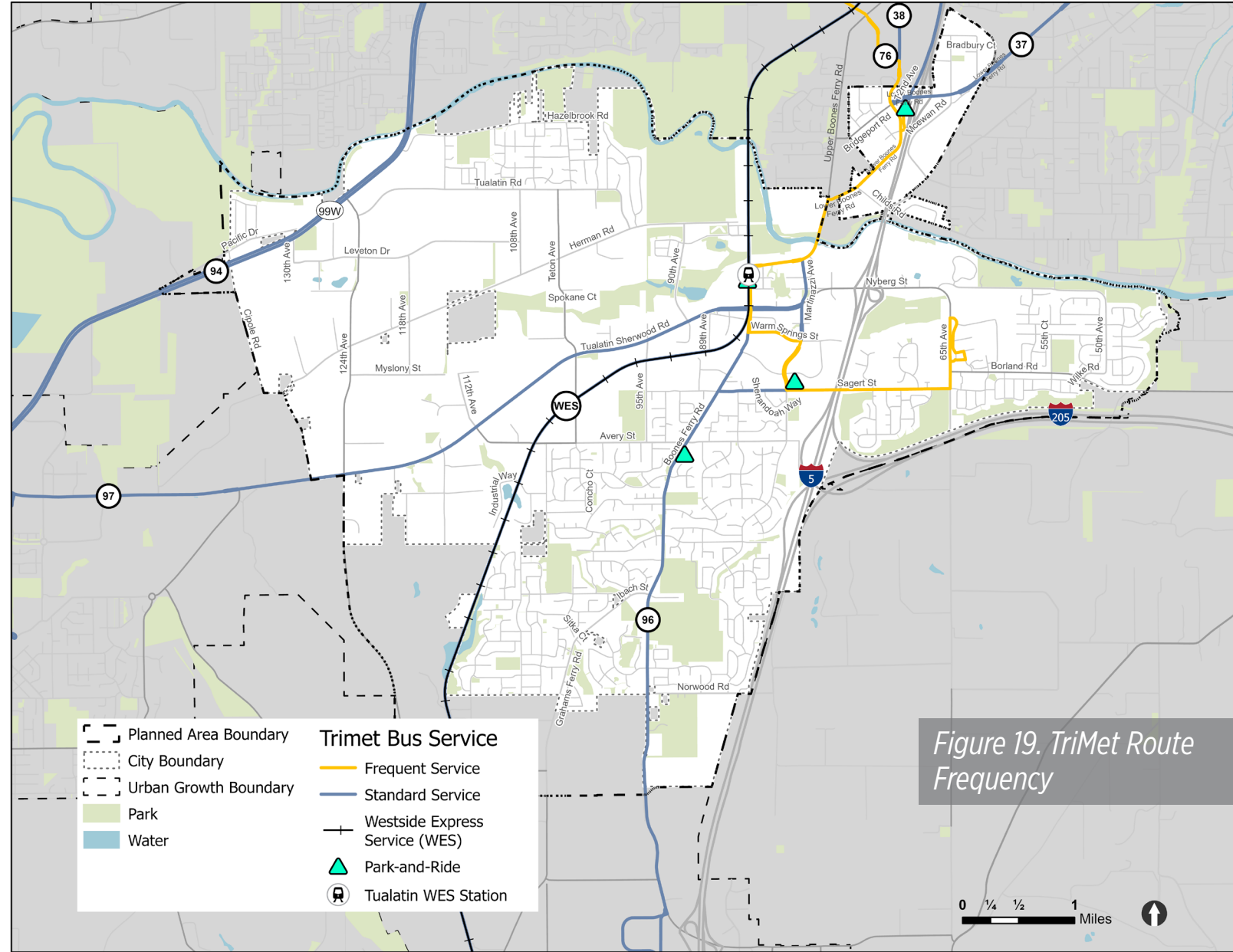
WES (Westside Express Service), which is also operated by TriMet, is a commuter rail line serving Beaverton, Tigard, Tualatin and Wilsonville. The service operates on weekdays during commute hours with trains every 45 minutes and is intended to connect users to employment centers and Max service in Beaverton.



*Figure 18. Transit Service*



TriMet has one frequent service line in Tualatin, Line 76. It runs between the Beaverton Transit Center and Legacy Meridian Park Hospital with connections at the Tigard Transit Center, Washington Square shopping mall, and Tualatin Park & Rides. Standard service lines run along Boones Ferry Road, Tualatin Sherwood Road, 99W, and Lower Boones Ferry Road.





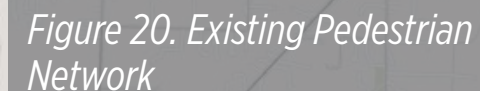
# Pedestrian System







Today, the trail system provides strong east-west connections, including across I-5, through the area north of Nyberg Street, and through the Ibach neighborhood.

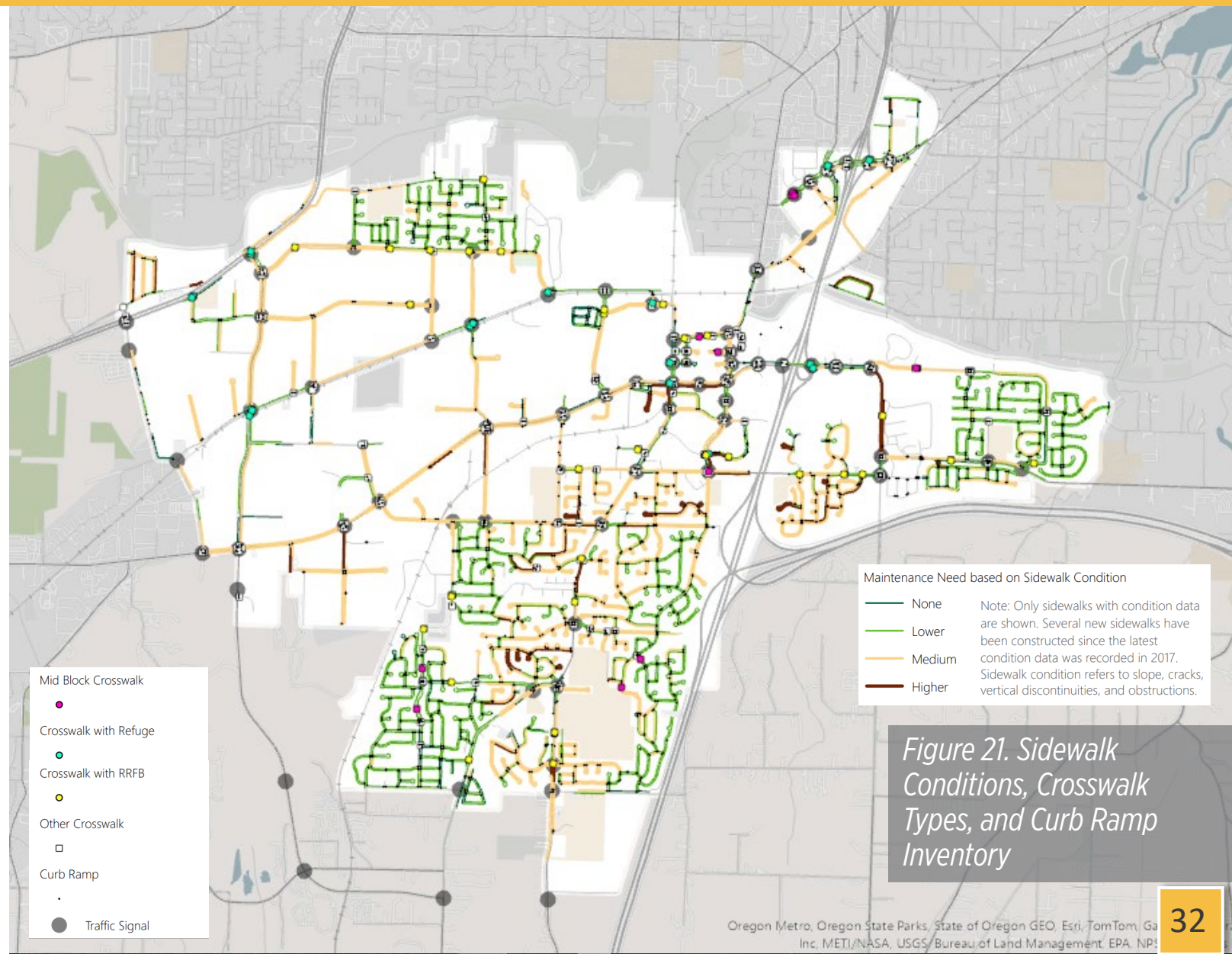






The sidewalk condition in Tualatin today varies due to pavement quality, American with Disabilities Act (ADA) compliance, and obstructions that reduce the effective width of sidewalks.

There are several roadways within Tualatin where the distance between marked crossings is high. To address this, Tualatin has installed many enhanced crosswalks along arterial and collector streets to improve existing crossings. These enhancements include Rectangular Rapid Flashing Beacons (RRFBs) and refuge islands.





When the distance between marked crossings is high, pedestrians may be more likely to cross at unsafe locations or at unsafe times.

Figure 22 shows the location of marked crossings and the distance between marked crossings on arterials and major collectors. The distance between marked crossings is lowest in downtown and longest in the industrial areas.

There are multiple arterial and collector roadways with crossing distances greater than a quarter mile, including: 99W, Tualatin-Sherwood Road, Herman Road, Sagert St, and Avery Street.

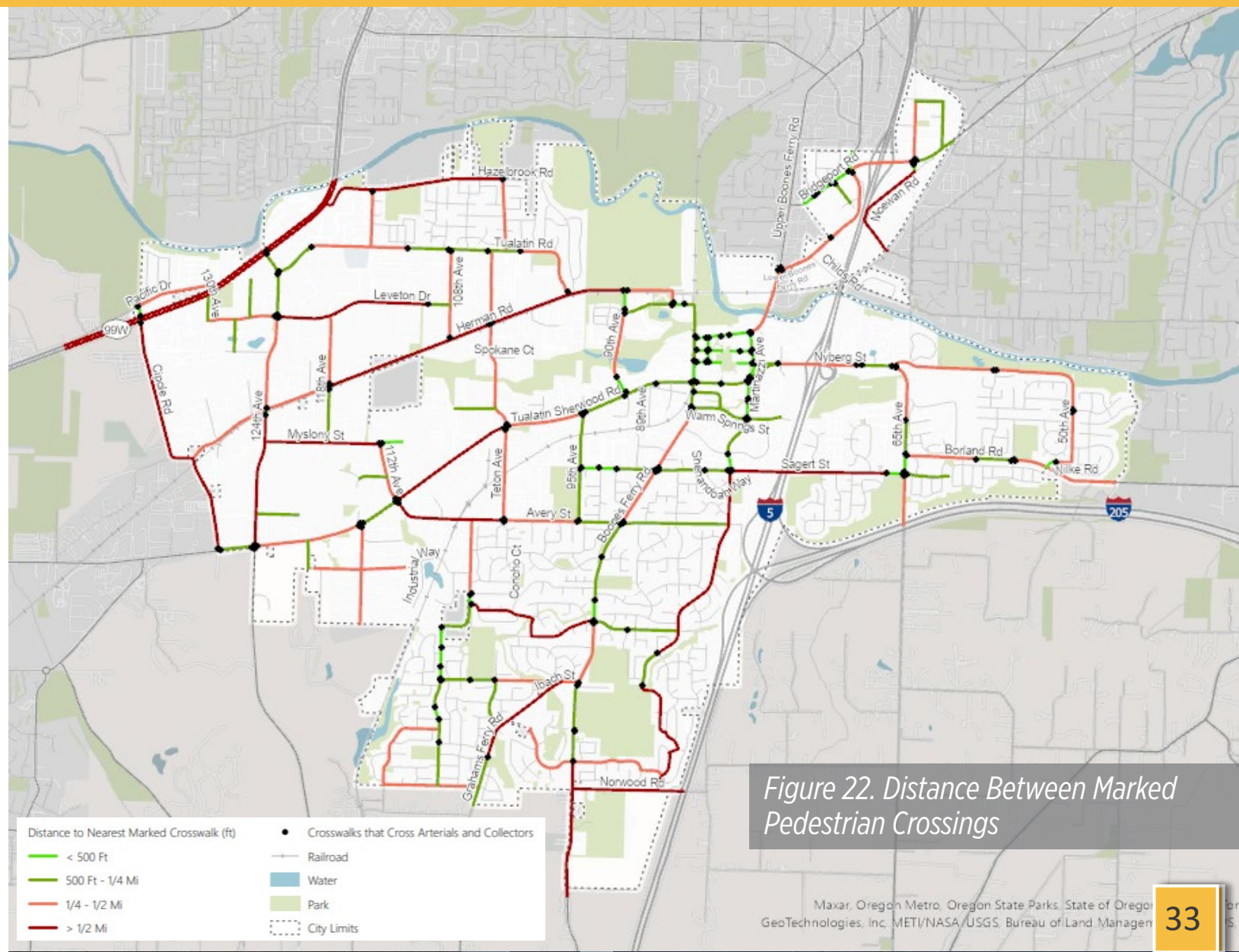


Figure 22. Distance Between Marked Pedestrian Crossings





Level of traffic stress (LTS) is a way to evaluate how comfortable a pedestrian feels walking along a street. LTS ranges from 1 (least stressful) to 4 (most stressful).

Based on analysis completed for the TSP, many collectors and arterials in Tualatin have a pedestrian LTS of 3 or 4, indicating pedestrians may feel high levels of stress or discomfort when waling on these roadways.

There are several high stress roadways such as Boones Ferry Road, which has higher traffic volume and speeds, that make it challenging for pedestrians to walk from residential areas to commercial areas.

Curb tight sidewalks that lack a buffer space for trees or furnishings and signalized intersections with slip lanes and permissive right turns are contributors to higher pedestrian LTS throughout the City.

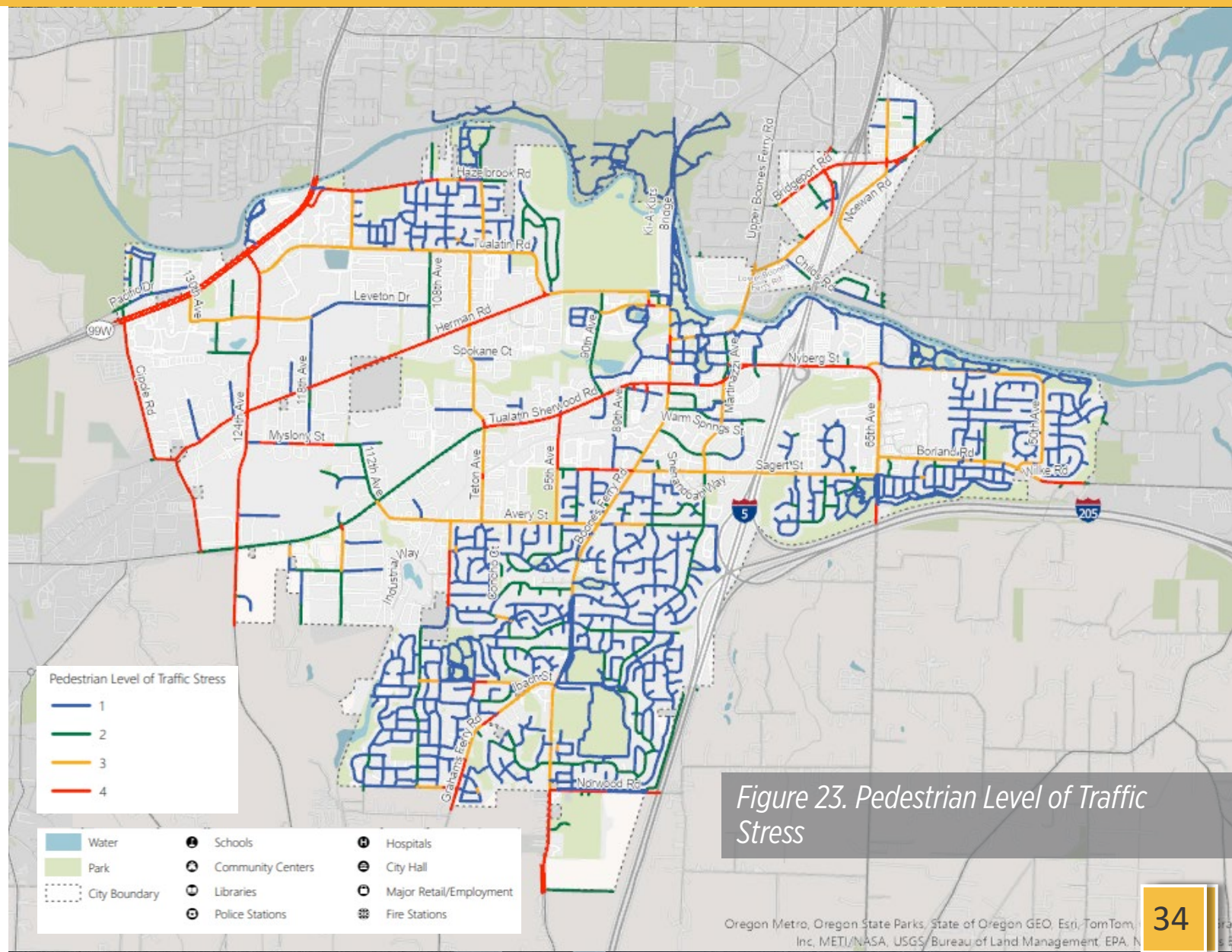


Figure 23. Pedestrian Level of Traffic Stress



# Bicycle System



While Tualatin does have an extensive off-street trail system, it lacks connectivity which limits users' ability to travel around the city on it.

Tualatin has begun to build more and more buffered bike lanes (dark blue) though gaps remain.

One challenge facing Tualatin's bicycle network is I-5. Today, there are only two on-street bike lanes that connect bicyclists across the freeway.

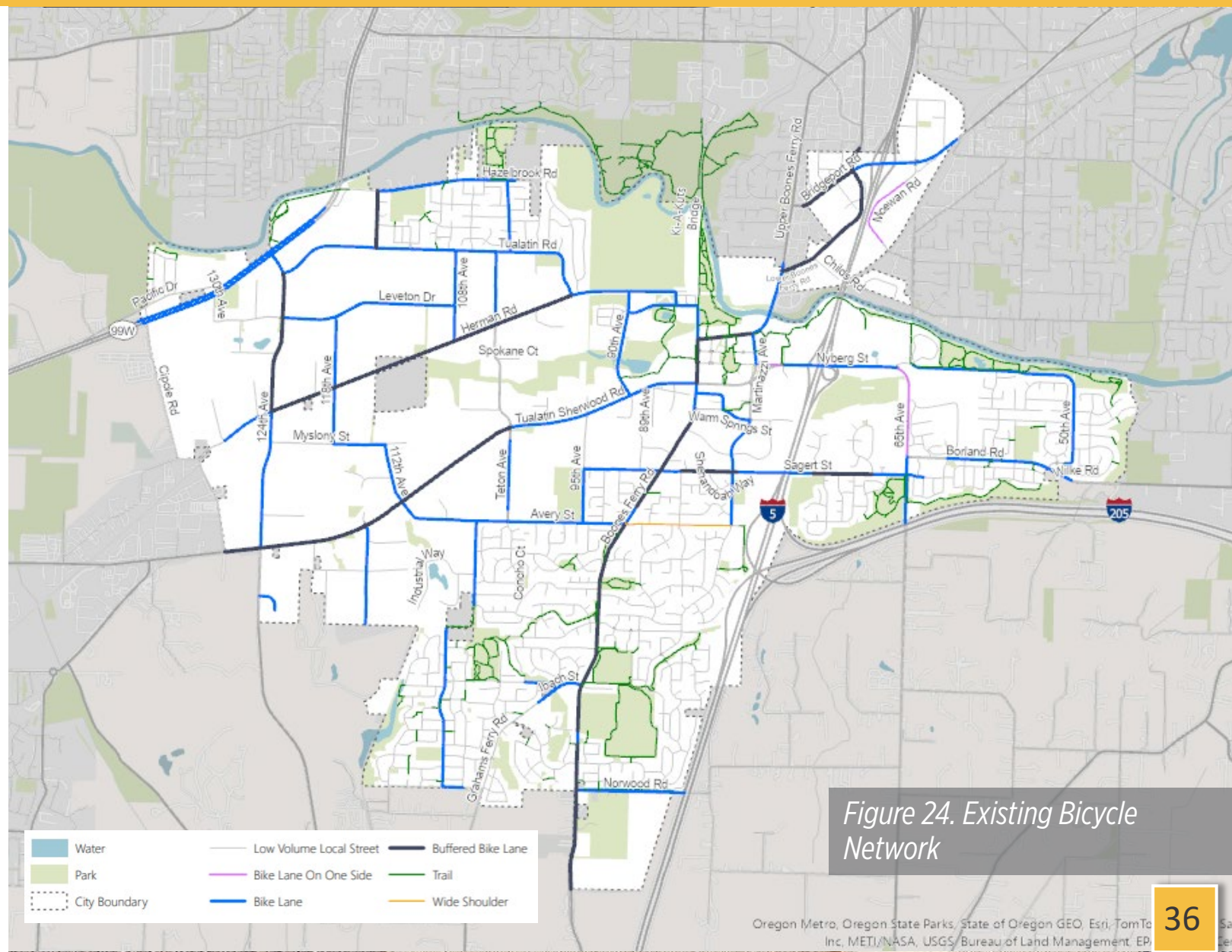


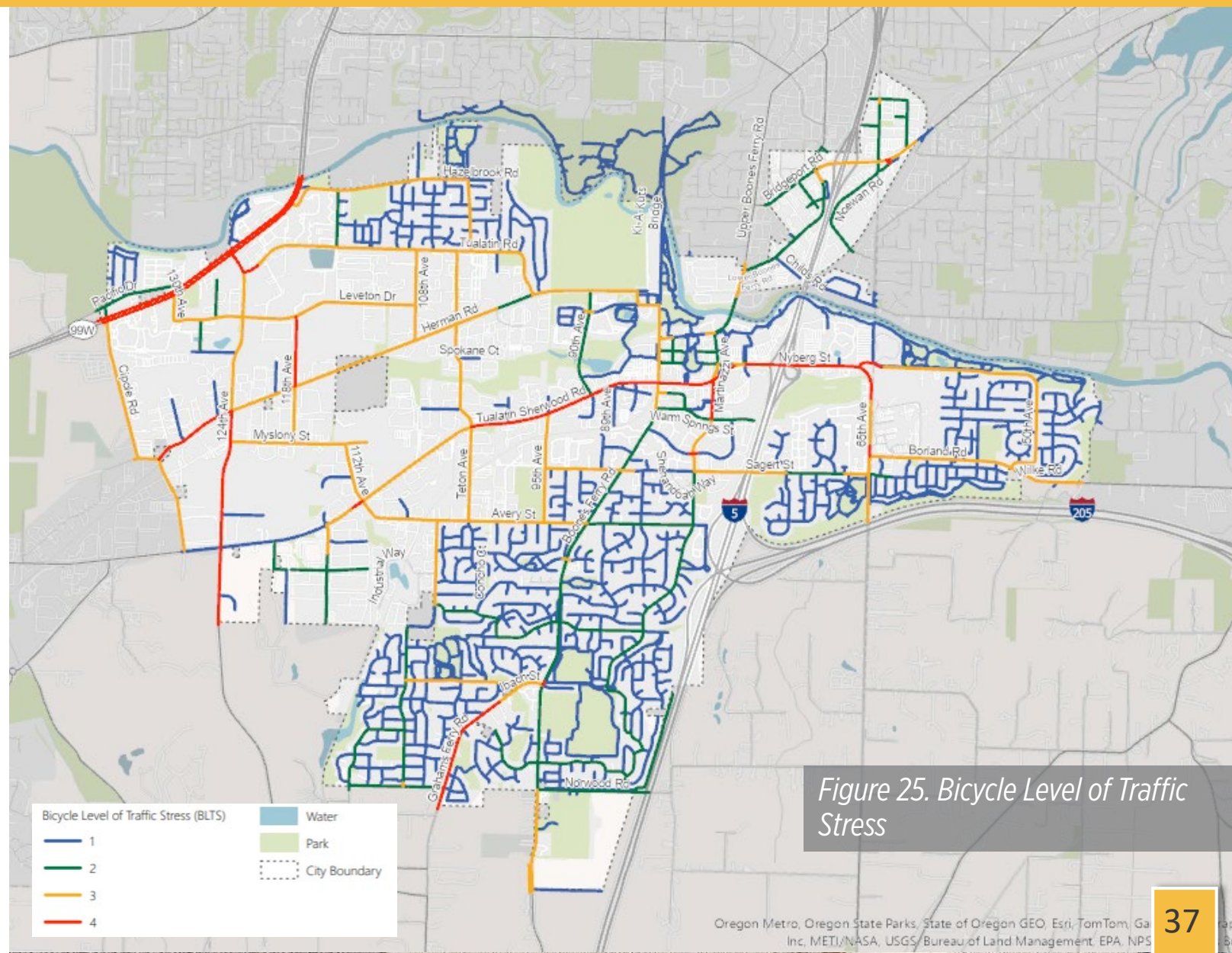
Figure 24. Existing Bicycle Network



LTS was also used to evaluate which bicycle facilities feel the most comfortable for bicyclists in Tualatin today and where bicyclists may choose to avoid or may experience high levels of stress when riding.

Today, streets in most residential areas offer comfortable cycling, except in neighborhoods near 99W and the Bridgeport area.

While most collectors and arterials include bike facilities, they are stressful for most riders (BLTS 3-4), including on roadways in downtown Tualatin and near many schools. These multi-lane streets with BLTS 3 and 4 often create barriers between neighborhoods.





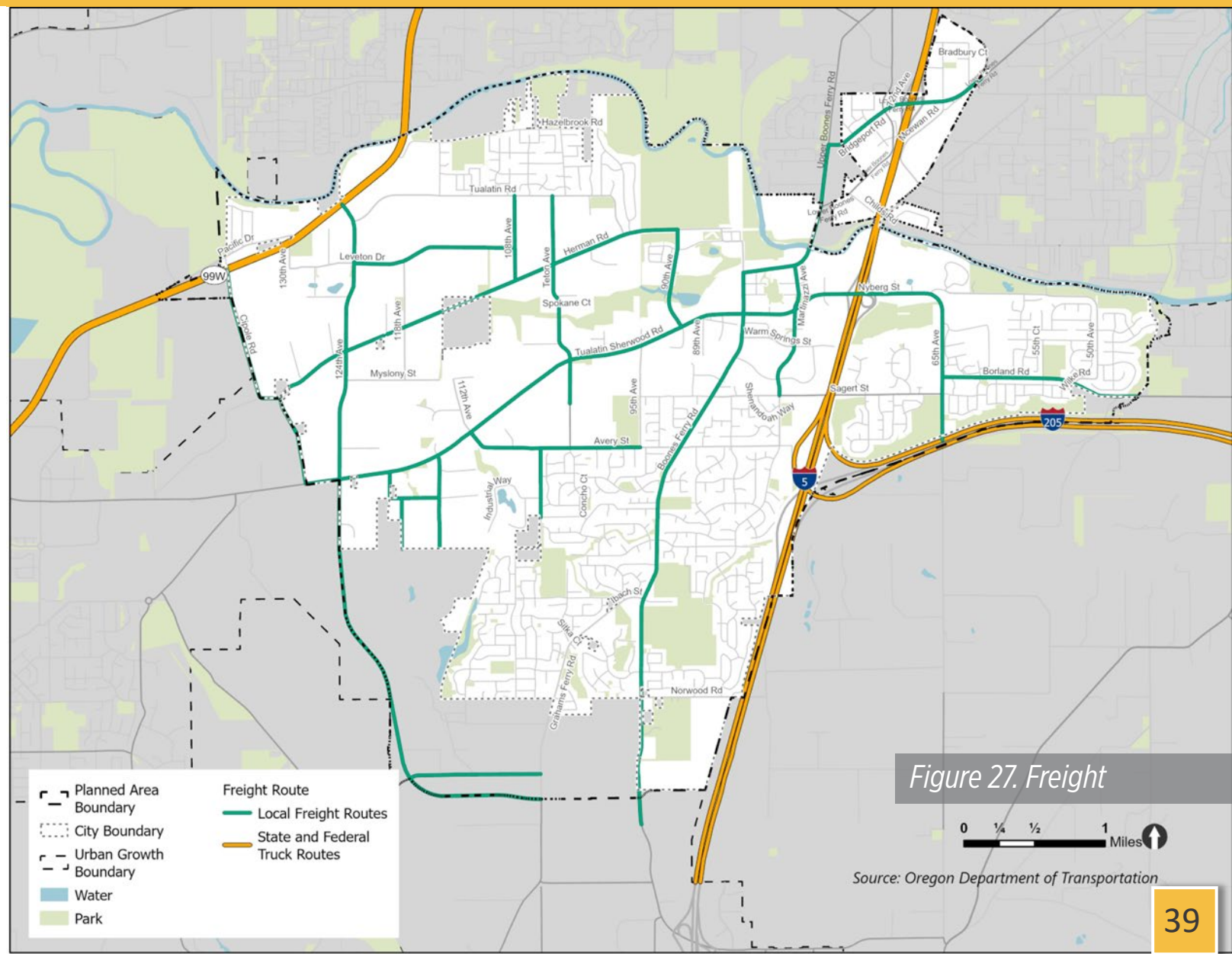
edEx

Ground

Freight



Understanding which routes are designated for freight travel will play an important role in improving travel for pedestrians and bicyclists within Tualatin, as roads with high volumes of large trucks can be some of the most stressful for these users.



*Figure 27. Freight*

Source: Oregon Department of Transportation



# Rail

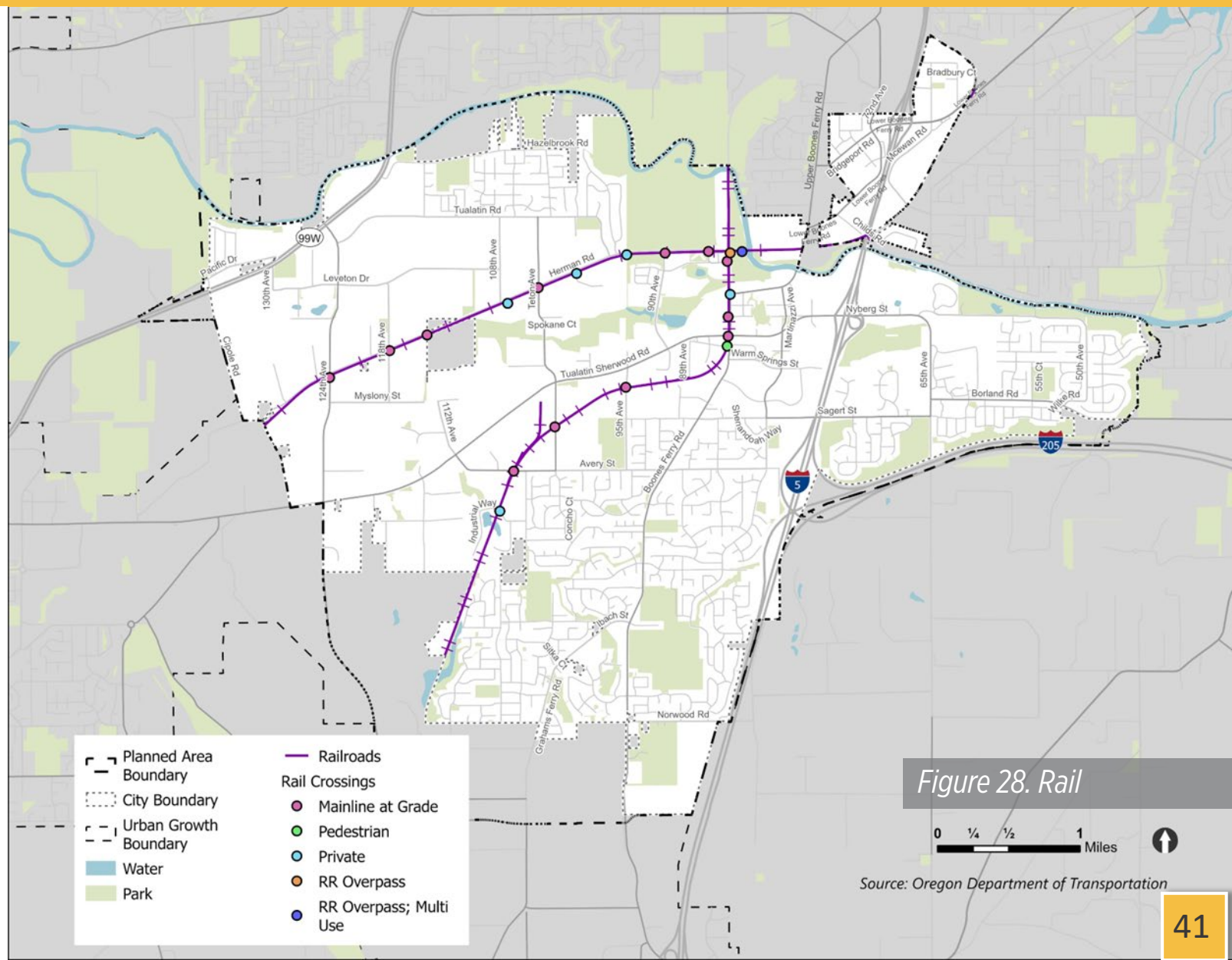




Tualatin has two rail operators, one commuter and one freight line.

The commuter line, WES, carries transit passengers while freight rail is operated by Portland & Western (PNWR).

As shown on the figure, there are multiple at-grade crossings throughout Tualatin, including at the Tualatin-Sherwood Road and Boones Ferry Road intersection, a key intersection for vehicle travel in Tualatin.





# Air



While there are no airports in Tualatin, residents have access to five nearby airports, listed in the table below.

Airport	Distance from Tualatin (mi)	Service Area	Service Type	Airport Classification
Portland International (PDX)	16	International	Civil, Military	Commercial, Freight
Aurora State (UAO)	10	State	Civil	Public
Portland – Hillsboro (HIO)	15	National	Flight School, Civil	Corporate
Portland – Troutdale (TTD)	21	National	Flight School, Civil	Corporate
Pearson Field (VUO)	27	Municipal	Civil	Public



# Environmental Resources



The City of Tualatin boasts several natural resources:

- The **Tualatin River** flows north of the city and connects to the Tualatin River Greenway Trail providing a scenic place for people to walk, bike, or roll.
- The **Tualatin Commons Park** is home to the **Tualatin Lake at the Commons**, a 3-acre lake surrounded by a plaza.
- The **Tualatin Community Park** features a dog park, skateboarding, picnic areas, a softball field, and a boat ramp to the Tualatin River.
- **Jurgens Park** has a dog park and soccer fields.
- **Tualatin Island Greens** is a golf driving range and putting green.
- **Ibach Park, Little Woodrose Natural Area, and Lafky Park** are small parks in the southern part of the city.



As shown on Figure 29, there are a number of wetland and Flood Protected Areas throughout Tualatin.

Protecting these areas while building out a well-connected transportation system can be challenging. As this TSP explores options to improve transportation in Tualatin, consideration should be given to the impact and potential cost of improving infrastructure in these areas.

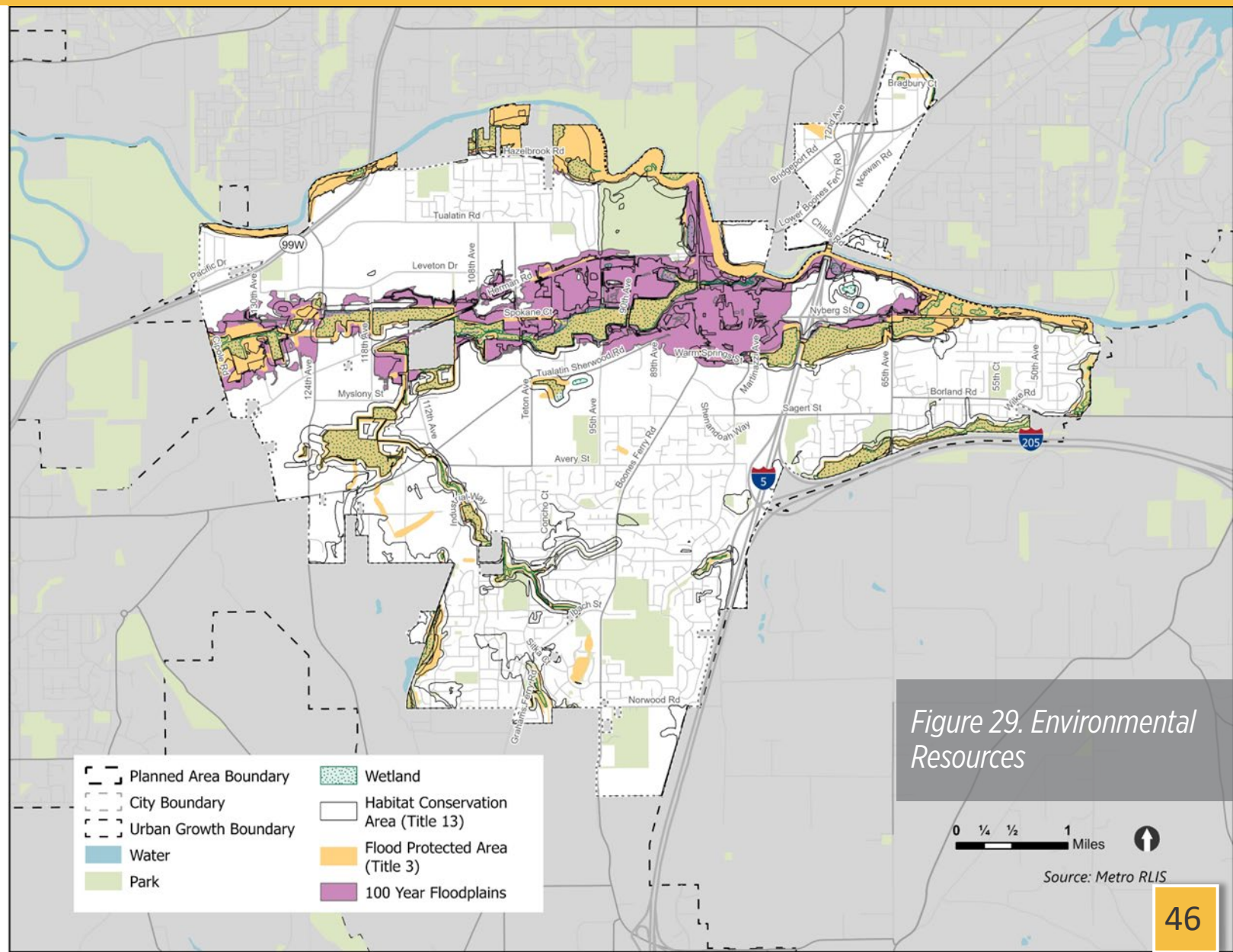


Figure 29. Environmental Resources

Source: Metro RLIS



# Operations and Safety





To establish a baseline for how Tualatin's transportation system operates today, intersection Level of Service (LOS) was evaluated at key intersections throughout Tualatin using traffic counts collected in Fall 2023 and existing roadway and intersection geometries.

While most intersections in Tualatin operate at LOS C or better, indicating there is minimal congestion, intersections on Lower Boones Ferry Road, Tualatin-Sherwood Road, and SW 65<sup>th</sup> Avenue were found to operate at LOS D and E. This indicates that congestion that results in queueing and higher levels of delay is occurring in these areas.

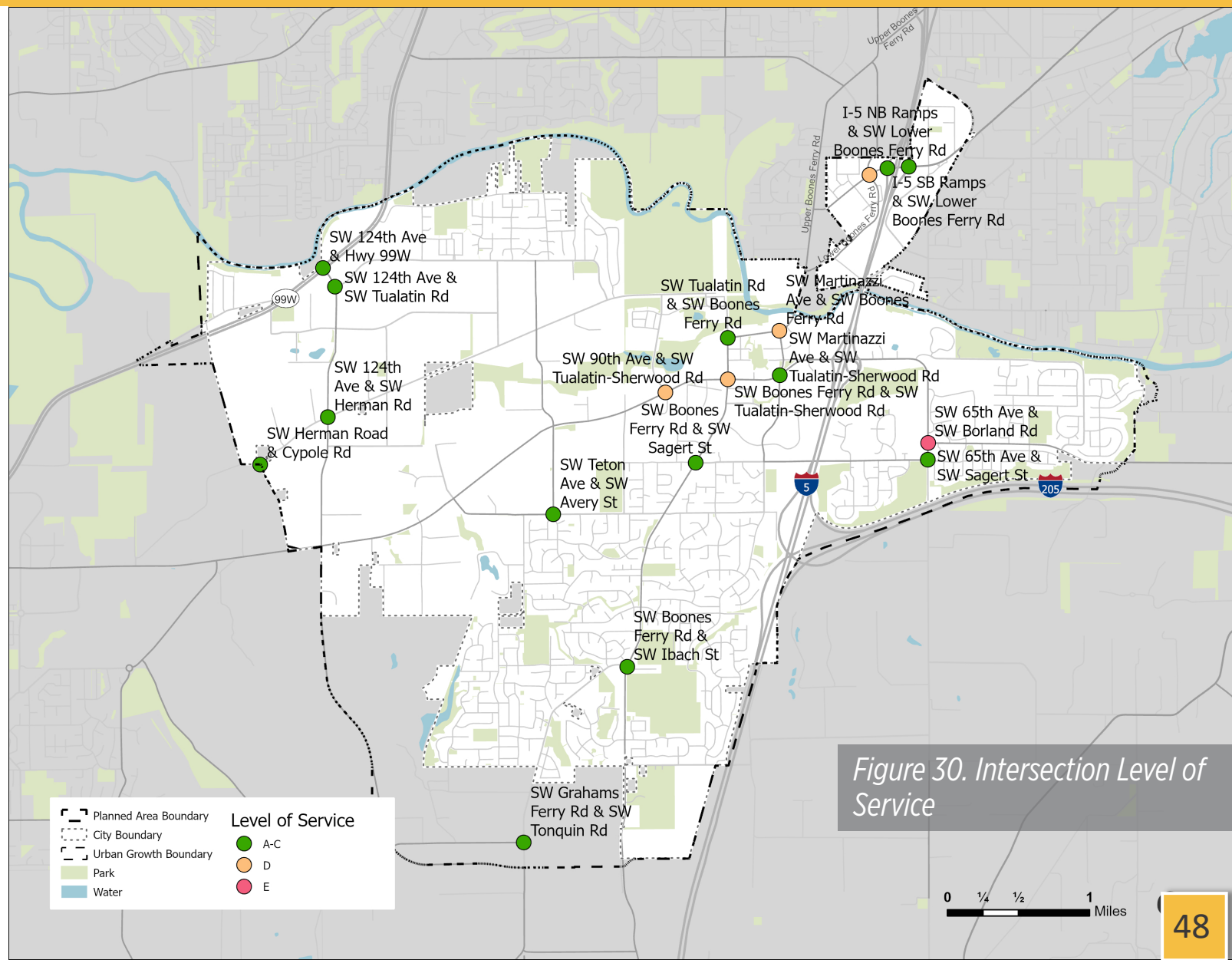


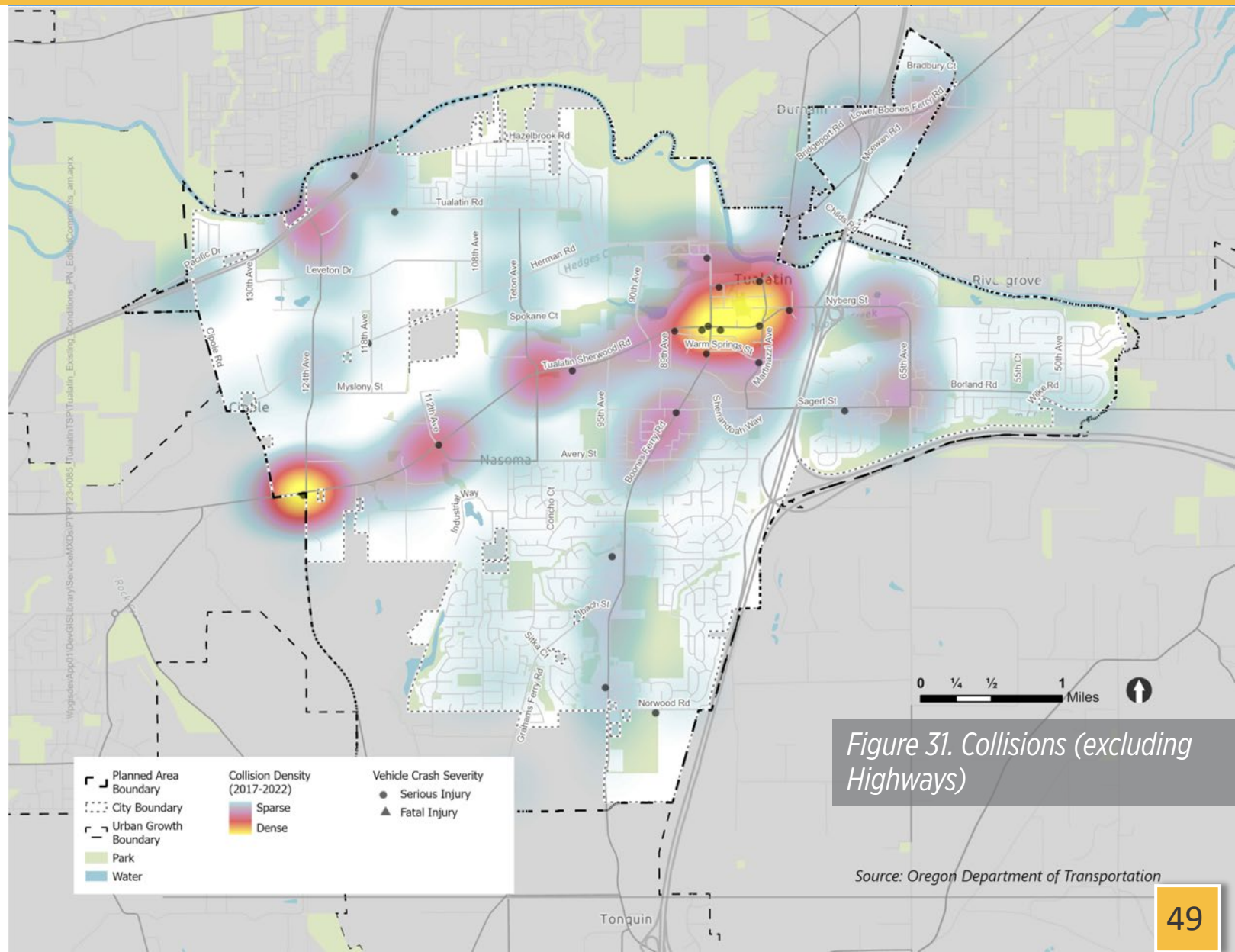
Figure 30. Intersection Level of Service

One indicator of roadway safety is the number of collisions and severity of collisions that occur.

To understand recent trends in Tualatin, five years of collision data was analyzed.

This analysis found the highest concentration of collisions occurs on Tualatin-Sherwood Road with hot-spots near downtown and 124<sup>th</sup> Avenue.

This was also true for serious injury collisions, with most of those occurring on Tualatin-Sherwood Road or Boones Ferry Road near downtown.





Five years of collision data were analyzed to identify potential hot spots for collisions involving a bicycle or pedestrian.

Of the 2,264 reported collisions in Tualatin within the past five years, 43 collisions (1.9%) involved a pedestrian or bicyclist. Approximately 70% of these occurred at intersections with at least one arterial roadway.

Both Tualatin-Sherwood Road and Boones Ferry Road showed higher numbers of bicycle or pedestrian collisions

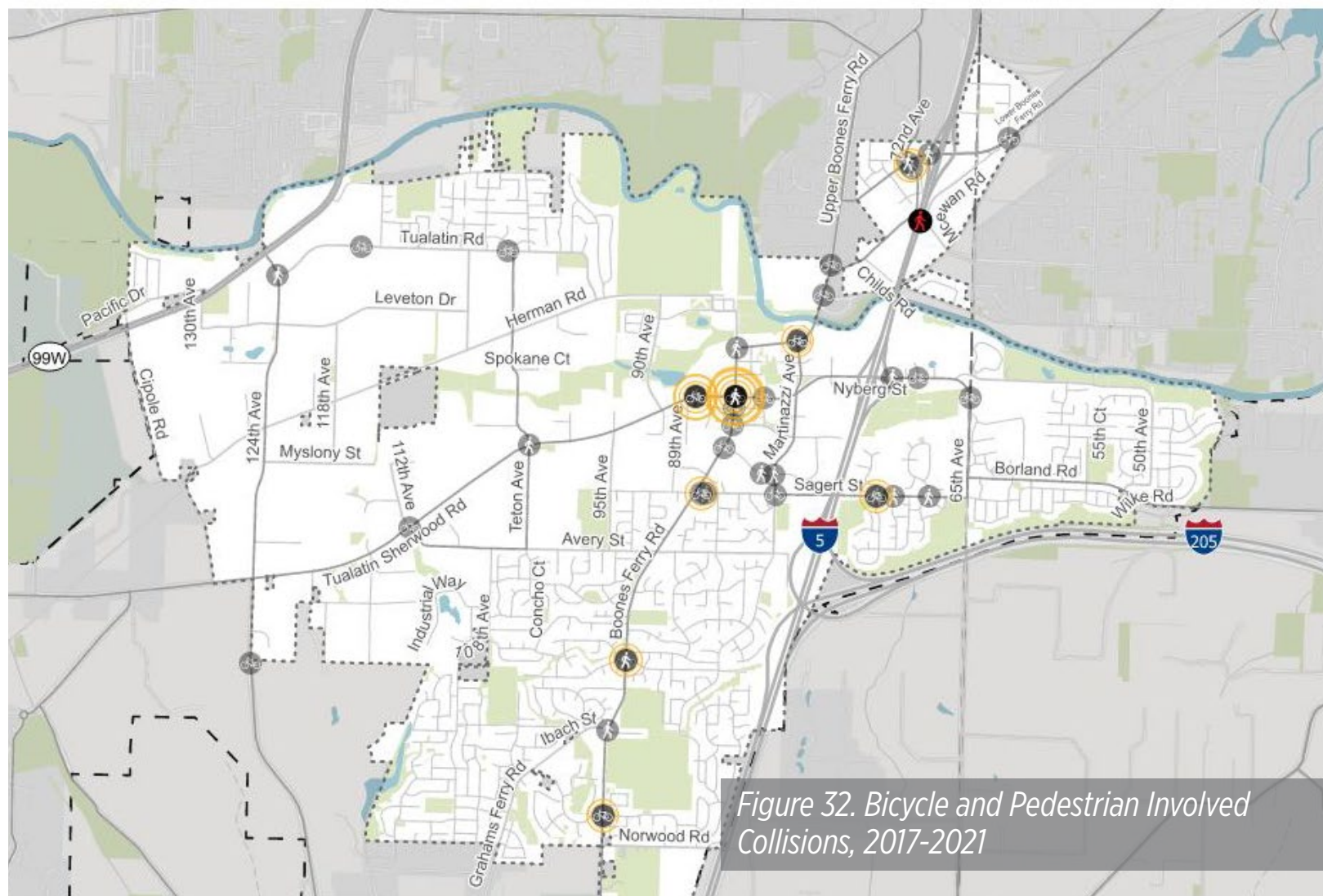








Figure 32. Bicycle and Pedestrian Involved Collisions, 2017-2021

Data source: Oregon Department of Transportation

-  Pedestrian Involved Fatality
-  Pedestrian Involved
-  Bicyclist Involved

-  Water
-  Park
-  City Boundary

-  County Boundary
-  Urban Growth Boundary
-  Metro Boundary

-  2
-  3
-  5

Multiple Crash Locations (Bicyclists & Pedestrians)



# Memorandum

Date: January 2024

To: City of Tualatin Project Team

From: Briana Calhoun, Kara Hall, Jai Daniels – Fehr & Peers  
Katie Selin, Phil Longnecker – Alta Planning + Design

Subject: Transportation System Plan Update: Existing Conditions Inventory Technical Memorandum

## Introduction

The City of Tualatin is updating its Transportation System Plan (TSP), through a process that will establish a shared understanding of how the transportation system operates today, identify needed improvements, and create a vision for enhancing community mobility in Tualatin.

To achieve the first goal of establishing a shared understanding of how the transportation system operates, document existing transportation infrastructure, and identify current infrastructure gaps or deficiencies in the transportation system, the TSP update began with development of an Existing Conditions Report.

This memorandum is intended to support the Existing Conditions Report and includes additional documentation of transportation assets in Tualatin, an overview of the methodology used to complete traffic operations and safety analysis, and a summary of existing deficiencies identified through the existing conditions inventory.

Consistent with the Existing Conditions Report, this technical memorandum provides additional information for the following topic areas:

- Demographics in Tualatin
- The existing transportation system in Tualatin, including the roadway network, transit service, pedestrian, and bicycle facilities
- Identification of basic facilities and operations for truck freight, rail, and marine transportation modes serving Tualatin
- An overview of pipeline resources that should be considered in the identification and evaluation of transportation solutions



- Base year transportation conditions, including traffic operations on key corridors, a summary of collision patterns, and pedestrian, bicycle, and truck traffic on the roadways

## Tualatin Demographics

Demographic information plays a crucial role in shaping an effective transportation system by providing essential insights into the characteristics and behaviors of a population. Understanding demographic data, such as population density, age distribution, income levels, and employment patterns, will allow the project team to evaluate potential solutions with an eye towards equity and ultimately recommend transportation infrastructure improvements that meet the diverse needs of different groups within a community. This information also helped to inform the development of an inclusive public engagement plan and will be used to evaluate how effective efforts to engage historically underrepresented groups in the planning process are.

As shown in **Table 1**, there are several key demographics where Tualatin differs from the Metro region overall. Those demographic areas are shown in **bold** text in the table below.

**Table 1. Current City and Regional Demographics**

Tualatin			Metro Region	
Race and Language				
Total Population	27,821		2,493,429	
Non-White	7,552	27%	469,429	19%
Hispanic or Latino	5,986	22%	326,336	13%
Speak a Language Other than English	5,926	22%	431,434	18%
Age				
Under Age 18	6,537	23%	410,824	16%
65 and Over	3,522	13%	294,303	12%
Other Demographics				
Income Below Poverty Level (in last 12 months)	2,811	10%	247,359	10%
Disability	2,387	9%	236,085	9%
No Vehicle Available	526	5%	80,387	8%
Housing				
Total Housing Units	11,171		1,033,420	
Occupied Housing Units	10,835	97%	979,213	95%

**Table 1. Current City and Regional Demographics**

	Tualatin		Metro Region	
Vacant Housing Units	336	3%	54,207	5%
Total Households	10,737		1,001,094	
Owner-Occupied Households	5,851	55%	620,678	62%
Renter-Occupied Households	4,886	45%	380,416	38%

Notes:

The Metro Region is comprised of the Portland-Vancouver-Hillsboro, OR-WA Metro Area.

**Bold** text indicates a greater than 5% variance from the Metro Region.

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

## Existing System Inventory

### Roadway Network

The roadway network serves as the backbone of Tualatin's multi-modal transportation system. These facilities must accommodate many travel modes within their rights of way and users' experience are shaped not only by the roadway design itself but also by the surrounding land use. The following section documents the current state of the network for each mode of travel.

#### Lane Width

Travel lane width, or how wide the striped lanes on a roadway are, is a key characteristic for roadways. Roads that are designed to serve larger vehicles such as trucks carrying freight or buses, often have wider lanes. As more narrow lanes can help to lower vehicle speeds, roadways with on-street bicycle lanes may have narrower lanes to improve safety and comfort for those users or to take advantage of the limited right-of-way available. Within Tualatin, most arterials and collectors have lane widths between 10 and 12.5 feet.

#### Roadway Design Standards

In Tualatin, street design standards are based on the functional and operational characteristics of streets including travel volume, capacity, operating speed, and safety. This section summarizes design standards that apply to transportation facilities in Tualatin. **Table 2** summarizes design standards for roadway cross-section elements, which are included in Chapter 74 of the City of Tualatin's Development Code. **Table 3** summarizes Metro's roadway design guidance from the 2018 Regional Transportation Plan (RTP). This guidance applies to roadways that fall under Metro's Regional Motor Vehicle Network (RMVN).



**Table 2. Roadway Design Standards, Tualatin’s Development Code**

Roadway Element	Design Characteristic
Minimum and preferred vehicle lane widths	<ul style="list-style-type: none"> <li>• Major arterial: 12 feet minimum, 12 feet preferred</li> <li>• Minor arterial: 12 feet, 12 feet preferred</li> <li>• Major collector: 11 feet minimum, 12 feet preferred</li> <li>• Minor collector: 11 feet minimum, 12 feet preferred</li> <li>• Local: 14 feet minimum, 16 feet preferred</li> <li>• With multi-use path: 12 feet minimum, 12 feet preferred</li> </ul>
Minimum and preferred number of lanes	<ul style="list-style-type: none"> <li>• Major arterial: 3 lanes minimum, 5 lanes preferred</li> <li>• Minor arterial: 2 lanes minimum, 3 lanes preferred</li> <li>• Major collector: 2 lanes minimum, 3 lanes preferred</li> <li>• Minor collector: 2 lanes minimum, 2 lanes preferred</li> <li>• Local: 2 lanes minimum, 2 lanes preferred</li> <li>• With multi-use path: 2 lanes minimum, 3 lanes preferred</li> </ul>
Minimum and preferred sidewalk widths	<ul style="list-style-type: none"> <li>• Major arterial: 5 feet minimum, 6 feet preferred</li> <li>• Minor arterial: 5 feet minimum, 6 feet preferred</li> <li>• Major collector: 5 feet minimum, 6 feet preferred</li> <li>• Minor collector: 5 feet minimum, 6 feet preferred</li> <li>• Local: 5 feet minimum, 5 feet preferred</li> </ul>
Minimum and preferred on-street parking widths	<ul style="list-style-type: none"> <li>• Minor collector: 8 feet minimum, 8 feet preferred</li> <li>• With multi-use path: 8 feet minimum, none preferred</li> </ul>
Minimum and preferred bicycle lane widths	<ul style="list-style-type: none"> <li>• Major arterial: 5 feet minimum, 6 feet preferred</li> <li>• Minor arterial: 5 feet minimum, 6 feet preferred</li> <li>• Major collector: 5 feet minimum, 6 feet preferred</li> <li>• Minor collector: 5 feet minimum, 6 feet preferred</li> </ul>

**Table 3. Roadway Design Suggested Guidance, 2018 Regional Transportation Plan**

Roadway Element	Design Standard
Maximum number of travel lanes	<ul style="list-style-type: none"> <li>• Freeway: No maximum</li> <li>• Throughway: 6 lanes</li> <li>• Major Arterial: 4 lanes</li> <li>• Minor Arterial: 4 lanes</li> </ul>
Median requirements	<ul style="list-style-type: none"> <li>• Appropriate for roadways with 4 or more lanes</li> </ul>
Street corner radii	<ul style="list-style-type: none"> <li>• Tight Corner Radii (5 to 15 feet): preferred on regional and community boulevards</li> <li>• Wide Corner Radii (greater than 15 feet): preferred on highways and industrial streets</li> </ul>

**Table 3. Roadway Design Suggested Guidance, 2018 Regional Transportation Plan**

Roadway Element	Design Standard
Preferred lane widths	<ul style="list-style-type: none"> <li>• Freeway: 12 feet</li> <li>• Highway: 12 feet</li> <li>• Regional Boulevard: 10 feet</li> <li>• Community Boulevard: 10 feet</li> <li>• Regional Street: 10 to 11 feet</li> <li>• Community Street: 10 to 11 feet</li> <li>• Industrial Street: 11 to 12 feet</li> </ul>

### *Access Management*

The Oregon Transportation Planning Rule (TPR) defines “Access Management” as “...measures regulating access to streets, roads and highways from public roads and private driveways.” A requirement of the TPR is that new connections to both arterials and state highways must follow designated access management categories. Typically, existing accesses can remain as long as the land use does not change.

In Tualatin, access management standards for driveways are based on use. In general, as the number of units or parking spaces increases, the number of and approach width for driveways increases. **Table 4** shows the City of Tualatin’s access for driveway standards from Chapter 75.040 of the Tualatin Development Code.

**Table 4. City of Tualatin Driveway Standards**

Land Use Classification	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Single-Family Residential, Duplexes, Triplexes, Quadplexes, Townhomes, Cottage Clusters	10 feet	26 feet for one or two car garages  37 feet for three or more car garages



**Table 4. City of Tualatin Driveway Standards**

Land Use Classification	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Multi-family	5-49 Units = 24 feet	May provide two 16 foot one-way driveways instead of one 24-foot driveway
	50-499 = 32 feet	
	Over 500 = as required by the City Manager	May provide two 24-foot one-way driveways instead of one 32-foot driveway
Commercial	1-99 Parking Spaces = 32 feet 100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Industrial	36 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Institutional	1-99 Parking Spaces = 32 feet 100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet

Washington County has access standards which are established in the Washington County Community Development Code, in Section 501-8.5(A) entitled “Roadway Access.” Projects being considered on County facilities will need to refer to these standards.

The Oregon Highway Plan (OHP) includes access management spacing standards for highways owned and operated by the Oregon Department of Transportation (ODOT). The access management spacing standards were amended in 2005. Interstate 5 (I-5), I-205, Highway 99W and freeway interchange areas are under ODOT management and must follow OHP standards. The OHP access management spacing standards as applied to I-5 and I-205 are shown in **Table 5**.

**Table 5. OHP Access Spacing Standards**

Roadway	Speed Limit	Spacing Standard
Freeway interchanges	30 mph	250 feet
I-5	55 mph or higher	1320 feet
I-205	55 mph or higher	1320 feet

### *Spacing for Connectivity*

While access management standards establish minimum distances between intersections to maintain safe and efficient operations, this must be balanced with the need for a connected street network. The Metro RTP identifies connectivity as a system of major arterials spaced no more than one mile apart and minor arterials or collectors spaced no more than a half-mile apart. While these guidelines were established to encourage efficient mobility through the City, they also acknowledge that the realities of natural barriers (e.g., waterways and topography), major infrastructure (e.g., highways), and the built environment (e.g., established neighborhoods) may not make it possible to always meet these connectivity goals. The presence of I-5 serves as a major connectivity barrier in Tualatin. The interchanges are spaced about one mile apart (in Northern Tualatin; three miles apart in Southern Tualatin) and are among very few ways to cross the highway on foot or in a vehicle.

### *Parking*

There is significant off-street parking for many of the retail uses throughout Tualatin, specifically in the Bridgeport Village area and many of the retail areas along Tualatin-Sherwood Road and Nyberg Street. There are also several City-owned parking lots in the Downtown area near the Tualatin Commons and the Library.

On-street parking is typically not allowed along major roadways (Arterials and Major Collectors) in Tualatin but is often allowed on Local Streets and Minor Collectors in neighborhoods and in retail areas.

### *Transit System*

The location of transit routes that service Tualatin are shown on **Figure 19** in the Existing Conditions report. Frequency and hours of operation for each route are shown in **Table 6**.



**Table 6. Transit Routes**

Route	Service Type	Agency	Origin	Destination	Frequency	Service Span	Days	Fare
Shuttle (Red)	Local	Ride Connection	South Tualatin		50 minutes	5:15 – 8:45 AM / 3:30 – 7:45 PM	Monday – Friday	Fare-free
Shuttle (Green)	Local	Ride Connection	Tualatin P&R	Rolling Hills Church	1 hour	5 – 9:30 AM / 12:15 – 7:15 PM	Monday – Friday	Fare-free
Shuttle (Blue)	Local	Ride Connection	North Tualatin		45 minutes	5:40 – 10:00 AM / 3:00 – 7:00 PM	Monday – Friday	Fare-free
37	Regional	TriMet	Tualatin Park & Ride	Lake Oswego Transit Center	45 minutes during AM and 1 hour during PM	7:10 AM – 9:20 AM / 3:40 – 5:50 PM	Monday – Friday	\$2.50
38	Regional	TriMet	Tualatin Park & Ride	Portland City Center	1 hour	6:45 AM – 10 AM / 3:30 – 7 PM	Monday – Friday	\$2.50
76	Regional	TriMet	Beaverton Transit Center	Tualatin	15 minutes	6 A.M. to Midnight	Monday – Saturday	\$2.50
96	Regional	TriMet	Commerce Circle	Portland City Center	1 hour, 30 minutes during AM & PM peak	5 A.M. to 9 P.M.	Monday – Friday	\$2.50

**Table 6. Transit Routes**

Route	Service Type	Agency	Origin	Destination	Frequency	Service Span	Days	Fare
97	Regional	TriMet	Tualatin	Sherwood	1 hour during the AM / 1:10 during the PM	6:15 - 9:30 / 3:30 - 7	Monday – Friday	\$2.50
2X	Regional	SMART	Wilsonville Transit Center	Tualatin Park & Ride	1 hour, 30 minutes during PM peak	5 A.M. to 9 P.M.	Monday – Saturday	Fare-free
Cascade	Regional	POINT	Eugene	Portland	Not standard	7 A.M. - 0:00 SB 8 A.M. - 9 P.M. NB	Monday – Saturday	\$4
WES	Regional	TriMet	Wilsonville WES Station	Beaverton TC WES Station	45 minutes	5:30 AM – 8:45 AM 3:30 PM – 7 PM	Monday - Friday	\$2.50



## Park & Ride

Tualatin offers four Park & Ride locations, three of which are served by transit six days per week, as shown in **Table 7**.

**Table 7. Park & Ride Locations in Tualatin**

Lot Name	Address	Parking Spaces	Bike Racks	Transit Connections	Days
Mohawk	SW Mohawk St & Martinazzi Ave, Tualatin, 97062	232	Yes	96 - 76	Monday-Saturday
Tualatin	SW 72nd Avenue & Bridgeport Road, Tualatin 97062	368	Yes	36 - 37 - 38 - 76 - 96 - 2X - Point	Monday-Saturday
Tualatin South	18955 SW Boones Ferry Rd, Tualatin 97062	147	Yes	WES - 76 - 97 - Tualatin Shuttle	Monday-Saturday
Boones Ferry Community Church of Christ	20500 SW Boones Ferry Rd, Tualatin, 97062	20	No	96	Monday-Friday

## Pedestrian System and Bicycle System

This section provides an overview of the existing City of Tualatin pedestrian and bicycle networks to inform transportation planning and development strategies that promote sustainable modes of transportation. The overview includes information on the current state of the pedestrian and bicycle network, including where infrastructure exists, where it is and is not comfortable to walk and bike, and locations of collisions. These existing conditions details will be used to identify gaps in the network and areas where improvements are needed.

### Existing Pedestrian Network and Inventory

In Tualatin, sidewalks and trails play an important role in the pedestrian network. In many parts of Tualatin, trails help to connect residential areas to parks and greenspaces in places where there are no roads or sidewalks. Trails also augment the sidewalk network and bridge barriers presented by large roadways, as in the case of the recently completed link of the Tualatin River Greenway under I-5.

**Figure 20** in the Existing Conditions report shows all sidewalks and trails in Tualatin, as well as the streets where sidewalks are missing on one or both sides. The condition of sidewalks is shown in **Figure 21**. Documenting all walkable facilities helps identify where gaps remain in

the pedestrian network and establishes a baseline for future planning efforts. (Note: The Existing Pedestrian Network map, included in the Existing Conditions Report reflects facilities as of November 2023 based on data provided by Metro and the City of Tualatin and the latest information about the City's capital projects.)

As part of the existing conditions inventory, the consultant team prepared a detailed Pedestrian System Inventory, incorporating details on facility types and road characteristics consistent with state standards (OAR Chapter 660 Division 12) and the requirements of the Climate-Friendly and Equitable Communities (CFEC) Program. These data are compiled in a GIS database and corresponding table containing detailed inventories of crosswalks, curb ramps, and sidewalks across the City. They contain information on the width and condition of sidewalks, crosswalk types, and curb ramp locations. Note that speed, volume, and road width data are the same as is detailed in the bicycle system inventory. Another important component of the pedestrian network is the spacing between crossings which is inventoried in **Figure 22**.

The pedestrian network of sidewalks and trails that provide routes for people to walk to their destinations is also reliant on infrastructure at intersections. **Figure 21** illustrates aspects of intersections and street crossings, such as signalized crosswalks and refuge islands, and rapid flashing beacons that have been installed to help people cross busy streets.

### *Sidewalk Conditions, Crosswalk Types, and Curb Ramp Inventory*

**Figure 21** shows the varying quality and condition of sidewalks across Tualatin. Vertical deflections, cracks, and obstructions all contribute to the quality of the sidewalk. This information is not only important for planners to understand where maintenance needs are, but also to locate areas that may be inaccessible for people who use mobility devices.

The sidewalk conditions map reflects facilities as of 2017 based on data provided by Metro and the City of Tualatin. Note that several sidewalks have been built since condition data has been collected. They are shown in the pedestrian network map (Figure 20).

### **For Further Study and Consideration**

Understanding where sidewalk conditions are insufficient and where safe crossings are located is critical for creating a more accessible transportation system for vulnerable communities. As the project moves forward we will be considering places where access to walking and biking opportunities is hindered by difficulty crossing major roadways.

### *Distance Between Marked Pedestrian Crossings*

In addition to street crossing inventories, OAR rules mandate that Pedestrian System Inventories must also include the spacing between crossings. **Figure 22** illustrates the



distance between marked crosswalks that cross arterial and major collector streets in Tualatin.

Multi-lane roadways can be difficult to cross, so every improved crossing helps to make the sidewalk and trail network more accessible for people walking. To create this map, residential streets and interstates were removed to leave arterials and collectors. Then, road segments with the same name were combined into single features, and divided into segments that correspond to the distances between crosswalks.

### For Further Study and Consideration

The crossing spacing analysis shows the potential gaps between existing crossings and highlights priority locations for additional crossings. Thus, it will be important to understand how these crossing locations relate to places where people frequently need to cross the street, including transit stops, parks, neighborhoods, and schools.

### *Pedestrian Level of Traffic Stress (PLTS)*

The purpose of the PLTS analysis, shown in **Figure 23**, is to classify streets in Tualatin based on how comfortable they are for walking. The analysis highlights the overall comfort of different segments of the pedestrian network and is required for Transportation System Plans in Oregon<sup>1</sup>. The results offer greater insight into the pedestrian experience than simply whether or not a sidewalk is present. The scores show the elements that may be missing from a street that could make pedestrians feel more comfortable, such as greater separation from traffic, wider sidewalks, smoother sidewalks, crosswalk and refuge availability, and other factors.

The analysis scores streets on a scale from 1 to 4, from most comfortable to least comfortable. In summary, the scores indicate the following conditions:

- PLTS 1- Due to the presence of sidewalks that are not adjacent to high volumes of traffic, people walking feel little to no traffic stress, requiring most people to pay little attention to the traffic situation around them.
- PLTS 2 – People feel some traffic stress; walking along this street requires more attention to the traffic situation than that of which young children may be capable. This would be suitable for children over 10, teens, and adults.
- PLTS 3 – People feel moderate stress; the facility is suitable for adults.
- PLTS 4 – People feel high traffic stress. Only able-bodied adults with limited route choices would typically use this facility.

It is important to note that roadways can score poorly even when they include a sidewalk. For example, if the sidewalk is narrow, cracked, adjacent to multi-lane roadway, it is rated as a higher PLTS. Additionally, if a road scores poorly for one criterion but better on another, the

resulting score is the lowest among both – so the PLTS results reflect the worst measure, not an average of all measures. If a street has a nice sidewalk on one side, but no sidewalk on the other, it is automatically scored as a PLTS 4, reflecting the experience for pedestrians on the missing side.

## For Further Study and Consideration

Understanding what factors (e.g., vehicle speed, landscape buffer, etc.) contribute to each street's PLTS score is critical to identifying future improvements that would lower the level of traffic stress for pedestrians and thereby encourage increased levels of walking for transportation. Identifying patterns among the scores will help the City use design standards to systematically improve the pedestrian experience.

### *Bicycle System Inventory*

In accordance with the requirements of the CFEC Program and consistent with state standards (OAR Chapter 660 Division 12), the consultant team compiled a bicycle system inventory in GIS that documents facility types and road characteristics of the existing bicycle system. The dataset and corresponding table include information on the width, type, and condition of various bicycle facilities, as well as speed, volume, separation, and road width data.

### *Existing Bicycle Network*

The bicycle facility inventory, illustrated in **Figure 24**, shows all of the designated on-street and off-street bicycle facilities in Tualatin. In Tualatin, bike facilities include striped bike lanes, striped buffered bike lanes, low-traffic-volume streets, and off-street trails and paths. Each of these facilities offers a different level of separation from traffic and are therefore more or less comfortable for riders of varying confidence and ability.

In Tualatin, low-traffic-volume streets (shown in gray) are streets where people must bike in mixed traffic and are mostly located on residential streets.

Bike lanes (shown in light blue) are found on most collectors and arterials in the city and are usually about six feet wide and defined by a wide painted stripe and bike symbol. Buffered bike lanes (shown in dark blue) increase the amount of separation between the bike lane and vehicle traffic, typically with a second painted line as a way to further delineate the space for people biking. Finally, off-street trails offer the highest level of separation from vehicle traffic. There are not currently any physically protected bike lanes in Tualatin.

Accounting for the location of all bike facilities helps identify where gaps remain in the bicycle network and establishes a baseline for future bikeway planning. This map reflects facilities as of November 2023 based on data provided by Metro and the City of Tualatin and latest information about the City's capital projects.



## For Further Study and Consideration

As the city plans for additional bikeways that are accessible for riders of all ages and abilities, it will be important to understand how trails relate to enhanced crossings of major streets. It will also be important to consider how low-traffic-volume streets could be enhanced for bicyclists, such as designating key routes as bicycle boulevards or neighborhood greenways.

### *Bicycle Level of Traffic Stress (BLTS)*

**Figure 25** and the BLTS analysis classifies streets in Tualatin based on how comfortable they are to travel by bicycle. The analysis is a tool for examining the overall comfort of the bicycle network and is required for Transportation System Plans in Oregon<sup>3</sup>. The results offer insight into the experience of biking in the city, rather than simply whether or not a street has a bike lane. The scores identify elements, such as greater separation from traffic, lower speeds, and turn box availability, that may be missing from a street that would make biking feel more comfortable.

The analysis scores streets on a scale from 1 to 4, from most comfortable to least comfortable. In summary, the scores indicate the following conditions:

- LTS 1- Due to the separation of people biking from moving cars and trucks, this score represents little traffic stress. Since traveling by bike requires the rider to pay little attention to traffic, it is suitable for use by people of all ages and abilities.
- LTS 2 - People feel some traffic stress. Biking on the street requires more attention to traffic conditions than young children would be expected to deal with, so is suitable for teens and adults with adequate bike handling skills.
- LTS 3 - People feel moderate stress when biking because they need to pay attention to and interact with surrounding traffic. Suitable for most adults with experience biking.
- LTS 4 - Most people feel high levels of stress due to the proximity to and interactions with traffic. Only suitable for skilled adults with experience biking.

If a segment scores poorly for one criterion but better on another, the resulting score is the lowest among both - so the BLTS results reflect the worst measure, not an average of all measures.

## For Further Study and Consideration

Understanding how the bike network interfaces with the BLTS scores provides insight into the improvements necessary for increasing levels of biking for transportation.

For Tualatin, a recurring theme is that left turn lanes often cause a roadway to score lower than it would otherwise. However, after discussions with the project team, this criteria table was omitted from the analysis due to widespread inflation of scores. Still, the issue of left

turns remains, and ODOT recommends that left turn lane LTS scores can be improved to LTS 1 by providing two-stage left turns with regular and left-turn queue bike boxes. Identifying locations where cyclists are likely to make left turns to continue onto the bike network would help prioritize locations for bike turn boxes and would lower the LTS score for the roadway.

Recognizing that many destinations are located and surrounded by high-stress roadways, including Boones Ferry Road, Tualatin Sherwood Road, and SW Nyberg Street, underscores the importance of reviewing these locations for opportunities to improve facilities and establish low-stress routes. This proactive approach is essential to ensure the safety and well-being of the community.

### **Truck Freight**

The freight network in Tualatin is comprised of local freight routes and state and federal truck routes, as highlighted in **Figure 27** in the Existing Conditions document. I-5 is part of the National Highway Freight Network Critical Urban Corridors. I-5 can have freight bottlenecks, within the Portland Metro, that affect Tualatin.

### **Marine**

Many companies in Tualatin produce goods that are transported by ship, or receive goods transported by ship. The viability of marine transport (shipping) to and from the Portland area affects businesses in Tualatin. The closest major marine ports are the Port of Portland and Port of Vancouver, both approximately 22 miles north of Tualatin.

Within Tualatin, marine travel is limited to the Tualatin River which has recreational boat ramps and launch platforms at the following parks:

- Jurgens Park
- Tualatin Community Park
- Browns Ferry Park

### **Rail**

There are two rail lines in Tualatin, as seen in **Table 8**. Rail in Tualatin is important to businesses and the regional economy as it transports people and goods. However, rail can potentially cause congestion and extended blockages of crossings on the city's roadways and create safety concerns at crossings, all of which should be considered as future projects are developed in areas where rail is present.



**Table 8. Rail Lines in Tualatin**

Route	Direction	Type of Service	Owners	Classification
Westside Express Service Commuter (WES)	North – South	Transit, Freight	TriMet	I
Portland & Western (PNWR)	Northeast – Southwest	Freight	PNWR	II

1.

## **Pipeline**

There is a natural gas pipeline, operated by Northwest Natural Gas Company, that runs north to south from Bridgeport Village through Lower Boones Ferry Road and then through Service Road OR 141. The pipeline has terminals in Durham, Oregon, and Wilsonville, Oregon.

## **Operations and Safety**

The following section discusses the traffic operations on the existing network. The analysis evaluates the demand for the network for vehicles and how well the existing system serves the residents of Tualatin.

### **Existing Traffic Conditions**

The evaluation of existing traffic conditions focuses on daily volumes along key corridors in Tualatin, along with afternoon peak-hour operations at 21 intersections in the City.

### **Intersection Operations**







One way to quantify delay experienced by drivers is through intersection operations analysis. As part of the existing conditions inventory, 21 key intersections in Tualatin were evaluated during the evening commute hour to identify locations where congestion occurs on the existing transportation system during peak travel hours.

### **Level of Service and Delay**

Level of Service (LOS) is a standard method for characterizing delay at an intersection. For signalized and all-way stop controlled (AWSC) intersections, the LOS is based on the average delay for all approaches. For two-way stop controlled (TWSC) intersections, the movement with the highest delay is used.

**Table 9** summarizes the LOS and delay thresholds specified in the 6<sup>th</sup> Edition Highway Capacity Manual (HCM), which is a standard methodology for measuring intersection performance.

**Table 9. Level of Service Definitions**

Level of Service	Description	Signalized Intersection Delay (seconds/vehicle)	Unsignalized Intersection Delay (seconds/vehicle)
 <b>A</b>	Free-flowing Conditions	≤ 10	0-10
 <b>B</b>	Stable Flow (slight delays)	>10-20	>10-15
 <b>C</b>	Stable Flow (acceptable delays)	>20-35	>15-25
 <b>D</b>	Approaching Unstable Flow (tolerable delay)	>35-55	>25-35
 <b>E</b>	Unstable Flow (intolerable delay)	>55-80	>35-50
 <b>F</b>	Forced Flow (congested and queues fail to clear)	>80	>50

Source: 6<sup>th</sup> Edition Highway Capacity Manual, 2016

For most of the study intersections, traffic operations were analyzed using Synchro 11 software. For a few locations, described in more detail below, SimTraffic was used to better reflect congested conditions known to occur. The Synchro network reflects the existing roadway network including intersection geometry, signal timing, and vehicle and pedestrian/bicycle volumes.

The City has set LOS standards of D and E for signalized and unsignalized intersections respectively in Tualatin, as seen in TDC 74.440(3)(e).

### **Delay**

Delay is a direct calculation of the wait time in seconds experienced by motorized vehicles at the intersections. Delay can be calculated for each vehicle, by approach or by intersection. The delay includes the queue delay and the control delay. Queue delay is experienced by vehicles waiting in traffic before getting through the intersection. Control delay is the wait time of vehicles at the intersections exerted by the signalized intersections alone.

### **Simtraffic Calibration**

As described above, isolated intersection analysis using the Synchro software resulted in LOS/delay results that were found to match field observations and known congestion levels at most of the intersections. For two intersections, SW Boones Ferry Road & SW Tualatin-Sherwood Road and SW Boones Ferry Road & SW Martinazzi Avenue, a more detailed operational analysis was required to better reflect existing conditions. For these



intersections, microsimulation using the SimTraffic software was used to better reflect the impact on operations of spillback between intersections and closely spaced intersections.

The Simtraffic network was calibrated using video from the traffic count collection data and data available from Washington County's INRIX portal. INRIX data, which uses vehicle data gathered from GPS devices, was used to confirm delay experienced by movement at these intersections, while video data was used to estimate the true vehicle demand for these intersections compared to the number of vehicles that could be served during the peak hour.

To calibrate the SimTraffic network to existing conditions, delay reported by SimTraffic was compared to the delay reported by INRIX for individual movements at each intersection. For movements where SimTraffic was found to report lower delay than the delay reported by INRIX and what was observed in the field, video data was referenced to understand how volume should be adjusted to account for demand not being served.

At the intersection of SW Boones Ferry Road & SW Tualatin-Sherwood Road, the southbound left-turn onto SW Tualatin-Sherwood Road was the primary movement where calibration was needed. Calibration of this movement included increasing volume on this movement by 20% to match demand for the movement. With this change, LOS for this movement was degraded to LOS F, which matches field observations and delay reported in INRIX. Other movements at this intersection that operate with high levels of delay include: the left-turn movements on the eastbound, westbound, and northbound approaches, and the northbound through movement. Queueing was also observed to occur on the northbound approach at this intersection and while not included in this analysis, interactions with the SW Tonka Street intersection, approximately 150 feet south of the intersection, also contribute to queueing at this location. Based on SimTraffic results, the intersection as a whole operates at LOS D during the PM peak hour. This was confirmed with INRIX data, which also reports LOS D for this intersection. This is a result of prioritizing operations for the eastbound and westbound through movements, which have the highest volume, and experience the lowest amount of delay.

The other intersection evaluated in SimTraffic was the SW Boones Ferry Road & SW Martinazzi Avenue intersection. When using SimTraffic, delay at this intersection was found to correlate to LOS D operations. As data available in INRIX indicates that this intersection generally operates at LOS C, no additional adjustments were made at this intersection. The movement found to operate with the highest delay both in SimTraffic and based on data reported by INRIX is the southbound left-turn.

### ***Summary of Existing Deficiencies***

As shown in **Table 10**, there is one study intersection with an LOS E, indicating a high amount of delay. This intersection is at SW 65<sup>th</sup> and SW Borland Road.

**Table 10. Intersection Level of Service (LOS)**

ID	Name	Control	LOS / Delay	Worst Mvmt	HCM
1	SW 124 <sup>th</sup> Ave & Hwy 99W	Signal	B/19	-	HCM 2000
2	SW 124 <sup>th</sup> Ave & SW Tualatin Rd	Signal	C/21	-	HCM 2000
3	SW 124 <sup>th</sup> Ave & SW Herman Rd	Signal	B/18	-	HCM 6 <sup>th</sup>
4	SW Cipole Rd & SW Herman Rd	AWSC	B/11	-	HCM 6 <sup>th</sup>
5	SW 124 <sup>th</sup> Ave & Tualatin-Sherwood Rd <sup>1</sup>	Signal	/	-	
6	SW Tonquin Rd & SW Grahams Ferry Rd	TWSC	B/15	EBL	HCM 6 <sup>th</sup>
7	SW Ibach St & SW Boones Ferry Rd	Signal	C/34	-	HCM 6 <sup>th</sup>
8	SW Avery St & SW Teton Ave	AWSC	B/14	-	HCM 6 <sup>th</sup>
9	SW Sagert St & SW Boones Ferry Rd	Signal	C/28	-	HCM 6 <sup>th</sup>
10	SW 90 <sup>th</sup> Ave & SW Tualatin-Sherwood Rd	Signal	D/42	-	HCM 6 <sup>th</sup>
11	SW Boones Ferry Rd & SW Tualatin-Sherwood Rd <sup>2</sup>	Signal	D/48	-	-
12	SW Martinazzi Ave & Tualatin-Sherwood Rd <sup>1</sup>	Signal	/	-	
13	SW Nyberg St & I-5 SB Ramps <sup>1</sup>	Signal	/	-	
14	SW Nyberg St & I-5 NB Ramps <sup>1</sup>	Signal	/	-	
15	SW 65 <sup>th</sup> Ave & SW Borland Rd	Signal	E/60	-	HCM 6 <sup>th</sup>
16	SW 65 <sup>th</sup> Ave & SW Sagert St	Signal	C/23	-	HCM 6 <sup>th</sup>
17	SW Tualatin Rd & SW Boones Ferry Rd	Signal	C/28	-	HCM 2000
18	SW Martinazzi Ave & SW Boones Ferry Rd <sup>2</sup>	Signal	D/54	-	-
19	SW Bridgeport Rd & SW Lower Boones Ferry Rd <sup>1</sup>	Signal	D/37	-	HCM 6 <sup>th</sup>
20	SW Lower Boones Ferry Rd & I-5 SB Ramps	Signal	B/15	-	HCM 6 <sup>th</sup>
21	SW Lower Boones Ferry Rd & I-5 NB Ramps	Signal	B/18	-	HCM 6 <sup>th</sup>

Note:

<sup>1</sup> Intersection is currently under construction and was therefore not analyzed in the existing conditions. These will be included in the future conditions analysis.

<sup>2</sup> Intersection analyzed using microsimulation, this represents to intersection average, see text for additional information on movements operating with high delay.

## Safety

The collision data and analysis described below is derived from ODOT collision data from 2017 to 2021.



## Collision Summary

Around 80% of collisions in Tualatin occurred on arterials, with many of these collisions occurring on SW Tualatin Sherwood Road. Boones Ferry Road also had a significant numbers of crashes. Over half of collisions for all modes are rear-ends, as seen in **Table 11**. Around 17% and 11% of collisions occurred due to turning movements and overtaking, respectively. The most common cause of bicycle-involved collisions was from vehicles making turning movements.

**Table 11. Types of Vehicular Collisions**

Type of Collision	Percentage
Angle	2%
Backing	1%
Fixed Object or Other Object	8%
Head-On	0%
Miscellaneous	1%
Non-collision	0%
Parking Maneuver	0%
Pedestrian	1%
Rear-End	57%
Sideswipe - Meeting	1%
Sideswipe - Overtaking	11%
Turning movement	17%

Source: ODOT Collision Data, 2017-2021

## Bicycle and Pedestrian Collisions

**Figure 32** documents collision locations and the frequency of collisions in Tualatin. Knowing what factors affect crash risk is an important step to implementing changes to the transportation system that might mitigate them. The map illustrates collision locations and frequency. Knowing what factors affect crash risk is an important step to implementing mitigation measures.

The collision data and analysis presented in the bicyclist and pedestrian-involved collision map are derived from ODOT records from 2017 to 2021. The yellow rings around crash locations indicate that more than one crash occurred in that location. **Table 12** provides a summary of reported pedestrian and bicycle-related injuries and fatalities from 2017-2021.

**Table 12. Bicyclist and Pedestrian-Involved Collisions (2017-2021)**

Year	Bicyclist-Involved	Pedestrian-Involved	Year Total
2017	7	5	12
2018	8	3	11
2019	3	5	8
2020	4	4	8
2021	1	4	5
Total	23	20	44

### For Further Study and Consideration

Safety needs for pedestrians and bicyclists span the extent of the city. Identifying priority areas with higher crash frequencies and severities, whether in proximity to high equity need areas, school zones, parks, or at other locations, can help to identify near term investments.

#### *ODOT SPIS*

A Safety Priority Index System (SPIS) identifies and ranks intersections and roadway segments that are most likely to benefit from crash reduction countermeasures. Typically, a SPIS considers linear crash data along roadway and excludes side-street crashes at intersections. Most SPISs use three-years of crash data and provide SPIS scores that range between 0 (least severe) and 100 (most severe) based on crash frequency, crash rate, and crash severity. ODOT publishes a statewide SPIS and an SPIS for each region, which includes all ODOT owned roadways and highways.

According to 2021 SPIS reports, there are 33 ODOT owned intersections and roadway segments in Tualatin that fall in the 95<sup>th</sup> percentile of SPIS scores. Of those, the top ten scores occur along I-5 and at Nyberg Road at the I-5 interchange.

#### *Washington County SPIS*

The Washington County SPIS identifies and ranks intersections similarly to the ODOT SPIS. The Washington County SPIS analyzes intersections, rather than roadway segments. Of the hundred highest ranking intersections in Washington County by SPIS (2018-2020) score, the intersections within Tualatin city limits are #2 Tualatin-Sherwood Rd at 124<sup>th</sup> Ave; #21 Tualatin-Sherwood Rd at Boones Ferry Rd; #64 Tualatin-Sherwood Rd at Teton Ave; #68 Tualatin-Sherwood Road at Nyberg Rd (and shopping center accesses); and #93 Lower Boones Ferry Rd at 72<sup>nd</sup> Ave and Bridgeport Rd.



## ***Transportation Demand Management***

Transportation Demand Management (TDM) is the application of strategies and policies to redistribute demand from single-occupancy vehicles to alternative modes of travel to lower vehicle miles traveled (VMT).

One strategy is Employee Commute Options, a mandatory program for large employers. Under the Department of Environmental Quality's (DEQ) ECO Program, employers with more than 100 employees must provide commute options to employees designed to reduce the number of cars driven to work in Portland and surrounding areas.

In and around Tualatin, there are around 4,013 employees that are ECO eligible and around 109 incentives available to encourage use of alternative modes, including bike lockers, showers, subsidized TriMet passes, and more. The Tualatin Shuttle, by Ride Connection, provides transportation for commuters to and from the Tualatin WES Commuter Rail Station.

## ***Transportation Systems Management and Operations***

Transportation Systems Management and Operations (TSMO) is a set of strategies that focus on operational improvements that can maintain and even restore the performance of the existing transportation system before extra capacity is needed. These cost-effective strategies include things like smarter signal timing, coordinated traffic incident response and traveler information. In Tualatin, some of the traffic signals on Tualatin-Sherwood Road and Nyberg Road at the I-5 interchange use adaptive signal timing to optimize the traffic flows.

## ***Access to Schools***

There are 19 schools within the City of Tualatin, ranging from elementary school to college and both publicly and privately run. There is a Safe Routes to School (SRTS) program for the Tigard-Tualatin School District that encourages active transportation to and from schools. Some schools are located near collision hot spots. Additionally, schools are often not located near completed sidewalk segments, making it difficult for students to walk to school safely.



## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Megan George, Deputy City Manager  
**DATE:** January 22, 2024

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**SUBJECT:**

Prohibition and Regulation of Camping on Public Property Ordinance Check-In

**EXECUTIVE SUMMARY:**

Last June, the City Council adopted Ordinance 1475-23, which prohibited and regulated camping on public property in Tualatin. As part of the City Council's discussion, they requested an update on implementation of the ordinance after approximately six months' time.

Thus far, staff have not observed changes locally in the level of activity or the behaviors related to outdoor camping since the ordinance was adopted. In addition, there has been no change to the legal landscape related to the prohibition and regulation of camping on public property in Oregon.

Staff is looking for direction from the City Council as to whether they would like to make changes to the ordinance.

**BACKGROUND:**

Two recent decisions out of the Ninth Circuit Court of Appeals (*Martin v. Boise* and *Johnson v. City of Grants Pass*) held that a governmental entity cannot "criminalize conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping" under the Eighth Amendment to the Constitution. In addition, individuals similarly must be permitted to take minimal measures to keep warm and dry while sleeping.

In 2021, the Oregon Legislature passed HB 3115 (codified as ORS 195.530), which requires any regulation of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public to be objectively reasonable as to time, place, and manner prior to July 1, 2023.

On June 26, 2023, the Tualatin City Council adopted Ordinance 1475-23, immediately repealing and replacing Tualatin Municipal Code Chapter 6-12-030 and amending Tualatin Municipal Code Chapter 6-12-010. The key components of the ordinance are summarized below.

Time

Camping prohibited between 7am and 7pm.

Place

Camping prohibited in:



- City-owned or maintained parking lots.
- Within 500 feet of schools, freeway entrances/exits.
- Within 20 feet of a building.
- Natural Resource Protection Overlay, Wetland Protected Areas, Natural Areas, greenways, and landscaped areas.
- Public right-of-way and railroad right-of-way.
- Municipal grounds and the Library Plaza.
- City Parks.

#### Manner

- May not accumulate, discard, or leave behind trash, etc.
- May not dig, excavate, erect/install fixtures, harm vegetation.
- May not obstruct or attach camp materials to public infrastructure or private property structures.
- Campsite is limited to 12x12 feet and may not be within 10 feet of another campsite.
- No unauthorized connections to electrical outlets or other utilities.
- May not start or maintain a fire.
- May not create a physical impairment to emergency ingress or egress.

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#### **ATTACHMENTS:**

- Presentation
- Ordinance No. 1475-23
- Attachment – Camping Allowed Areas Map

CITY OF TUALATIN  
ORDINANCE NO. 1475-23  
AN ORDINANCE PROHIBITING AND REGULATING CAMPING IN THE CITY OF TUALATIN

WHEREAS, the court decisions *Martin v Boise* and *Johnson v Grants Pass* held that prohibiting camping in the absence of available shelter violates a person's Eighth Amendment rights against cruel and unusual punishment, but that a municipality may adopt reasonable time, place, and manner regulations; and

WHEREAS, Oregon House Bill 3115 (2021) codified the *Martin v Boise* decision and required all local government regulation of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place, and manner prior to July 1, 2023; and

WHEREAS, the intent of this ordinance is to enhance the livability, including health and safety, for all community members as well as to protect the environment, community assets, and infrastructure of Tualatin; and

WHEREAS, camping in certain sensitive or high-risk areas creates a danger to the environment, the public, and the persons experiencing homelessness; and

WHEREAS, camping in certain locations or infrastructure prevents the public's ability to use those locations for their intended purpose and may result in imminent threats to life safety; and

WHEREAS, when shelter is not available, this ordinance allows a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces in a safe way, as designed and intended.

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

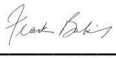
- SECTION 1: Tualatin Municipal Code Chapter 6-12-030, Camping Prohibited on Public Property, is hereby repealed in its entirety and replaced with the attached Exhibit A.
- SECTION 2: Tualatin Municipal Code Chapter 6-12-010, Definitions, is hereby amended as provided in Exhibit B.
- SECTION 3: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity does not affect the other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion therefore and intends that the invalid portions should be severed and the balance of the ordinance be enforced.



SECTION 4: This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect immediately on its passage.

ADOPTED by the City Council this 26th day of June, 2023.

CITY OF TUALATIN, OREGON

By 

Mayor

ATTEST:

By   
Sherilyn Lombos (Jun 27, 2023 13:58 PDT)

City Recorder











# Ordinance No. 1475-23

Final Audit Report

2023-06-27

Created:	2023-06-27
By:	Nicole Morris (nmorris@tualatin.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAxmFJS_voN15vesTge21GVzXKGM9IGDGJ

## "Ordinance No. 1475-23" History

-  Document created by Nicole Morris (nmorris@tualatin.gov)  
2023-06-27 - 4:41:31 PM GMT- IP address: 208.71.205.225
-  Document emailed to fbubenik@tualatin.gov for signature  
2023-06-27 - 4:41:43 PM GMT
-  Email viewed by fbubenik@tualatin.gov  
2023-06-27 - 6:43:44 PM GMT- IP address: 152.39.139.74
-  Signer fbubenik@tualatin.gov entered name at signing as Frank Bubenik  
2023-06-27 - 6:44:11 PM GMT- IP address: 174.174.120.236
-  Document e-signed by Frank Bubenik (fbubenik@tualatin.gov)  
Signature Date: 2023-06-27 - 6:44:13 PM GMT - Time Source: server- IP address: 174.174.120.236
-  Document emailed to slombos@tualatin.gov for signature  
2023-06-27 - 6:44:14 PM GMT
-  Email viewed by slombos@tualatin.gov  
2023-06-27 - 8:58:25 PM GMT- IP address: 162.43.251.251
-  Signer slombos@tualatin.gov entered name at signing as Sherilyn Lombos  
2023-06-27 - 8:58:45 PM GMT- IP address: 208.71.205.225
-  Document e-signed by Sherilyn Lombos (slombos@tualatin.gov)  
Signature Date: 2023-06-27 - 8:58:47 PM GMT - Time Source: server- IP address: 208.71.205.225
-  Agreement completed.  
2023-06-27 - 8:58:47 PM GMT



## Exhibit A

### Tualatin Municipal Code Chapter 6-12-030

#### Camping Prohibited on Public Property

##### (1) Camping Prohibited.

It is unlawful for any person to camp in or upon any public right-of-way or City property, unless specifically authorized.

(a) By City Code.

(b) In a declaration of a local emergency or disaster.

(c) By the City Manager or designee when deemed necessary to serve the public interest.

##### (2) Time, Place, and Manner Regulations.

(a) A person without available shelter may camp on outdoor City property that is open to the public if all of the following time, place, and manner regulations are followed.

(b) Time Regulations. A person without available shelter may camp on City property as permitted by subsection (2)(a) only if the person complies with all of the following time restrictions.

(i) A person may only camp between the hours of 7pm and 7am. After 7am, a person without available shelter must dismantle the campsite and remove all personal property and camp materials from the campsite.

(c) Place Regulations. A person without available shelter may not camp in the following places at any time.

(i) Within any City-owned or maintained parking lot.

(ii) Within 500 feet from a public or private elementary school, secondary school, or career school attended primarily by minors.

(iii) Within 500 feet from an egress or ingress to a freeway.

(iv) Within 20 feet of a building, including but not limited to, residences, commercial buildings and City buildings.

(v) Within the Natural Resource Protection Overlay, Wetland Protected Areas, Natural Areas identified in the Parks and Recreation Master Plan, greenways, and landscaped areas on publicly owned land.

(vi) In areas underneath roadways or bridges and publicly owned property that is not open to the public.

(vii) In the public right-of-way and railroad right-of-way.

(viii) Within City Parks.

(ix) Within municipal grounds and the Library Plaza.

(d) Manner Regulations. A person without available shelter may camp on City property as permitted by subsection (2)(a) if the person complies with all of the following manner regulations.

(i) A person may not accumulate, discard, or leave behind in or around a campsite any rubbish, trash, garbage, debris, or other refuse, unsanitary or hazardous materials, or any animal or human urine and feces.

(ii) Digging, excavating, terracing of soil or other alteration of City property, or causing environmental damage or damage to vegetation or trees is prohibited.

(iii) Obstruction or attachment of camp materials to public infrastructure or private property structures, including bridges or bridge infrastructure, fire hydrants, utility poles, streetlights, traffic signals, signs, fences, trees, vegetation, vehicles, or buildings is prohibited.

(iv) Erecting, installing, placing, leaving, or setting up any type of permanent or temporary fixture or structure of any material or materials in or around a campsite is prohibited. For purposes of this section, a “permanent or temporary fixture or structure” does not include a tent, tarpaulin, or other similar item used for shelter that is readily portable.

(v) A campsite must be limited within a spatial footprint of 12 feet by 12 feet, or 144 square feet, and a campsite may not be within 10 feet of another campsite. Multiple persons may camp together in a single campsite, subject to the limitations of this subsection.

(vi) Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards are prohibited.

(vii) Dumping of gray water (i.e. wastewater from bathwater, sinks and cooking) or black water (sewage) on City property is prohibited.

(viii) Open flames, recreational fires, burning of garbage, and bonfires are prohibited except as specified in Chapter 5-2-040.

(ix) Camping materials may not create a physical impairment to emergency ingress or egress or emergency response including within 10 feet of any fire hydrant, utility pole, or other utility, fire gate/bollards, or public infrastructure used for emergency response.

### (3) Violation.

(a) A violation of this Chapter is punishable as follows:

(i) Civil Infraction, punishable by a fee of \$35;

(ii) Citation in lieu of arrest for criminal trespass in the second degree; or

(iii) Arrest for criminal trespass in the second degree.

(b) A civil infraction or citation in lieu of arrest issued pursuant to section (3)(a)(i-ii) (above) may be accompanied by an order of exclusion for up to 60 days.

(c) An arrest for criminal trespass pursuant to section (3)(a)(iii) (above) may be accompanied by an order of exclusion for not more than 180 days.



(d) Nothing in this Section is intended to prescribe any particular order of violation or penalty. A police officer has discretion to impose a violation tailored to the circumstances and necessary to maintain the health and safety of persons experiencing homelessness and the community.

## Exhibit B

### Tualatin Municipal Code Chapter 6-12

#### PROHIBITED PUBLIC BEHAVIORS

##### 6-12-010 Definitions.

*Alcoholic Beverage* includes beer, wine, ales, alcoholic liquors and all beverages containing alcohol.

*Available shelter* is a shelter that is able to be used or at a person's disposal based on the individual facts and circumstances of that particular person. A shelter is considered not available to a person if, based on the individual facts and circumstances of that particular person, the shelter cannot be accessed or utilized for sitting, sleeping, and keeping warm and dry. Such situations include, but are not limited, to a shelter that:

1. Requires payment and the individual does not have money to pay for the shelter;
2. Has a maximum stay rule or temporal requirement or deadline the person has exceeded or not met;
3. Has excluded the person from the shelter for any lawful reason;
4. Cannot reasonably accommodate the person's mental health or physical needs;
5. Is unavailable due to the person's family status, age, gender, gender identity, sexual orientation, or other status;
6. Has excluding general rules that prohibit alcohol or drug use in the shelter or on shelter grounds or is unavailable to the person because the shelter has rules about alcohol or drug use that the person does not meet;
7. May prohibit a minor child to be housed in the same facility with at least one parent or legal guardian;
8. Requires participation in religious activity or receipt of religious information or religious teaching the person does not wish to participate in or receive; or
9. Requires a person to leave their pet(s) unattended in order to stay at the shelter. This section does not apply to service animals under the Americans with Disabilities Act.

*Camp or Camping* means to pitch, erect, create, use or occupy camp materials for the purpose of establishing or maintaining a permanent or temporary place to live.

*Camp materials* include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps or tarpaulins, cots, beds, sleeping bags, blankets, mattresses, sleeping or bedding materials, food or food storage items, or similar items that are or appear to be used as living or sleeping accommodations, or to assist with living or sleeping activities. *Campsite* means any place established or maintained for the purpose of camping.

*City property* means any real property or structures owned, leased, or managed by the City.

*Downtown Area* means the area bounded on the north beginning at 90th and Tualatin Road along the north right-of-way to the access road by the Tualatin Country Club back to the Tualatin River then extending to include the incorporated portion of the City of Tualatin that lies north of the Tualatin River



down to the intersection of the railroad tracks with the Interstate Highway 5 right-of-way; on the East by the east side of the Interstate Highway 5 right-of-way; on the South by the south side of the right-of-way of Nyberg Street through its connection with and along Tualatin-Sherwood Road to 90th; and on the West by the west side of the right-of-way of 90th Street up to its intersection with Tualatin Road. (See Map.)

*Freeway* means a highway for through traffic where access to the highway is fully controlled except as may be allowed at designated interchanges and includes Interstate 5, Interstate 205, and Highway 99W.

*Open to the public* shall mean City properties where members of the public are not prohibited from being by law, rule, regulation, or custom including, but not limited to the properties being closed due to hour restrictions, physical barriers, or because they are temporarily being used for another purpose. Examples of properties that are not open to the public include properties being used for City water facilities such as reservoirs, parks that are closed overnight, properties that are under repair, or properties for which a permit has been issued for an event.

*Parking lot* means all developed or undeveloped areas or facilities owned, maintained, and/or leased by the City and are designated for the parking of vehicles.

*Right-of-way* means an area that allows for the passage of people, goods, or utilities. Right-of-way may include freeways, pedestrian connections, and streets. A right-of-way may be dedicated or deeded to the public for the public use or owned by the City or other public body.

*Shelter* means a place an individual may access for the purposes of sitting, sleeping, and keeping warm and dry, which may include but is not limited to a residence, hotel, motel, or a public or private facility developed or legally established for people experiencing homelessness that does not charge for services.







## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Rich Mueller, Parks Planning & Development Manager  
**DATE:** January 22, 2024

---

**SUBJECT:**

Consideration of **Resolution No. 5751-24** Awarding the Contract for Construction of Veterans Plaza at the Tualatin Commons.

**RECOMMENDATION:**

Staff recommends that Council approve the resolution awarding and authorizing the City Manager to execute a contract with Paul Brothers, Inc. to construct Veterans Plaza at the Tualatin Commons in the amount of \$3,577,413.

**EXECUTIVE SUMMARY:**

The City Council accepted the Veterans Plaza Concept Planning and Site Selection Report and the Veterans Plaza Plan and Design Report. These two planning efforts were a result of veterans of all eras and branches, family members of veterans, and community members' extensive community engagement and public involvement. This planning informed who should be honored, core themes and objectives, location, site elements and design. Based on the site design that veterans and community members desired, the City proceeded with construction documents, and issued for construction bids.

The construction contract was advertised in the Daily Journal of Commerce on December 6, 2023. Two (2) bids were received before the bid period closed on January 9, 2024. Paul Brothers, Inc. submitted the lowest responsible bid for the project in the amount of \$3,577,413.

**OUTCOMES OF DECISION:**

Adopting the resolution and authorizing contract execution would allow construction of this project to proceed.

**FINANCIAL IMPLICATIONS:**

Funds for this project are available in the Parks Bond Project Fund.

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**ATTACHMENTS:**

Resolution No. 5751-24 Awarding Contract



RESOLUTION NO. 5751-24

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION  
OF VETERANS PLAZA AT THE TUALATIN COMMONS

WHEREAS, the above-referenced project was advertised on December 6, 2023 in the *Daily Journal of Commerce* and the City requested competitive sealed bids as part of its capital improvement program;

WHEREAS, two bids were received prior to the close of the bid period on January 9, 2024;

WHEREAS, Paul Brothers, Inc. submitted the lowest responsible bid for the project in the amount of \$3,577,413; and

WHEREAS, design for construction aligns with the Council accepted Concept Planning & Site Report and Veterans Plaza Plan & Design Report, which are the result of extensive community and veteran engagement; and

WHEREAS, there are funds budgeted for this project in the Parks Bond Project Fund.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

**Section 1.** Paul Brothers, Inc. is hereby awarded a contract for the Veterans Plaza at Tualatin Commons.

**Section 2.** The City Manager is authorized to execute a contract with Paul Brothers, Inc. in the amount of \$3,577,413.

**Section 3.** The City Manager, or the City Manager's designee, is authorized to execute Change Orders totaling up to 10% of the original contract amount.

**Section 4.** This resolution is effective upon adoption.

Adopted by the City Council this 22<sup>nd</sup> day of January, 2024.

ATTEST:

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
City Recorder

BY \_\_\_\_\_  
Mayor



## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Cody Field, Management Analyst II  
Rich Mueller, Parks & Planning Manager

**DATE:** January 22, 2024

---

**SUBJECT:**  
Consideration of the System Development Charge Annual Reports for Fiscal Year 2022-23

**RECOMMENDATION:**  
Staff recommends that Council accept the attached reports for the Water, Sewer, Storm, TDT and Parks System Development Charges.

**EXECUTIVE SUMMARY:**  
Council established the current Sewer, Storm, and Water SDCs in 1991, and the Transportation Development Tax in 2010. The Parks SDC was adopted in 2019.

The attached reports fulfill the requirement of ORS 223.311 to provide an annual accounting of the SDCs and to recommend any changes to the SDC Chapter of the Tualatin Municipal Code.

---

### **ATTACHMENTS:**

- Attachment A SDC Annual Reports for FY 22-23 Combined.pdf



# **ATTACHMENT A**

## **CITY OF TUALATIN WATER SYSTEM DEVELOPMENT CHARGE (SDC) REPORT Annual Report for Fiscal Year 2022/23**

### **Introduction**

In 1991, the City of Tualatin adopted Ordinance 833-91, which established a System Development Charge (SDC) for connection to the City of Tualatin water system. This SDC fee was based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the water system.

An update to the Water SDC Methodology was approved on December 8, 2003. Beginning February 1, 2005 and each February 1st thereafter, the water SDC automatically increased according to the Engineering News Record Construction Cost Index. These provisions are incorporated into the Tualatin Municipal Code Section 2-06.

In addition to the annual indexing in February 2018, in June 2018 an additional increase was approved by Council on Resolution 5374-18 to enact the recommendation included in the 2013 master plan. The rate increased from \$4,132 to \$4,428 per EDU.

### **Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Water SDC as adopted by the City of Tualatin.

### **Revenue**

During the period of this report (July 1, 2022 to June 30, 2023) the City of Tualatin collected \$334,698.00 in Water SDC fees in accordance with Ordinance 833-91. Interest earned on the SDC fund balance was \$41,541.16.

### **Credits**

Credits in the amount of \$16,698 were used towards the payment of Water SDCs in fiscal year 2022/23.

### **Expenditures**

The Water SDC fees were determined by the ordinance methodology and retained in the Water Development (Water SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2022/23 by the Water SDC revenues were as follows:

**Project Description**

**SDC Amount**

1. Transfer to General Fund (Costs associated with management of Water SDC)	\$0
2. Transfer to Building Fund (Costs associated with processing SDCs by Building Division)	\$16,250.00
3. Transfer to Water Operating	\$475,576.31
<hr/>	
Total Expenditures	\$491,826.31

**Recommendation**

Staff recommends that Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the Water SDCs. No change to methods, procedures or fees as outlined in Ordinance 833-91 is recommended at this time.



**CITY OF TUALATIN**  
**SEWER SYSTEM DEVELOPMENT CHARGE (SDC) REPORT**  
Annual Report for Fiscal Year 2022/23

**Introduction**

According to Tualatin Municipal Code, Chapter 2-6-060, System Development Charges (SDCs) for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. The Sewer SDC fee was established by intergovernmental agreement with Clean Water Services in which the City collects the revenue, remitting 96% to Clean Water Services and retaining 4%. The fee is based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the sewer system.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Sewer SDC as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2022 to June 30, 2023) the City of Tualatin collected \$1,097,426.25 in Sewer SDC fees from development. Interest earned on the SDC fund balance was \$92,583.12.

**Credits**

No credits were used towards the payment of Sewer SDC in fiscal year 2022/23.

**Expenditures**

The Sewer SDC fees are determined by the Clean Water Services methodology and retained in the Sewer Development (Sewer SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2022/23 by the Sewer SDC revenues were as follows:

- |  |             |
|--|-------------|
| 1. Transfer to General Fund<br>(Costs associated with management of Sewer SDC)               | \$5,580.00  |
| 2. Transfer to Building Fund<br>(Costs associated with processing SDCs by Building Division) | \$16,250.00 |
-

Total Expenditures

\$21,830.00

**Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the Sewer SDCs. No change to methods, procedures or fees as outlined in Tualatin Municipal Code is recommended at this time.



**CITY OF TUALATIN**  
**STORM SYSTEM DEVELOPMENT CHARGE (SDC) REPORT**  
Annual Report for Fiscal Year 2022/23

**Introduction**

According to Tualatin Municipal Code, Chapter 2-6-060, System Development Charges (SDCs) for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. In 1991, the Storm SDC fee was established in Resolution 2666-91, adopting the methodology used by Clean Water Services (then called United Sewerage Services). It is based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the storm drain system.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Storm SDC as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2022 to June 30, 2023) the City of Tualatin collected \$47,016.07 in storm quantity fees and \$43,747.69 in storm quality fees for a total of \$90,763.76 in Storm SDC fees. Interest earned on the SDC fund balance was \$13,401.71.

**Credits**

No credits were used towards the payment of Storm SDCs in fiscal year 2022/23.

**Expenditures**

The Storm SDC fees were determined by the Clean Water Services methodology and retained in the Storm Development (Storm SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2022/23 by Storm SDC revenues were as follows:

<b>Project Description</b>	<b>SDC Amount</b>
1. Stormwater Master Plan	\$1,278.50
2. Transfer to General Fund (Costs associated with management of Storm SDC)	\$7,750.00
3. Transfer to Building Fund (Costs associated with processing SDCs by Building Division)	\$16,250.00

---

Total Expenditures

\$25,278.50

**Recommendation**

Staff recommends that Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the Storm SDCs. No change to methods, procedures or fees as outlined in Municipal Code is recommended at this time.



**CITY OF TUALATIN**  
**TRANSPORTATION DEVELOPMENT TAX (TDT) REPORT**  
Annual Report for Fiscal Year 2022/23

**Introduction**

In 2010, the City of Tualatin adopted Ordinance 1301-10, which established a Transportation Development Tax (TDT) for which all development must pay to help fund transportation projects in the City of Tualatin. This is a direct adoption of Washington County's TDT and applies throughout the City, whether in Washington or Clackamas County. It is incorporated into the Tualatin Municipal Code in 2-8, Transportation Development Tax.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of system development charges to be performed (the TDT being a kind of system development charge), and to recommend any changes in the TDT as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2022 to June 30, 2023) the City of Tualatin collected \$1,355,743.91 in TDTs for Washington County and \$0 for Clackamas County for a total of \$1,355,743.91 in accordance with Ordinance 1301-10. Interest earned on the TDT fund balance was \$343,238.86.

**Credits**

No credits were used toward the payment of TDTs in Fiscal Year 2022/2023.

**Expenditures**

The TDTs were determined by the ordinance methodology and retained in the Transportation Development Tax Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2022/23 by TDT revenues were as follows:

<b><u>Project Description</u></b>	<b><u>SDC Amount</u></b>
1. Garden Corner Groves Construction	\$30,817.56
2. Tualatin-Sherwood Road Utility Relocation (County road-widening project requires relocation of utilities)	\$193,725.63
3. Transfer to General Fund (Costs associated with management of TDT)	\$84,720.00

4. Transfer to Building Fund (Costs associated with processing TDTs by Building Division)	\$26,250.00
<hr/>	
Total Expenditures	\$335,513.19

### **Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the TDT. No change to methods, procedures or fees as outlined in Ordinance 1301-10 is recommended at this time.



**CITY OF TUALATIN**  
**PARKS SYSTEM DEVELOPMENT CHARGE (SDC) REPORT**  
Annual Report for Fiscal Year 2022/23

**Introduction**

According to Tualatin Municipal Code, Chapter 2-6-060, System Development Charges (SDCs) for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. The Parks SDC fee was established in 1984, and updated as a part of the Parks and Recreation Master Plan and Park System Development Charge Methodology in 2019.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Parks SDC as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2022 to June 30, 2023) the City of Tualatin collected \$936,426.78 in Park SDC fees. Interest earned on the SDC fund balance was \$54,696.92.

**Credits**

There were no credits used towards the payment of Parks SDC in fiscal year 2022/23.

**Expenditures**

The Park SDC fees are determined by the ordinance methodology and retained in the Park Development (Parks SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

<b><u>Project Description</u></b>	<b><u>SDC Amount</u></b>
1. Parkland Acquisition (Basalt Creek Property)	\$497,986.00
2. Parks Bond Feasibility Study	\$ 26,284.68
3. Tualatin River Greenway Trail Expansion (Tualatin Apartments)	\$780,795.66
4. Tualatin River Greenway Trail Extension (Hwy 99)	\$ 3,789.32
5. Transfer to General Fund	<u>\$ 95,380.00</u>
Total Expenditures	\$1,404,235.66

**Recommendation**

Staff recommends Council accept the report. The Parks and Recreation Director will continue to monitor issues that may arise and review any impact on Park SDCs. No proposed changes to methodology or procedures in the Tualatin Municipal Code are recommended at this time.

# Juanita Pohl Center Advisory Committee

## Annual Report





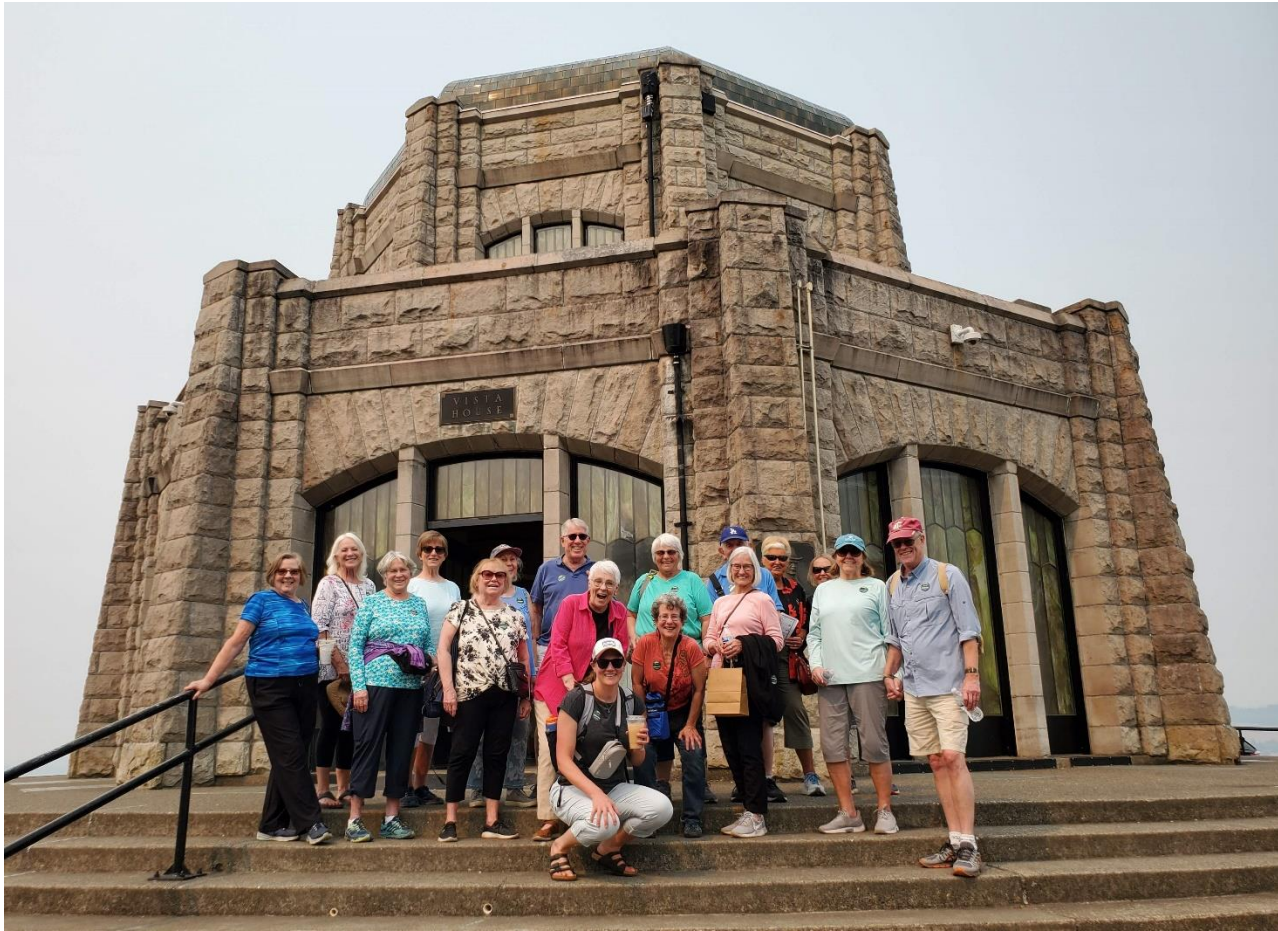
# Committee Members

- Susan Noack, Chair
- Amanda Ballard
- Peggi Federspiel
- Bob Grable
- Thea Wood



# Committee Role

- **Dedicated to Programs & Services – Share Ideas for Future Programming**
- **Advocate for Active Older Adults in the Community & at the Center**
- **Support Efforts to Successfully Continue to Increase Attendance & Participation**





# Increase Participation/Utilization

## Programs

- Arts & Culture
- Educational/Enrichment
- Environmental
- Evidence-Based
- Fitness & Wellness
- Intergenerational
- Social



# Partnerships

- AARP
- Alzheimer Association
- Durham News
- Cascadia VIEWS
- Oasis Senior Advisors
- Meals on Wheels People
- Medicare Mark Fuchs
- New Horizons Big Band
- Tualatin Soil & Water Conservation District
- Washington County





# Benefits

- **Improve Health & Promote Healthy Lifestyles**
- **Life Enrichment & Wellness**
- **Increase Quality of Life**
- **Social & Intellectual Engagement & Interaction**



# Program Engagement in 2023

- **Arts & Culture: 314**
- **Educational/Enrichment: 479**
- **Evidence-Based: 98**
- **Fitness & Wellness: 6,911**
- **Pickleball: 201**
- **Social: 4,842**





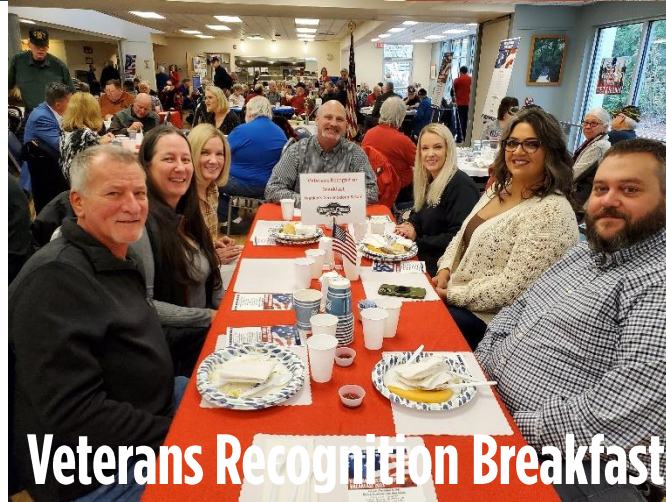
# Active Older Adults at the Pohl Center



Overnight Trip – Lighthouse Tour



Billiard Tournament Series



Veterans Recognition Breakfast



# Active Older Adults at the Pohl Center



Earthwise Crew



Yang 24 Tai Chi



Day Trekkers Hikes



# Rentals

- Business Meetings
- Private Parties
- Special Events



- Building Rented 204 Times
- 21,180 Guests Attended

# Enhance Center's Appearance

- Reupholster Dining Room Chairs – bottoms/backs (October 2023)





# Action Plan for 2024

- **Continue to Provide & Expand High Quality Programs and Services for Active Adults With a Focus on the Seven Dimensions of Wellness** *\*as outlined by the International Council on Active Aging*
  - Emotional, Cognitive, Physical, Vocational, Social, Spiritual, Environmental
- **Continue to Increase Diversity, Visibility & Awareness**
- **Foster the Creation of New Sponsorship Opportunities**



# Questions/Comments?







# Tualatin Food Pantry

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# About US

Tualatin Food Pantry (TFP) is a community organized food bank and is a Partner Agency of the Oregon Food Bank.

We operate with a staff of 1.875 FTE and a dedicated team of regular and occasional volunteers. The Pantry is overseen by a 7-person Board of Directors.

We have a 5,000 square foot space in the lower-level of the Rolling Hills Community Church.

TFP serves clients 4 days per week for a total of 13 hours. Volunteers are on site 5 days and contribute over 750 volunteer hours per month.

We serve individuals living in Durham, Lake Oswego, Tualatin, West Linn & Wilsonville.



# About US

Clients can access our services twice in a calendar month. This is in addition to any bonus events that we may have such as Free Food Markets or Holiday Food Boxes.

Clients receive about 5 days worth of food and personal supplies. We are one of the few pantries in the area that routinely stocks milk, eggs, frozen meats and foods, and cooler items.

It is our goal that during each visit each family will receive 1 gallon of milk and 1 dozen eggs.

Thanks to a grant from Rotary, we also sponsor a Medical Teams International Dental Van twice per month. Each dental clinic provides services for up to 8 clients.

# The Client Experience

We are considered a low-barrier service provider. New clients need to live in our service area but do not need to show proof of income or residency to receive services.

Clients' check-in for our volunteer coordinator. If it's their first visit, a profile will be created.

Clients have the option to shop in-person in our Pantry (like a grocery store) or pick-up a pre-packed box. All pre-packed boxes, contain the same items that are available in Pantry.

We strive to have three or four people shopping at one time in order to keep an orderly flow in the Pantry.



# The Client Experience

Clients are provided a shopping cart and a color-coded family size paper. Each section of the Pantry allocates items based on family size.

The Pantry is laid out similar to a grocery store – produce, bread, canned goods are sorted by food category, etc. This allows us to provide clients with a similar experience as to shopping at a store while helping keep the Pantry organized.

Volunteers are stationed throughout the Pantry to answer questions and re-stock shelves.

# Households vs Clients served

## 2022

Households: 8,195  
(~683 per month)

Individuals: 27,278  
(~2,273 per month)

## 2023

Households: 10,294  
(~858 per month)

Individuals: 34,820  
(~2,902 per month)



# Thank you, Mike!







Thank you!





## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Steve Koper, AICP, Assistant Community Development Director  
Erin Engman, AICP, Senior Planner

**DATE:** January 22, 2024

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### SUBJECT

Continued conversation and prioritization of the Planning Division's Work Plan for Fiscal Years 2023-24 and 2024-25.

### EXECUTIVE SUMMARY:

Historically Tualatin has not had a formal long-range planning work plan program that identifies and prioritizes community planning efforts. However as mandatory state requirements, City adopted policies and implementing strategies, and community identified requests continue to grow, staff is seeking Council guidance in developing and instituting a formal work plan program. Staff met with Council on September 25, 2023 to introduce this concept and begin a conversation.

For background, Tualatin Planning Division staff consists of an Assistant Community Development Director, three planners, and one office coordinator. Our work load is roughly divided between current planning efforts at 70% and long-range efforts at 30%. While our current planning applications do not vary much year to year (around 200), due to state law timelines, we are required to prioritize this function. We also have a high volume of calls and emails each month, which we respond to within 1-2 business days.

The Council may also recall that planning staff has identified a fairly robust list of long-range projects including legally required / state mandated projects, projects identified by Council, and projects requested by the community, businesses, or development stakeholders. Staff have also received community requests for the following: cannabis hours of operation, pickleball, durable goods sales in the Central Commercial district, and electric vehicle sales in the Mixed Use Commercial district.

Staff has included a Work Plan (Exhibit 1) for Council consideration. The Work Plan reflects the following considerations:

- **Ongoing projects.** These are projects that are presently using staff resources and budget.
- **Adoption ready projects.** Background work on these projects have been started but they have not gone through the legislative adoption process.
- **Mandates.** These amendments are required in order to comply with state law or court cases.
- **Ease of implementation.** Projects that are easier to implement support adopted economic development goals and can be accomplished within our current budget and staff levels.
- **Staffing levels.** Because current planning is required by state law to be prioritized, and the complexity of applications can vary, staff levels to perform long-range planning may vary. The plan does its best to forecast anticipating availability with Council priorities.

**COUNCIL FEEDBACK FROM SEPTEMBER 25, 2023:**

Below is a summary of our previous conversation:

- Proceed with a 2 year work program
- Prioritize projects that are “low-hanging” fruit such as “adoption ready” projects
- Maintain list of future projects in a “parking lot” – even if not included in the 2-year work program
- A preference for long-range projects that have a broad impact rather than narrowly focused
- Annual review of work program with:
  - Flexibility to add new projects or adjust to intended or unintended consequences, emergencies, or new grant opportunities
- How does the Core Area Plan (urban renewal) fall into the project prioritization and how will it be staffed?

**CONSIDERATIONS:**

Staff recommends that Council accept the proposed Planning Division Work Plan for Fiscal Years 2023-24 and 2024-25 (Exhibit 1). This plan focuses near-term efforts on projects that are legally mandated, projects that are ready to be implemented (“low-hanging fruit”), and bundles a grouping of code updates that staff believes can be accomplished with existing staff, time, and budget resources. This approach attempts to balance projects that are easy to implement with alignment with Council priorities. This also preserves other priority projects in a “parking lot” for Council direction on prioritization when the next 2-year work plan period is reviewed, in 2025.

**FINANCIAL IMPLICATIONS:**

Staff believes the proposed Work Plan can be accomplished with existing staff and budget resources. Future work plan items may require supplemental funding sources, such as a budget increase, grants, or Urban Renewal monies.

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**ATTACHMENTS:**

Attachment A: Presentation

Exhibit 1: Planning Division Work Plan (Fiscal Years 2023-24 and 2024-25)





# PLANNING DIVISION WORK PROGRAM

January 22, 2024 | CITY COUNCIL MEETING

# WHO WE ARE

**Steve Koper, AICP**  
**Assistant Community**  
**Development Director**

**Erin Engman, AICP**  
**Senior Planner**

**Keith Leonard, AICP**  
**Associate Planner**

**Madeleine Nelson**  
**Assistant Planner**

**Lindsey Hagerman**  
**Office Coordinator**







# WHAT DO WE DO?

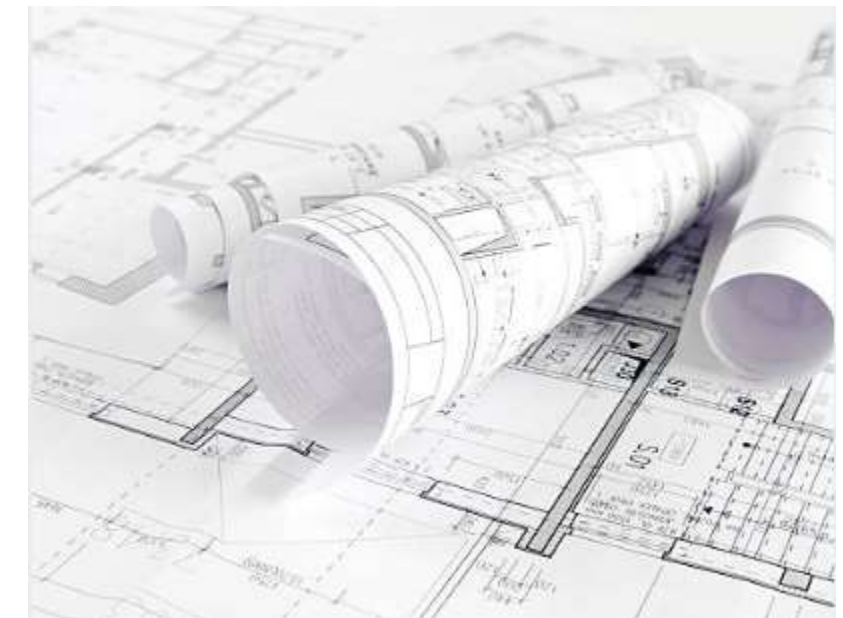
- **Current Planning** – review development applications for compliance against local code and state regulations; respond to questions about potential land development
- **Long range planning** – maintain policy documents through periodic update to the Comprehensive Plan, Development Code, Transportation System Plan and other Master Plans
- **Housing policy** – support Council's goals around housing diversification and affordability; implementation of State Housing rules
- **Public Outreach** – support state goals for citizen involvement through the Planning Commission, Architectural Review Board, and Community Involvement Organization Land Use Officers



# LAND USE APPLICATIONS FY 22/23

- **219 Total Applications**

- 1 Annexations
- 3 Plan Text Amendments
- 3 Plan Map Amendments
- 11 Architectural Reviews
- 35 Minor Architectural Reviews
- 83 Sign Permits
- 26 Pre-Application Meetings
- 6 Chicken Licenses
- 2 Temporary Use Permits
- 1 Industrial Master Plan
- 2 Property Line Adjustments
- 45 Single Family Home Architectural Reviews
- 1 Subdivision

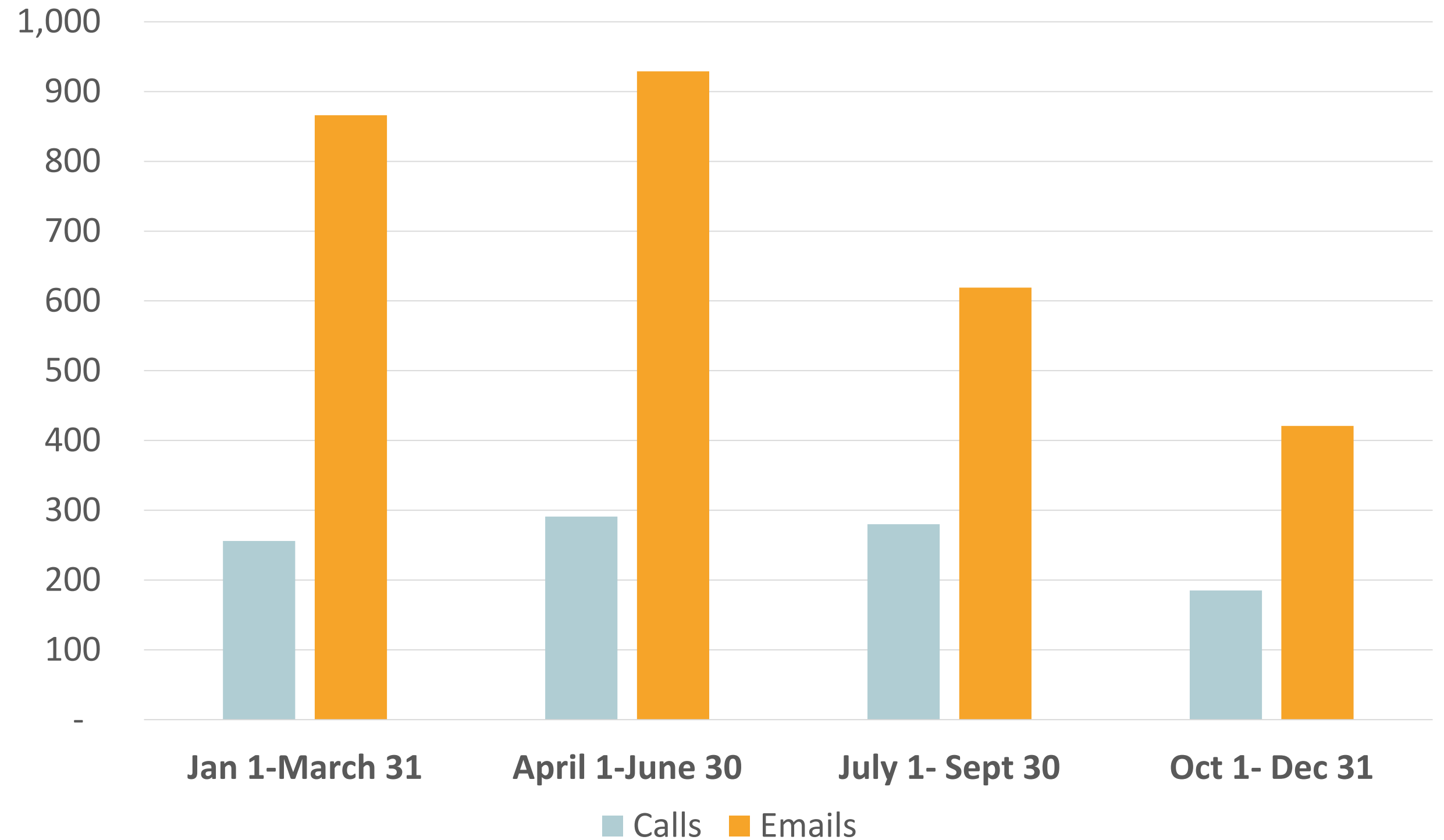




# RECEIVED CALLS & EMAILS 2023



2023	Calls	Email
Jan 1 – March 31	256	866
April 1 – June 30	291	929
July 1 – Sept 30	280	619
Oct 1 – Dec 31	185	421
<b>Total</b>	<b>1012</b>	<b>2835</b>







# COUNCIL PRIORITIES







# LONG RANGE PROJECT LIST

PROJECT	FY 2023-2024			FY 2024-2025				FY 2025-2026			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>ONGOING</b>											
Housing Production Strategy Implementation					L						>
Transportation System Plan					A						
<b>LEGALLY REQUIRED</b>											
CFEC Parking Code			L/A								
CFEC Land Use Code					L/A						
<b>ADOPTION READY</b>											
Stormwater Master Plan							A				
Parks Master Plan: Basalt Creek Area							A				
<b>POTENTIAL PROJECTS TO IDENTIFY</b>											
Short-Term Priority		Bundle									
Mid-Term Priority								TBD			
Long-Term Priority										TBD	

**CAPACITY NEEDED:** Greater demand

 Moderate demand

 Less demand
**LEGEND:**

L = Legal Deadline

A = Adoption

&gt; = Project continues

Q1: July – September

Q3: January – March

Q2: October – December

Q4: April – June

# SHORT-TERM PROJECTS

## Package of projects includes:

- Pickleball Use in General Commercial
- Cannabis Hours of Operation
- Durable Goods Sales in Central Commercial
- Electric Vehicle Sales in Mixed Use Commercial



## Timeline and steps:

- 4-6 months
- Council work session, public notice period, Planning Commission meeting, and City Council hearing(s).



# EXAMPLE TIMELINE

## SHORT-TERM PROJECT

### Cannabis Code + Map Update (2020) - 4 months

- August – Council direction to staff
- September – Public Open House (virtual)
- October – Planning Commission meeting
- November – City Council Adoption



**Staff Involved** – Community Development Director, Assistant Community Development Director, Associate Planner, Assistant Planner, City GIS (Mapping) Staff, and Office Coordinator

# FUTURE MID-TERM PROJECTS



## Food Carts:

- Meets **Comprehensive Plan Policy 4.1.1** “allow commercial development in a manner that increases access to goods and services while minimizing traffic impacts.”



## Tree Code Update:

- Meets **Comprehensive Plan Policy 2.2.2** “promote the protection and establishment of trees during the development.”
- Meets draft **Climate Action Plan Action 5.2**.



## Increasing Density:

- Meets **Comprehensive Plan Strategic Action** “Evaluate opportunities to increase development densities...”
- Meets draft **Climate Action Plan Action 5.1**.



# EXAMPLE TIMELINE

## MID-TERM PROJECT

### Mixed Use Commercial Zone Code + Map (2018) – 10 months

- September – Project Scope Development
- October – Initial Property Owner and Stakeholder Outreach
- November to March – Code, Transportation Planning, & Outreach Work
- April – Planning Commission Recommendation
- June – City Council Adoption

**Staff Involved** – Community Development Director, Assistant Community Development Director, Associate Planner, City GIS (Mapping) Staff, Office Coordinator, and Traffic Consultant

# FUTURE LONG-TERM PROJECTS



## Downtown Vision and Planning:

- Meets **Core Opportunity and Reinvestment Area** goals to “strengthen the social, cultural, environmental, and economic vitality of central Tualatin by funding projects that improve property values, eliminate existing and future blight, and create an active civic core.”



## Development Code Overhaul:

- Updates the Development Code to achieve better alignment with the **Tualatin Tomorrow Community Vision**, as adopted in the **Tualatin | 2024 Comprehensive Plan**, as well as actions identified in the draft **Climate Action Plan**.



# EXAMPLE TIMELINE

## LONG-TERM PROJECT

### Tualatin 2040 Code Update (2018) 2+ years

- November 2016- Council Direction
- May 2017 – Code Audit
- September 2017 – Public Open House
- April 2018 – Draft Code for review
- November 2018 – Planning Commission Recommendation
- December 2018 – City Council Adoption

**Staff Involved** – Consultant Team, City Manager, Community Development Director, Planning Manager, Economic Development Manager, City Engineer, Legal Counsel, Senior Planner, Management Analyst, Associate Planner, City GIS (Mapping) Staff, and Office Coordinator

# CONCLUSION AND NEXT STEPS

- **Staff respectfully requests Council acceptance of the Planning Division Work Plan (Fiscal Years 2023-24 and 2024-2025).**
- **Next Steps:**
  - Staff would return at a future work session, tentatively on February 26, 2024, to map out the process, timelines, and other details for the Short-Term Projects.
  - Staff would return in early 2025 to update the Council on the 2024-2025 Work Plan progress and to map out the next 2-year Work Plan period (Fiscal Years 2025-2026 and 2026-2027).



# WORK PLAN 2024-2026

PROJECT	FY 2023-2024			FY 2024-2025				FY 2025-2026			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>ONGOING</b>											
Housing Production Strategy Implementation					L						>
Transportation System Plan					A						
<b>LEGALLY REQUIRED</b>											
CFEC Parking Code			L/A								
CFEC Land Use Code					L/A						
<b>ADOPTION READY</b>											
Stormwater Master Plan							A				
Parks Master Plan: Basalt Creek Area							A				
<b>ADDITIONAL PROJECTS</b>											
Short-Term Priority		Bundle									
Mid-Term Priority								TBD			
Long-Term Priority										TBD	

## CAPACITY NEEDED:

	Greater demand
	Moderate demand
	Less demand

## LEGEND:

L	= Legal Deadline
A	= Adoption
>	= Project continues

**Q1:** July – September

**Q3:** January – March

**Q2:** October – December

**Q4:** April – June



## TUALATIN DEVELOPMENT COMMISSION Staff Report

**TO:** Honorable Chairman and Members of the Commission

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Steve Koper, AICP, Assistant Community Development Director  
Erin Engman, AICP, Senior Planner

**DATE:** January 22, 2024

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### **SUBJECT:**

Presentation on updates to Tualatin's vehicle parking regulations to comply with state-mandated Climate Friendly and Equitable Communities (CFEC) rulemaking.

### **EXECUTIVE SUMMARY:**

CFEC, described in more detail below, is applicable to cities within metropolitan areas in Oregon. CFEC is a state mandate that requires that Tualatin adopt an approach to its vehicle parking regulations that are intended to reduce greenhouse gasses. Tualatin has applied for and received permission to defer implementation of part of these regulations (Phase 2) until June 30, 2024. Phase 1 was implemented by the state on December 31, 2022 and prohibits the City from enforcing existing parking minimums within  $\frac{3}{4}$  miles of the WES station and  $\frac{1}{2}$  mile of TriMet Routes 76 and 94. Staff will present the applicable options for implementation of Phase 2, to comply with CFEC, and a recommended approach.

### **RECOMMENDATION:**

Staff recommends that City Council direct staff to begin a legislative Development Code update to remove citywide parking minimums, adopt parking maximums in certain areas, and add certain additional regulations for parking areas over  $\frac{1}{2}$  acre in size.

### **CLIMATE-FRIENDLY AND EQUITABLE COMMUNITIES (CFEC) BACKGROUND:**

Pollution from transportation is responsible for about 38% of Oregon's climate pollution. As such, former Governor Kate Brown issued [Executive Order No. 20-04](#) (Exhibit 1) directing state agencies to take action to reduce and regulate greenhouse gas emissions from transportation. In response, the Oregon Department of Land Conservation and Development adopted Climate-Friendly and Equitable Communities rules in 2022 that amend existing Oregon Administrative Rules (OAR) and in turn, affect local jurisdictions' compliance with the statewide planning goals. In particular, the OAR known as the Transportation Planning Rule was significantly amended

The CFEC mandate (Exhibit 2) requires that Tualatin, as well as other cities in metropolitan regions throughout the state, update their land use regulations and transportation plans to encourage a reduction in greenhouse gas emissions. For the Portland Metro area, the greenhouse gas emission reduction target is 20% by 2035 and 35% by 2050 (OAR 44-020). While the CFEC mandates also require updates to our land use regulation and TSP, tonight's conversation is centered on DLCD implementation of parking reform. Studies have shown that minimum parking requirements often result in over-built parking lots that push buildings apart and make areas less walkable. This, in turn, creates more pollution.

The parking reform mandate includes four areas of impact:



1. Adopt parking regulation improvements
2. Prepare for the electric vehicle future
3. Set parking maximums for the town center and corridors with frequent transit service
4. Reduce or remove minimum parking requirements

## **SUMMARY OF PARKING REFORMS FOR TUALATIN:**

### Phase 1:

Tualatin was required to comply with Phase 1 of the CFEC parking requirements through the direct application of [OAR 660-012-0430](#) and [660-012-0440](#) to any development application submitted after December 31, 2022. This phase includes the following, as illustrated on Exhibit 5:

- No parking mandates within  $\frac{3}{4}$  mile of the WES station and  $\frac{1}{2}$  mile of Routes 76 and 94
- No parking mandates for small units (<750 square feet), affordable units, childcare, facilities for people with disabilities, shelter
- Reduced parking mandates for residential developments: 1 space/unit

### Phase 2:

As noted, Tualatin petitioned DLCD and was granted an extension to be compliant with these regulations *no later than June 30, 2024* (Exhibit 4). Tualatin sought this extension to perform a thorough due diligence of the regulations. Below is a high level review of this analysis.

- Parking regulation improvements ([OAR 660-012-0405](#))  
These regulations slightly expand on requirements currently found in our code. Jurisdictions must also establish solar power generation, tree canopy standards and/or a fee-in-lieu toward solar/wind energy development that are applicable to new development with more than  $\frac{1}{2}$  acre of surface parking (21,780 square feet). This is approximately 70 or more parking spaces for typical parking lot design.
- Prepare for the electric vehicle future ([OAR 660-012-0410](#))  
Oregon's statewide goal is that 90% of new vehicles will be electric by 2035. The state is taking a proactive approach by requiring electrical conduit to serve 40% of all vehicle parking spaces for multifamily development and mixed-use development with residential units. This way, renters will have an opportunity to charge their cars at home. The service capacity must support a Level 2 charging station at minimum.
- Set parking maximums for town centers and corridors with frequent transit service ([OAR 660-12-0415](#))  
The city will need to adopt maximum parking requirements for multi-family, commercial and retail uses, and for buildings over 65,000 square feet in the town center and along frequent transit routes (Exhibit 5).
- Reduce or remove minimum parking requirements (OAR 660-012-0420 through 0450)  
The city may choose from three options to comply with parking reform. In speaking with surrounding jurisdictions, most similarly situated cities have chosen to repeal parking minimums citywide. As shown in the table below, the recommended path is to repeal all parking mandates.

OPTION 1: REPEAL	OPTIONS 2 AND 3	
<b>STAFF RECOMMENDED</b> <ul style="list-style-type: none"> <li>• Repeal parking minimums &amp; update maximum parking</li> <li>• Developers can choose to build parking up to maximum allowed</li> </ul>	<ul style="list-style-type: none"> <li>• Phase 1 mandates remain in effect</li> <li>• Reduced parking mandates for certain incentives (solar, car share, EV station, accessible parking)</li> <li>• No parking mandates within ¼ mile of town center; OR price on-street parking, reduce parking mandates for multi-family housing, and remove mandates for commercial development in town center</li> </ul>	
	<b>OPTION 2: FAIR PARKING POLICY</b> (choose two)	<b>OPTION 3: REDUCED REGULATION</b> (all apply)
	<ul style="list-style-type: none"> <li>• Unbundle parking (fee separate from rent) for multi-family units</li> <li>• Unbundle leased commercial parking</li> <li>• Flexible commute benefit for businesses with more than 50 employees</li> <li>• Tax on parking lot revenue</li> <li>• No more than ½ parking space/unit mandated for multifamily development</li> </ul>	<ul style="list-style-type: none"> <li>• No mandates for a variety of specific uses, small sites, vacant buildings, studios/one bedrooms, historic buildings, LEED, etc.</li> <li>• No additional parking for changes in use, redevelopments, expansions of over 30%.</li> <li>• No mandates within ½ mile of town center.</li> <li>• Designate district to manage on-street residential parking, or unbundle parking multi-family.</li> </ul>

#### ANTICIPATED PROJECT SCHEDULE:

TASKS	2024				
	Jan	Feb	March	April	May
Work Session					
Public Comment Period					
Draft Code					
Planning Commission Recommendation					
City Council Hearing					Adoption

#### ATTACHMENTS:

- Presentation
- Exhibit 1: Executive Order No. 20-04
- Exhibit 2: CFEC Rulemaking Adoption
- Exhibit 3: DLCD Parking Reform Summary for Tualatin
- Exhibit 4: DLCD Extension
- Exhibit 5: Phase 1 Parking Reform Map



# PARKING MANAGEMENT + CFEC OVERVIEW

*City Council Meeting  
January 22, 2024*

**Presented by:** Erin Engman, Senior Planner  
Steve Koper, Assistant Community Development Director





# AGENDA

- CFEC Summary
- CFEC Policy Discussion
- CFEC Options
- Project Schedule
- Policy Direction

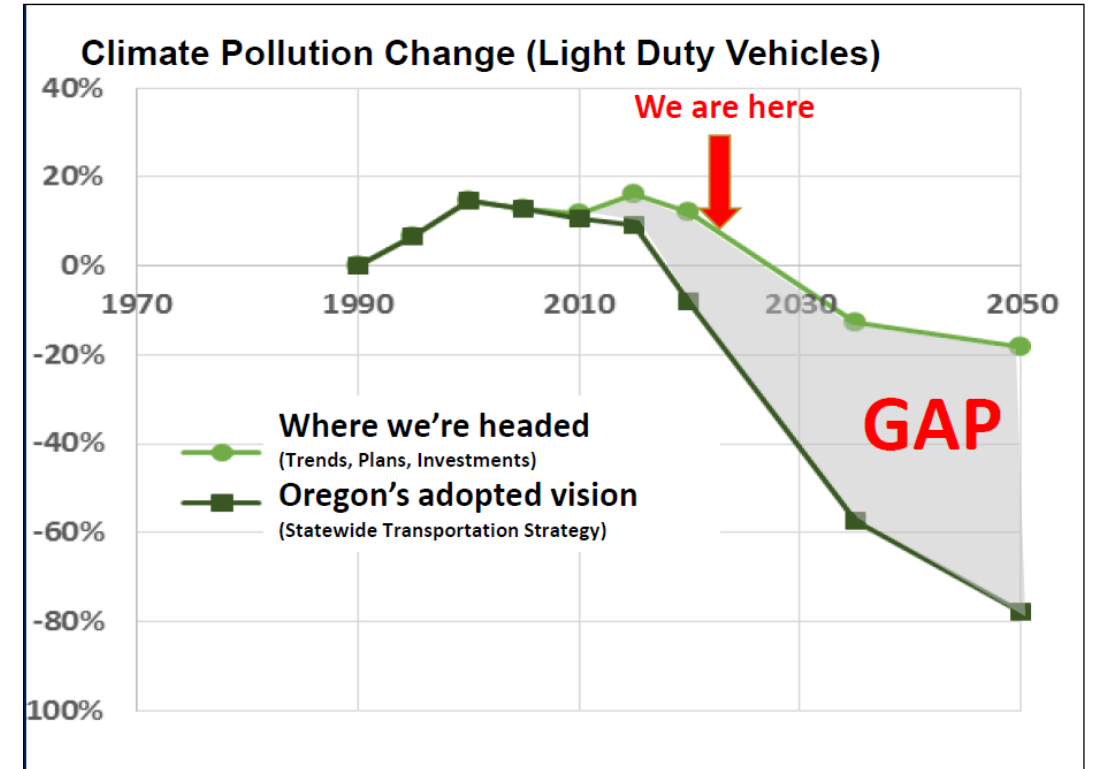


# SUMMARY

## CFEC Background

Climate Friendly and Equitable Communities is a legislative program that applies to metropolitan regions throughout Oregon

- Response to Executive Order No. 20-04
- State mandates call for parking reform
- Goal to reduce greenhouse gas emissions from transportation
  - 20% reduction by 2035
  - 35% reduction by 2050



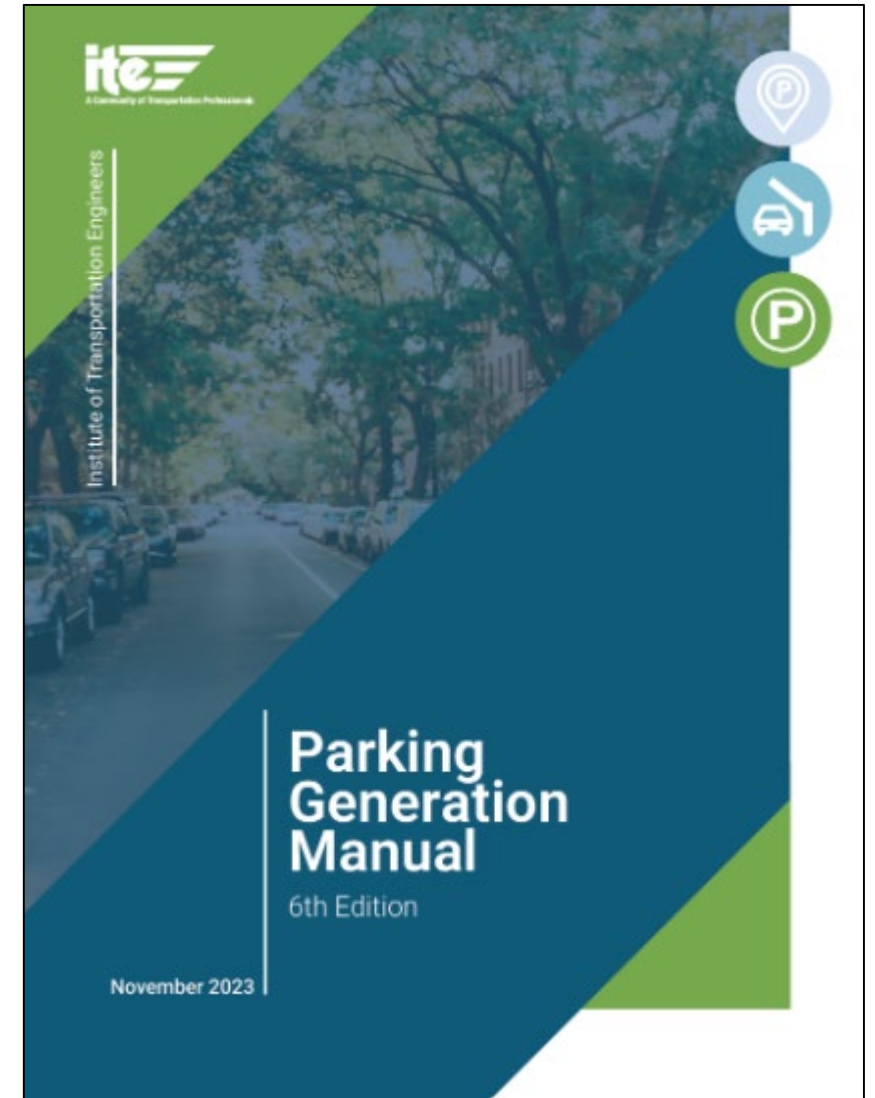
# SUMMARY

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## Parking Background

Minimum parking requirements have historically been established by:

- Surveying nearby cities; and/ or
- Consulting Institute of Transportation Engineers (ITE) handbooks.





# SUMMARY

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## Parking Background

Minimum parking standards are often a regulatory barrier for businesses

- Can be a barrier to filling tenant spaces, particularly for restaurant uses
- Can add significant cost where parking is required in excess of actual business need
- Code requires a Variance to reduce minimum requirements, and evidence of justification, often a parking study, at a cost to the applicant



Boones Ferry Center: 18025 SW Lower Boones Ferry Road



Nyberg Retail Center: 7052 SW Nyberg Street

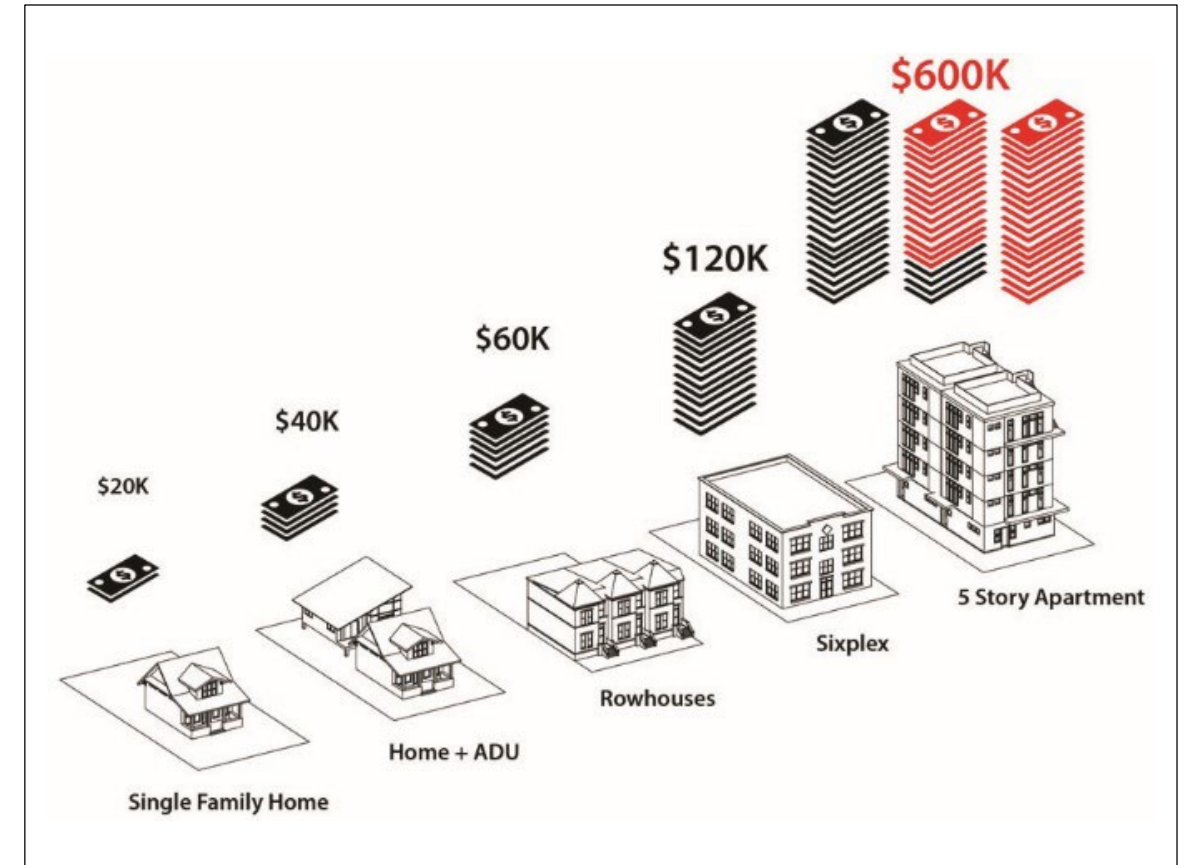
# SUMMARY

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## Parking Background

Parking is costly to build

- Off-street stall: \$1,500-\$12,000
- Garage structure stall: \$42,000-\$62,000
- 10-20% of total housing cost (Litman 2019)
- 17% of rent (Gabbe and Pierce 2016)



Source: @pushtheneedle

# **POLICY DISCUSSION + OPTIONS**

## **CFEC RULES ON PARKING**

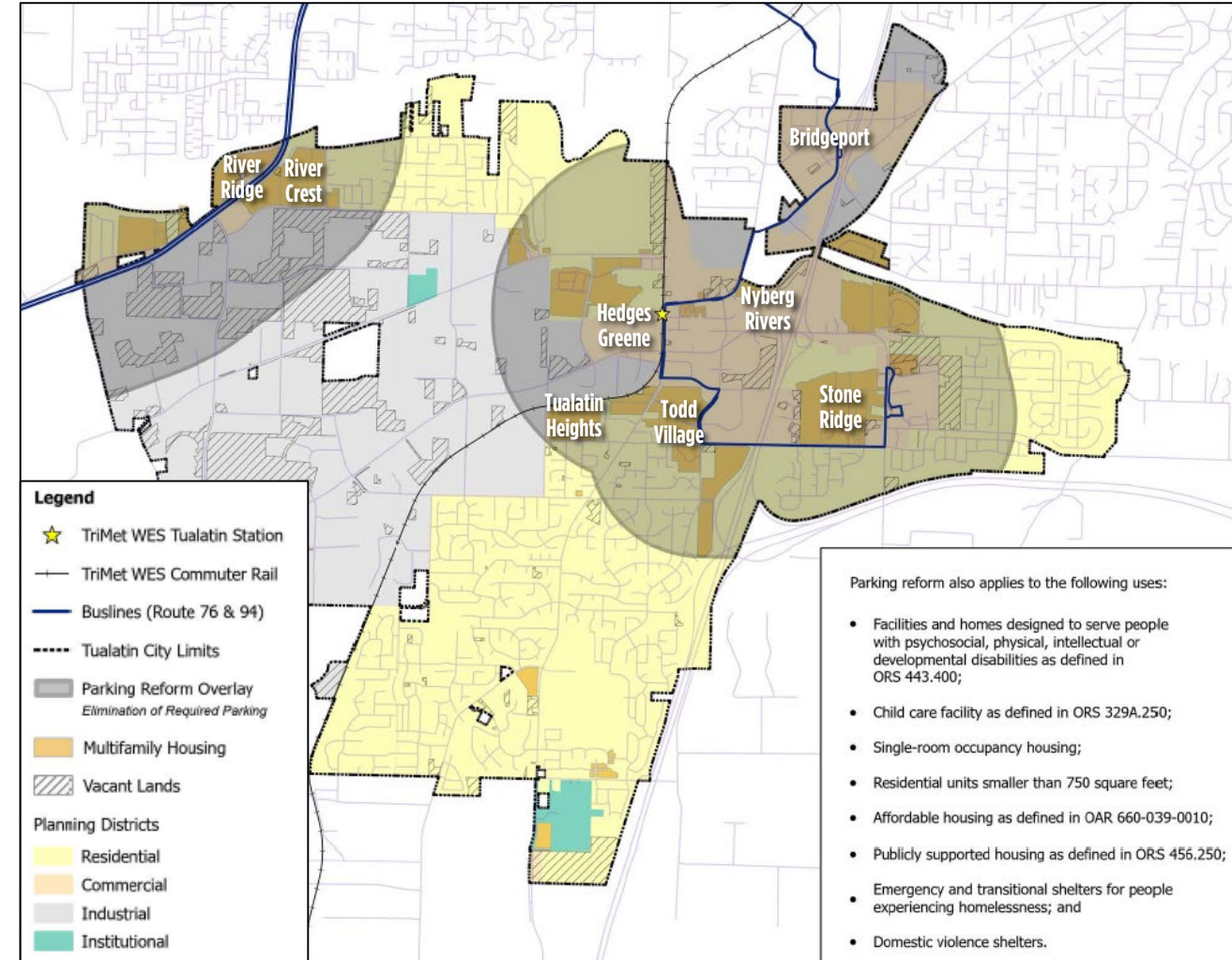


# CFEC POLICY

## Phase 1 Requirements

Became effective December 31, 2022

- Residential parking 1 space/unit when more than one unit/lot
- Elimination of required parking
  - Within  $\frac{3}{4}$  mile of Tualatin WES Station
  - Within  $\frac{1}{2}$  mile of Route 76, 94 corridor
  - Certain uses, including: child-care facilities, residential care facilities, affordable housing, residential under 750 sf, and emergency shelters.



# CFEC POLICY

---

## EV Requirements

**Became effective March 31, 2023**

- Multi-family development must provide conduit to serve 40% of all parking spaces
- Commercial development must provide conduit to serve 20% of all parking spaces (*Building Code*)



Source: iStock

# CFEC POLICY

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## Parking Requirements

**Becomes effective June 30, 2024 *(by extension)***

- Code must allow redevelopment of existing parking areas for bicycle and transit uses
- New parking lots over ½ acre must install 40% tree canopy, solar panels, or fee-in-lieu to solar/wind energy development
- Adopt parking maximums in the town center and along frequent transit routes
- Choose one of the three Phase 2 options



Source: Renewable Energy Magazine



# CFEC POLICY

## Phase 2 Requirements - Options

OPTION 1: REPEAL	OPTION 2: FAIR PARKING POLICY	OPTION 3: REDUCED REGULATION
<p>Staff Recommended</p> <ul style="list-style-type: none"><li>• Repeal parking minimums &amp; update maximum parking</li><li>• Developers can choose to build parking up to maximum allowed</li></ul>	<p>Choose 2</p> <ul style="list-style-type: none"><li>• Unbundle parking (fee separate from rent) for multi-family units</li><li>• Unbundle leased commercial parking</li><li>• Flexible commute benefit for businesses with more than 50 employees</li><li>• Tax on parking lot revenue</li><li>• No more than 1/2 parking space/unit for multifamily development</li></ul>	<p>All apply</p> <ul style="list-style-type: none"><li>• No mandates for a variety of specific uses, small sites, vacant buildings, studios/one bedrooms, historic buildings, LEED, etc.</li><li>• No additional parking for changes in use, redevelopments, expansions of over 30%.</li><li>• No mandates within 1/2 mile of town center.</li><li>• Designate district to manage on-street residential parking, or unbundle parking for multi-family housing.</li></ul>

# CFEC POLICY

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## Option 1



CITY OF BEND



CITY OF  
**Tigard**



## Option 2



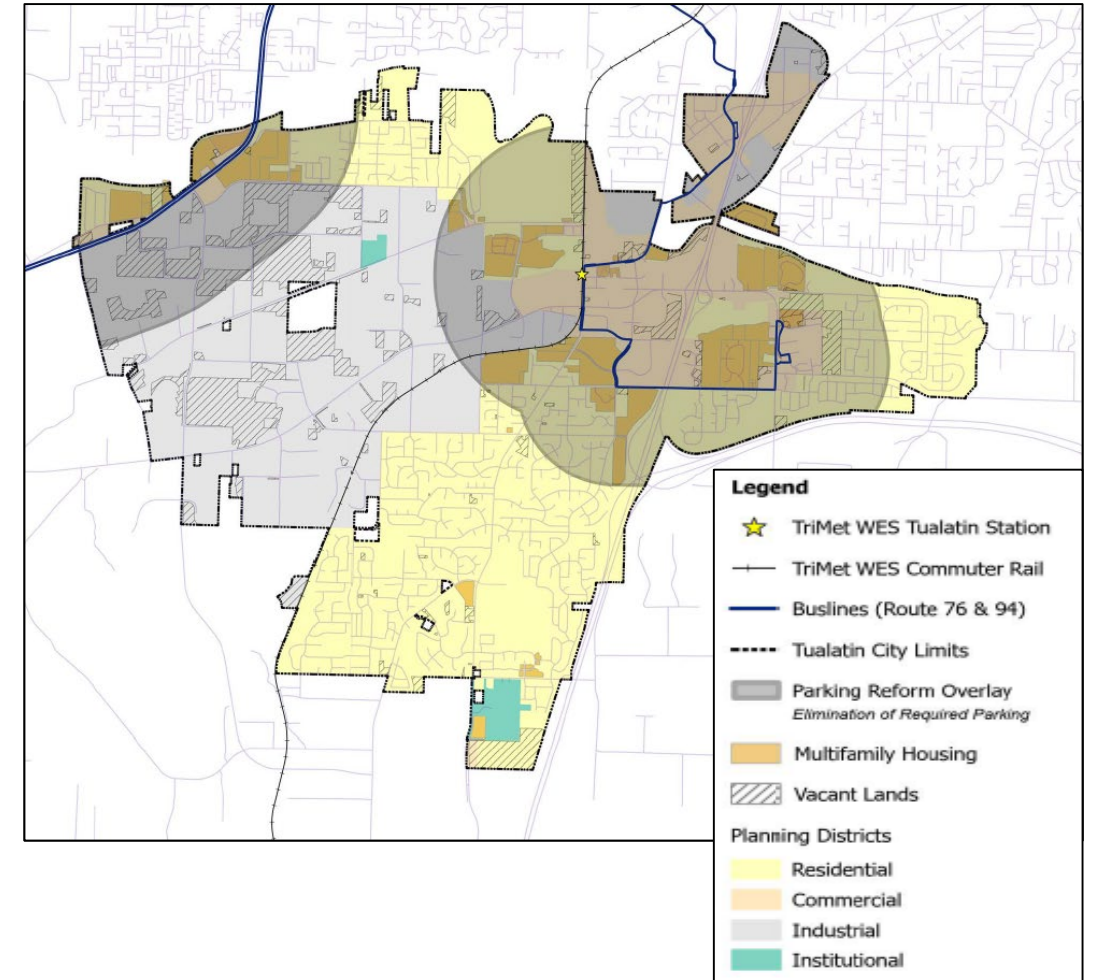
- Unbundled parking for commercial uses
- Tax commercial parking lot revenue
- *Currently proposed, unknown as to whether DLCD will accept*

# OPTION 1 – REPEAL MINIMUM PARKING CITYWIDE

## Recommended Option

### Considerations:

- Staff capacity to accomplish under work plan
- Majority of commercial and multi-family zoned areas are already exempt from minimum parking standards under Phase 1 (due to proximity to transit)
- Implemented through established planning program





# OPTION 2 – FAIR PARKING

---

*Choose two options*

1 

Landlords charge parking separately from rents for residential units

2 

Landlords charge parking separately from rents for commercial property

3 

Require businesses with 50+ employee to have non-vehicle commute reward programs

4 

Tax commercial parking lot revenue  
*\*Core Area Parking District not eligible*

5 

Minimum parking for multi-family development set at 0.5 space per unit

**Considerations:**

- Would require reprioritization of other projects to adopt
- Unknown funding source for ongoing resources needed to monitor and implement
- Shifts burden to small businesses to understand and apply rules

# OPTION 3 – REDUCED REGULATION

---

*Maintain parking minimums for:*



Industrial uses



Commercial buildings larger than 3,000 sq ft or 10+ employees



Market rate apartments (2 BDR or greater) at 1 space per unit



Single family homes

*Implement either:*



Paid on-street parking; or



Unbundled parking for multi-unit housing

## **Considerations:**

- Would require reprioritization of other projects to adopt
- Paid on-street parking program or other funding source needed to support operations
- Potential livability impacts on residents and business

# **SCHEDULE + MILESTONES**

## **CFEC RULES ON PARKING**



# SCHEDULE FOR REPEAL OF PARKING MINIMUMS

TASKS	2024				
	Jan	Feb	March	April	May
Work Session					
Public Comment Period					
Draft Code					
Planning Commission Recommendation					
City Council Hearing					Adoption

# **POLICY DIRECTION**

# **CFEC RULES ON PARKING**

# STAFF RECOMMENDATION

OPTION 1: REPEAL	OPTION 2: FAIR PARKING POLICY	OPTION 3: REDUCED REGULATION
<p>Staff Recommended</p> <p>Repeal parking minimums + update maximum parking</p> <ul style="list-style-type: none"><li>• Developers can choose to build parking up to maximum allowed</li></ul>	<p>Choose 2</p> <ul style="list-style-type: none"><li>• Unbundle parking (fee separate from rent) for multi-family units</li><li>• Unbundle leased commercial parking</li><li>• Flexible commute benefit for businesses with more than 50 employees</li><li>• Tax on parking lot revenue</li><li>• No more than 1/2 parking space/unit for multifamily development</li></ul>	<p>All apply</p> <ul style="list-style-type: none"><li>• No mandates for a variety of specific uses, small sites, vacant buildings, studios/one bedrooms, historic buildings, LEED, etc.</li><li>• No additional parking for changes in use, redevelopments, expansions of over 30%.</li><li>• No mandates within 1/2 mile of town center.</li><li>• Designate district to manage on-street residential parking, or unbundle parking for multi-family housing.</li></ul>





**EXECUTIVE ORDER NO. 20-04**

**DIRECTING STATE AGENCIES TO TAKE ACTIONS TO REDUCE AND  
REGULATE GREENHOUSE GAS EMISSIONS**

WHEREAS, climate change and ocean acidification caused by greenhouse gas (GHG) emissions are having significant detrimental effects on public health and on Oregon's economic vitality, natural resources, and environment; and

WHEREAS, climate change has a disproportionate effect on the physical, mental, financial, and cultural wellbeing of impacted communities, such as Native American tribes, communities of color, rural communities, coastal communities, lower-income households, and other communities traditionally underrepresented in public processes, who typically have fewer resources for adapting to climate change and are therefore the most vulnerable to displacement, adverse health effects, job loss, property damage, and other effects of climate change; and

WHEREAS, climate change is contributing to an increase in the frequency and severity of wildfires in Oregon, endangering public health and safety and damaging rural economies; and

WHEREAS, the world's leading climate scientists, including those in the Oregon Climate Change Research Institute, predict that these serious impacts of climate change will worsen if prompt action is not taken to curb emissions; and

WHEREAS, the Intergovernmental Panel on Climate Change has identified limiting global warming to 2 degrees Celsius or less as necessary to avoid potentially catastrophic climate change impacts, and remaining below this threshold requires accelerated reductions in GHG emissions to levels at least 80 percent below 1990 levels by 2050; and

WHEREAS, Oregon, as a member of the U.S. Climate Alliance, has committed to implementing policies to advance the emissions reduction goals of the international Paris Agreement; and

WHEREAS, GHG emissions present a significant threat to Oregon's public health, economy, safety, and environment; and





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WHEREAS, the transition from fossil fuels to cleaner energy resources can significantly reduce emissions and increase energy security and the resilience of Oregon communities in the face of climate change; and

WHEREAS, emissions from the transportation sector are the single largest source of GHG emissions in Oregon; and

WHEREAS, actions to reduce GHG emissions in Oregon's transportation sector will provide substantial public health co-benefits by reducing air pollutants from the combustion of gasoline and diesel fuel that are harmful to human health; and

WHEREAS, the rapid transition from internal combustion engines to zero-emission vehicles will play a key role in reducing emissions from the transportation sector and advancing the state's GHG emissions reduction goals; and

WHEREAS, zero-emission vehicles provide multiple benefits to Oregonians, including lower operating, maintenance, and fuel costs, and lower emissions of GHGs and other pollutants; and

WHEREAS, the Legislature established ambitious goals for the adoption of zero-emission vehicles in Senate Bill 1044 (2019); and

WHEREAS, rapid actions and investments by Oregon's utility sector to reduce GHG emissions and improve the resilience of the energy system in the face of climate change and wildfire risk can reduce risks for utility customers; and

WHEREAS, transitioning the traditional natural gas supply to renewable natural gas can significantly reduce GHG emissions; and

WHEREAS, energy efficiency standards in the built environment can reduce operating costs, save renters and homeowners money on their utility bills, improve the comfort and habitability of dwellings, and reduce GHG emissions; and

WHEREAS, product energy efficiency standards reduce costs for consumers, save energy, and reduce GHG emissions; and





## **EXECUTIVE ORDER NO. 20-04**

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WHEREAS, in the absence of effective federal engagement on these issues, it is the responsibility of individual states to take immediate actions to address climate change and ocean acidification; and

WHEREAS, after thorough hearings within the Oregon Legislature, a majority of both chambers support addressing climate change, and the failure of the Oregon Legislature to attain quorum has thwarted legislative action to achieve science-based GHG emissions reduction goals; and

WHEREAS, given the urgency and severity of the risks from climate change and ocean acidification, and the failure of the Legislature to address these immediate harms, the executive branch has a responsibility to the electorate, and a scientific, economic, and moral imperative to reduce GHG emissions and to reduce the worst risks of climate change and ocean acidification for future generations, to the greatest extent possible within existing laws; and

WHEREAS, existing laws grant authority to state agencies to take actions to regulate and encourage a reduction of GHG emissions in a variety of circumstances; and

WHEREAS, the Legislature through the Emergency Board took action on March 9, 2020, to provide permanent funding to the executive branch to pursue executive action on reducing GHG emissions; and

WHEREAS, considering climate change in agency planning and decision making will help inform decisions regarding climate change risks and avoid higher mitigation and adaptation costs in the future; and

WHEREAS, all agencies with jurisdiction over the sources of GHG emissions will need to continue to develop and implement programs that reduce emissions to reach the state's GHG goals; and

WHEREAS, all agencies with jurisdiction over natural and working landscapes in Oregon will need to prepare and plan for the impacts of climate change and take actions to encourage carbon sequestration and storage; and





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WHEREAS, the Legislature previously established the goal of achieving GHG levels “at least 75 percent below 1990 levels” by 2050, and our State has an urgent, moral obligation to set and achieve more ambitious GHG reduction goals.

### NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. **State Agencies.** The following state commissions and state agencies are subject to the directives set forth in this Executive Order:
  - A. Business Oregon;
  - B. Department of Administrative Services (DAS);
  - C. Department of Consumer and Business Services Building Codes Division (BCD);
  - D. Department of Land Conservation and Development (DLCD) and Land Conservation and Development Commission (LCDC);
  - E. Environmental Justice Task Force;
  - F. Environmental Quality Commission (EQC) and Department of Environmental Quality (DEQ);
  - G. Oregon Department of Agriculture (ODA);
  - H. Oregon Department of Energy (ODOE);
  - I. Oregon Department of Fish and Wildlife (ODFW);
  - J. Oregon Department of Forestry (ODF);
  - K. Oregon Department of Transportation (ODOT) and Oregon Transportation Commission (OTC);
  - L. Oregon Global Warming Commission;
  - M. Oregon Health Authority (OHA);
  - N. Oregon Water Resources Department (OWRD);
  - O. Oregon Watershed Enhancement Board (OWEB); and
  - P. Public Utility Commission of Oregon (PUC).





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2. **GHG Emissions Reduction Goals.** Consistent with the minimum GHG reduction goals set forth in ORS 468A.205(1)(c), this Executive Order establishes science-based GHG emissions reduction goals, and calls for the State of Oregon to reduce its GHG emissions (1) at least 45 percent below 1990 emissions levels by 2035; and (2) at least 80 percent below 1990 emissions levels by 2050.
  
3. **General Directives to State Agencies.** From the date of this Executive Order, the state commissions and state agencies listed in paragraph 1 are directed to take the following actions:
  - A. **GHG Reduction Goals.** Agencies shall exercise any and all authority and discretion vested in them by law to help facilitate Oregon's achievement of the GHG emissions reduction goals set forth in paragraph 2 of this Executive Order.
  - B. **Expedited Agency Processes.** To the full extent allowed by law, agencies shall prioritize and expedite any processes and procedures, including but not limited to rulemaking processes and agency dockets, that could accelerate reductions in GHG emissions.
  - C. **Agency Decisions.** To the full extent allowed by law, agencies shall consider and integrate climate change, climate change impacts, and the state's GHG emissions reduction goals into their planning, budgets, investments, and policy making decisions. While carrying out that directive, agencies are directed to:
    - (1) Prioritize actions that reduce GHG emissions in a cost-effective manner;
    - (2) Prioritize actions that will help vulnerable populations and impacted communities adapt to climate change impacts; and
    - (3) Consult with the Environmental Justice Task Force when evaluating climate change mitigation and adaptation priorities and actions.
  - D. **Report on Proposed Actions.** The following agencies are directed to report to the Governor by May 15, 2020, on proposed actions within their statutory authority to reduce GHG emissions and mitigate climate change impacts: DEQ, DLCD, ODA, ODOE, ODFW, ODF, ODOT, OWRD, OWEB, and PUC.





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- E. Participation in Interagency Workgroup on Climate Impacts to Impacted Communities. The Governor's Office will convene an interagency workgroup on climate impacts to impacted communities to develop strategies to guide state climate actions, with participation by the following agencies and commissions: DEQ, DLCD, ODA, ODF, ODFW, ODOE, ODOT, OHA, OWEB, OWRD, PUC, Environmental Justice Task Force, Oregon Global Warming Commission, Oregon Parks and Recreation Department, and Oregon Sustainability Board.
4. Directives to the Environmental Quality Commission and the Department of Environmental Quality. In addition to the general directives set forth in paragraph 3, the EQC and DEQ are directed to take the following actions:
- A. Oregon's Clean Fuel Standards. Pursuant to its authority under ORS 468A.265 *et seq.* and other applicable laws, the EQC and DEQ shall take actions necessary to amend the low carbon fuel standards, and the schedule to phase in implementation of those standards, with the goal of reducing the average amount of GHG emissions per unit of fuel energy by 20 percent below 2015 levels by 2030, and 25 percent below 2015 levels by 2035.
- B. Clean Fuel Credits for Electrification. The EQC and DEQ are directed to advance methods accelerating the generation and aggregation of clean fuels credits by utilities that can advance the transportation electrification goals set forth in Senate Bill 1044 (2019).
- C. Sector-specific GHG Cap and Reduce Program. Pursuant to its authority under ORS 468A.005 *et seq.* and other applicable laws, the EQC and DEQ shall take actions necessary to:
- (1) Cap and reduce GHG emissions from large stationary sources of GHG emissions, consistent with the science-based emissions reduction goals set forth in paragraph 2 of this Executive Order;
  - (2) Cap and reduce GHG emissions from transportation fuels, including gasoline and diesel fuel, consistent with the science-based emissions reduction goals set forth in paragraph 2 of this Executive Order; and





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- (3) Cap and reduce GHG emissions from all other liquid and gaseous fuels, including natural gas, consistent with the science-based emissions reduction goals set forth in paragraph 2 of this Executive Order.
- D. Regulation of Landfill Methane Emissions. The EQC and DEQ shall take actions necessary to reduce methane gas emissions from landfills, as defined in ORS 459.005(14), that are aligned with the most stringent standards and requirements for reducing methane gas emissions from landfills adopted among the states having a boundary with Oregon.
- E. Reduction of Food Waste. The EQC and DEQ are directed to take actions necessary to prevent and recover food waste, with the goal of reducing food waste by 50 percent by 2030, to reduce GHG emissions resulting from such waste, including but not limited to engaging with states and other jurisdictions, industry, food retailers, and brand manufacturers to develop and implement strategies to prevent and recover food waste.
- F. Timeline and Implementation.
  - (1) No later than May 15, 2020, DEQ shall submit a report to the Governor regarding an estimated timeline for rulemaking necessary for implementing the directives of paragraph 4(A)–(B) and paragraph 4(D)–(E), above.
  - (2) DEQ shall submit a preliminary report to the Governor by May 15, 2020, regarding program options to cap and reduce emissions from large stationary sources, transportation fuels, and other liquid and gaseous fuels that can commence no later than January 1, 2022. A final report shall be due by June 30, 2020.
  - (3) Reports submitted pursuant to paragraph 4 of this Executive Order also should detail DEQ's plans to engage impacted communities during the rulemaking process, in a manner consistent with ORS chapter 183.
- 5. Directives to the Public Utility Commission of Oregon. In addition to the general directives set forth in paragraph 3, the PUC is directed to consider the following factors and values, consistent with state law:





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- A. Statement of Public Interest. It is in the interest of utility customers and the public generally for the utility sector to take actions that result in rapid reductions of GHG emissions, at reasonable costs, to levels consistent with the GHG emissions reduction goals set forth in paragraph 2 of this Executive Order, including transitioning to clean energy resources and expanding low carbon transportation choices for Oregonians.
- B. Regulatory Considerations. Executive Order 00-06, which ensures that the PUC maintains its independence in decision making, is reaffirmed. The directives in this Executive Order are consistent with Executive Order 00-06. When carrying out its regulatory functions, the PUC is directed to:
- (1) Determine whether utility portfolios and customer programs reduce risks and costs to utility customers by making rapid progress towards reducing GHG emissions consistent with Oregon's reduction goals;
  - (2) Encourage electric companies to support transportation electrification infrastructure that supports GHG reductions, helps achieve the transportation electrification goals set forth in Senate Bill 1044 (2019), and is reasonably expected to result in long-term benefit to customers;
  - (3) Prioritize proceedings and activities, to the extent consistent with other legal requirements, that advance decarbonization in the utility sector, and exercise its broad statutory authority to reduce GHG emissions, mitigate energy burden experienced by utility customers, and ensure system reliability and resource adequacy;
  - (4) Evaluate electric companies' risk-based wildfire protection plans and planned activities to protect public safety, reduce risks to utility customers, and promote energy system resilience in the face of increased wildfire frequency and severity, and in consideration of the recommendations made by the Governor's Council on Wildfire Response 2019 Report and Recommendations;





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- (5) Convening periodic workshops for purposes of assisting electric companies, consumer-owned utilities, and operators of electrical distribution systems to develop and share best practices for mitigating wildfire risk; and
- (6) In cooperation with Oregon Housing and Community Services, establish a public process to address and mitigate differential energy burdens and other inequities of affordability and environmental justice, including rate design and other programs to mitigate energy burden.

6. **Directives to the Department of Consumer and Business Services Building Codes Division.** In addition to the general directives set forth in paragraph 3, BCD is directed to take the following actions:

- A. **Energy Efficiency Goal for New Construction.** BCD, through its advisory boards and committees, and in cooperation with ODOE, is directed to adopt building energy efficiency goals for 2030 for new residential and commercial construction. That goal shall represent at least a 60 percent reduction in new building annual site consumption of energy, excluding electricity used for transportation or appliances, from the 2006 Oregon residential and commercial codes.
- B. **Code Progress and Updates.** BCD, through its advisory boards and committees, and in cooperation with ODOE, is directed to evaluate and report on Oregon's current progress toward achieving the goal for new residential and commercial buildings, pursuant to paragraph 6(A) of this Executive Order, and options for achieving steady progress toward the goal over the next three code cycles (2023, 2026, and 2029). Pursuant to its authority under ORS 455.500, BCD also is directed to update the Reach Code on the same timeline. No later than September 15, 2020, BCD should submit a report to the Governor on current progress and options for achieving the goals over the next three code cycles. The report should be updated every three years thereafter.
- C. **Baseline Metrics and Reductions.** BCD, in cooperation with ODOE, is directed to agree on metrics, based on best practice and academic research, to inform the baseline and reductions associated with the code updates set forth in paragraph 6(B).





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7. **Directives to the Oregon Department of Energy.** In addition to the general directives set forth in paragraph 3, ODOE is directed to take the following actions:
- A. **Energy Efficiency Standards.** ODOE is directed to pursue emissions reductions by establishing and updating energy efficiency standards for products at least to levels equivalent to the most stringent standards among West Coast jurisdictions, including grid-connected appliances that can be utilized to manage end-use flexible electrical loads. ODOE also is directed to periodically evaluate and update those standards, as practicable, to remain at least equivalent to the most stringent standards among West Coast jurisdictions.
  - B. **Rulemaking.** ODOE is directed to take actions necessary to establish and update energy efficiency standards for products sold or installed in Oregon that include but are not limited to the following:
    - (1) High CRI fluorescent lamps;
    - (2) Computers and computer monitors;
    - (3) Faucets;
    - (4) Shower heads;
    - (5) Commercial fryers;
    - (6) Commercial dishwashers;
    - (7) Commercial steam cookers;
    - (8) Residential ventilating fans;
    - (9) Electric storage water heaters; and
    - (10) Portable electric spas.
  - C. **Timeline.** Any rulemaking necessary to implement the directives set forth in paragraph 7(B) should be completed by September 1, 2020.
  - D. **Third-Party Validation for Cost Savings.** ODOE, in cooperation with BCD, is directed to contract with a third party consulting firm to assess cost implications, including long-term energy cost savings, of the energy efficiency and building code actions set forth in paragraph 6(A)–(B) of this Executive Order.





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8. **Directives to the Department of Administrative Services.** In addition to the general directives set forth in paragraph 3, DAS is directed to take the following actions:
- A. **Procurement Model for Zero-Emission Vehicles.** DAS is directed to develop a statewide policy and plan for state agencies to follow for procuring zero-emission vehicles, which local governments and special government bodies may use as a model program for furthering adoption of zero-emission vehicles for their fleets. The model program shall provide for a rate of procurement of zero-emission vehicles consistent with the findings and goals set forth in ORS 283.398 and the provisions of ORS 283.327. The model program may provide for DAS to participate in, sponsor, conduct, or administer cooperative procurements in accordance with ORS 279A.200 to ORS 279A.225, under which DAS, local governments, and special government bodies may procure zero-emission vehicles.
  - B. **GHG Implications of Contracting.** DAS is directed to review existing state procurement laws and practices to identify potential improvements that can reduce GHG emissions, consistent with the GHG reduction goals set forth in paragraph 2 of this Executive Order. DAS shall provide a report to the Governor no later than September 15, 2020, detailing options.
  - C. **GHG Reduction Goals and Electrification Goals.** DAS is directed to support the state in meeting the GHG reduction goals set forth in paragraph 2 of this Executive Order, and the zero-emission vehicle adoption goals set forth in Senate Bill 1044 (2019), through the rapid conversion of state fleets to zero-emission vehicles, and the expansion of electric vehicle charging infrastructure for public buildings. DAS shall provide a report to the Governor no later than September 15, 2020, detailing its plan.
9. **Directives to the Oregon Transportation Commission, Oregon Department of Transportation, Land Conservation and Development Commission, Environmental Quality Commission, and Oregon Department of Energy.**





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- A. In a letter from the Governor, dated September 23, 2019, the OTC, LCDC, EQC, and ODOE were directed to prioritize implementation of the Statewide Transportation Strategy, adopted by the OTC. Those agencies are further directed to include the following elements in their implementation of the Statewide Transportation Strategy:
    - (1) Establishment of GHG emissions reduction performance metrics; and
    - (2) Amendments to the Transportation Planning Rule that direct changes to the transportation plans of metropolitan planning areas to meet GHG reduction goals.
  - B. ODOT and DLCD are directed to identify and implement means to provide financial and technical assistance to metropolitan planning areas for amendment to transportation and land use plans that meet the state GHG reduction goals, or more stringent goals adopted by a metropolitan planning area.
  - C. Implementation of the directives set forth in paragraph 9(A)–(B) shall be at the highest level within the agencies, with regular and direct reporting to the Governor. The first report shall be made to the Governor no later than June 30, 2020.
10. **Directives to the Oregon Department of Transportation.** In addition to the general directives set forth in paragraph 3, ODOT is directed to take the following actions:
- A. In consultation with DEQ, ODOE, other appropriate state agencies, and public utilities, ODOT is directed to conduct a statewide transportation electrification infrastructure needs analysis, with particular focus on rural areas of the state, across use types and vehicle classes, to facilitate the transportation electrification goals set forth in Senate Bill 1044 (2019). The study should be completed no later than June 30, 2021.
  - B. ODOT is directed to develop and apply a process for evaluating the GHG emissions implications of transportation projects as part of its regular capital planning and Statewide Transportation Improvement Program planning processes. ODOT shall provide a report on the process to the Governor no later than June 30, 2021.





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11. **Directives to Oregon Health Authority.** In addition to the general directives set forth in paragraph 3, OHA is directed to take the following actions:
  - A. OHA is directed to deliver a report to the Governor, the Oregon Global Warming Commission, and the Environmental Justice Task Force no later than September 1, 2020, on the public health impacts of climate change in Oregon, with particular emphasis on the risks faced by vulnerable communities, including Oregon's nine federally recognized Native American tribes, communities of color, low income communities, and rural communities. OHA is directed to update the report annually.
  - B. OHA is directed to study the impacts of climate change on youth depression and mental health in Oregon and deliver a report to the Governor no later than June 30, 2021.
  - C. OHA and the Oregon Occupational Safety and Health Administration (OSHA) are directed to jointly develop a proposal for standards to protect workplace employees from exposure to wildfire smoke and excessive heat. The proposal should be completed no later than June 30, 2021.
12. **Directives to Oregon Global Warming Commission.** In addition to the general directives set forth in paragraph 3, the Global Warming Commission is directed to take the following actions:
  - A. In coordination with ODA, ODF, and OWEB, the Oregon Global Warming Commission is directed to submit a proposal to the Governor for consideration of adoption of state goals for carbon sequestration and storage by Oregon's natural and working landscapes, including forests, wetlands, and agricultural lands, based on best available science. The proposal shall be submitted no later than June 30, 2021.
  - B. Consistent with its reporting requirements in House Bill 3543 (2007), the Oregon Global Warming Commission shall also include reporting on progress toward the GHG reduction goals set forth in paragraph 2 of this Executive Order, and the zero-emission vehicle adoption goals set forth in SB 1044 (2019).





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13. **Effectiveness.** This Executive Order will remain in effect unless and until it is superseded by statute or another Executive Order.

Done at Salem, Oregon, this 10<sup>th</sup> day of March, 2020.



A handwritten signature in blue ink, reading "Kate Brown", followed by a horizontal line.

Kate Brown  
GOVERNOR

ATTEST:

A handwritten signature in blue ink, reading "Bev Clarno", followed by a horizontal line.

Bev Clarno  
SECRETARY OF STATE





# Oregon

Tina Kotek, Governor

## Department of Land Conservation and Development

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October 19, 2023

To: Land Conservation and Development Commission

From: Brenda Ortigoza Bateman, Ph.D., Director  
Matt Crall, Planning Services Division Manager  
Bill Holmstrom, Land Use and Transportation Planning Coordinator

Subject: **Agenda Item 10, November 2-3, 2023, LCDC Meeting**

## Climate Friendly and Equitable Communities Rulemaking Adoption

### I. Agenda Item Summary

**Purpose.** The Land Conservation and Development Commission (LCDC or commission) will consider adoption of rule amendments for the Climate-Friendly and Equitable Communities program. The commission held a hearing on July 28 to take testimony about draft rules and held the comment period open for written testimony through September 17, 2023. Staff recommend that the commission adopt the amendments in Attachment A, which reflect that testimony and work of the rulemaking advisory committee. This staff report contains an update on the ongoing work in the Climate-Friendly and Equitable Communities program, a review of the rulemaking process, and an overview of the recommended rule amendments.

**Objective.** The commission adopts rule amendments.

For further information about this report, please contact Bill Holmstrom, Land Use and Transportation Planning Coordinator at 971-375-5975 or [bill.holmstrom@dlcd.oregon.gov](mailto:bill.holmstrom@dlcd.oregon.gov).

### II. Climate-Friendly and Equitable Communities Program Update

The Department of Land Conservation and Development (DLCD or department) and the Oregon Department of Transportation (ODOT) continue to support cities and counties through the [Climate-Friendly and Equitable Communities program](#). Staff are developing guidance, delivering technical assistance, and distributing funds to cities and counties. Staff also continue to work with local governments who request alternative dates or exemptions, as allowed in the rules. Staff have included a detailed update in Attachment B.

### **III. Corrections and Clarifications Rulemaking Process**

The commission initiated the corrections and clarifications rulemaking in April 2023. The adopted rulemaking charge is included as Attachment C. At this same commission meeting, commissioners adopted a limited set of temporary amendments to Oregon Administrative Rules chapter 660, division 12, commonly known as the Transportation Planning Rules or TPR. These temporary rules are in effect through November 7, 2023.

After the commission initiated the rulemaking, Director Bateman appointed a 20-person [rulemaking advisory committee](#) based on direction from the commission. The rulemaking advisory committee met four times to review and discuss draft amendments to the rules. The rulemaking advisory committee reviewed a draft fiscal impact statement for the draft rule amendments.

The department also convened a technical advisory committee at the request of several cities and counties. The technical advisory committee was open to the members of the rulemaking advisory committee and staff from all affected cities and counties. The technical advisory committee met three times.

The commission held a hearing on draft amendments at its meeting July 28, and accepted written testimony through September 17. The written testimony is included as Exhibits 9-21. A summary of the written testimony is included in Attachment D. To be fair to all interested parties, the commission and department have not accepted any testimony nor discussed the draft rules with any outside parties after the close of the public comment period.

This rulemaking process is limited to the scope of the commission's April 2023 rulemaking charge. Staff continue to keep a list of other issues that could be considered in a future rulemaking process. This includes changes to OAR 660-012-0210, as described below in this staff report.

The department will update housing planning rules in 2024 as part of the Oregon Housing Needs Analysis process. That process will include a review of other administrative rules, including the TPR, to identify any amendments needed for consistency with updated housing rules. Department staff working on housing, transportation, and climate change have been coordinating closely to ensure the Climate-Friendly and Equitable Communities program increases housing. A summary of how these programs work together to expand housing choices in Oregon is included in Attachment E.

### **IV. Recommended Rule Amendments**

The recommended rule amendments are in Attachment A, along with explanations for amendments in each rule or section. A rule-by-rule summary of changes in the division



is included in Attachment F. These amendments respond to each of the elements of the adopted rulemaking charge in Attachment C, including:

1. Minor clarification and correction amendments; and
2. Further refinement of the temporary amendments adopted in April.

The recommended rule amendments also include changes not explicitly listed in the charge, but within the corrections and clarifications scope of the rulemaking. Some of these changes came from suggestions, questions, or concerns from members of the advisory committees.

Significant issues raised in testimony or discussed in advisory committee meetings are described below. This includes a set of options for the commission to consider in rule 0630 related to bicycle parking for residential development.

**a. Rule 0005: Definitions**

This rule defines terms that are used in the division. See pages 1-7 of Attachment A.

**1. “Accessible” and “accessible dwelling unit”**

Members of the rulemaking advisory committee suggested a broader and more accurate description of accessibility, as codified in ORS 447.210 through 447.280. The recommended amendments include federal requirements and state requirements for accessibility that exceed federal standards.

**2. “Metro region 2040 center”**

The recommended amendments include a new definition that is used consistently throughout the division to be clear about which rules apply to town centers, regional centers, and the central city identified in Title 6 of Metro’s Urban Growth Management Functional Plan. At the request of the City of Portland, the central city, generally the area of Portland’s downtown, south waterfront, and near eastside, is included within the definition of “Metro Region 2040 Center.”

**3. “Multi-unit housing”**

The recommended amendments include a new definition that is used consistently throughout the division.

**4. “Separated or protected bicycle facilities”**

Advisory committee members suggested changes to this definition to clarify which facility designs would qualify. Pedestrian and bicycle staff at ODOT also suggested changes to be consistent with how ODOT uses terms in plans and guidelines. The recommended amendments incorporate many of these suggestions.

**b. Rule 0012: Effective Dates and Transition**

This rule sets effective dates for certain parts of the division to allow for an orderly transition from previous requirements to updated ones as shown on pages 7-9 of Attachment A.

The recommended amendments to subsection (4)(d) would clarify the process for cities and counties in Metro to adopt town and regional center boundaries. The amendments improve consistency with Metro's implementation process for its 2040 Growth Concept and clarify that the requirements apply to areas that have been planned for urban uses by either a city or a county in the region. The amendment also uses the newly defined term "Metro Region 2040 Centers" to refer to areas with boundaries adopted by cities and counties.

**c. Rule 0210: Transportation Modeling and Analysis**

This rule sets requirements for how cities and counties use transportation modelling to make land use decisions in the context of meeting climate goals as shown on page 15 of Attachment A.

The rulemaking charge included changing the effective date of this rule from 2024 to when a city or county adopts a transportation system plan or TSP. There was significant discussion of this rule at rulemaking advisory committee meetings, technical advisory committee meetings, and a separate meeting with interested parties focused on just this rule. Despite that discussion and multiple drafts of the rule, there was no consensus on corrections or clarifications that could address the concerns. As a result, the recommended amendments postpone the effective date of this rule until 2027 to allow time for a collaborative rulemaking process for substantial revisions that go beyond corrections and clarifications.

**d. Rule 0320: Land Use Requirements in Climate-Friendly Areas**

This rule sets requirements for cities and counties to adopt land use regulations for climate-friendly areas as shown on pages 20-22 of Attachment A.

Members of the rulemaking advisory committee commented that the minimum floor area ratio (FAR) requirement of 2.0 did not provide sufficient flexibility for cities and counties that used the "outcome-oriented option" for climate-friendly area development regulations in section (9). Additionally, commenters noted that this FAR requirement would conflict with the minimum zoned building capacity requirement of at least 60,000 square feet per net acre in subsection (9)(a). To address these concerns, the recommended amendments reduce the minimum FAR option from 2.0 to 1.0, which is more consistent with the minimum residential density option and with other parts of the rule.



The Oregon Realtors and City of Springfield submitted written comments on the September 8, 2023 draft. In response, staff recommend further changes to sections (1), (2), and (3), which are included on pages 20-21 of Attachment A. The amendment to section (1) provides clarity regarding reduced development expectations when utilizing the “outcome-oriented” approach described in section (9). The amendment to section (2) does not allow cities and counties to require ground floor commercial and office uses if a multi-unit residential building contains regulated affordable housing units. This change will facilitate funding for affordable housing development, which typically would not support non-residential development. Lastly, the amendments to section (3) provide consistency with the modified “outcome-oriented” approach described in Section (9), which no longer contains requirements for jobs per net acre.

**e. Rule 0325: Transportation Review in Climate-Friendly Areas**

This rule sets requirements for how cities and counties review changes to land uses in new, expanded, or existing climate-friendly areas or Metro Region 2040 centers as shown on pages 23-24 of Attachment A.

Staff recommend rearranging sections of this rule to clarify how the rule applies to adopting a climate-friendly area or Metro Region 2040 Center and how it applies to reviewing plan or land use regulations within existing climate-friendly areas or Metro Region 2040 Centers. The recommended amendments clarify what actions local governments must take in each circumstance. Section (6) gives cities and counties options for how to review plan amendments that cross the boundary and thus affect an area that is both inside and outside a climate-friendly area or Metro Region 2040 Center.

**f. Rule 0350: Urban Growth Boundaries**

This rule provides additional clarity for how to plan for the transportation system with urban growth boundary (UGB) expansions.

Advisory committee members and written testimony expressed concerns that this rule could make future UGB expansions more difficult, particularly expansions needed to supply land for housing, because the rule requires the city to have an updated TSP prior to a UGB expansion. The recommended amendment postpones the effective date of this requirement until 2029 as shown on subsection (5)(f) of rule 0012, on page 9 of Attachment A. By that time, most or all affected cities and counties will have updated their TSP to meet the requirements in the rules.

The recommended amendments do not include any amendments to rule 0350 because the postponement is in rule 0012. Therefore, rule 0350 is not included in Attachment A.

**g. Rules 0430 through 0445: Parking Reform**

These rules are the core parking reforms, reducing costly parking mandates for equity uses (rule 0430), climate-friendly areas (rule 0435), and near transit (rule 0440). Rule 0445 provides two options for parking reform if a city or county decides to not repeal parking mandates city-wide or county-wide as shown on pages 30-32 of Attachment A.

Staff recommend amendments to clarify these rules and other parking provisions based on feedback from cities and counties. Specifically, advisory committee members expressed concern that implementing rule 0440 could be confusing when the transit provider adjusts bus frequencies. The recommended amendments add an option to allow cities and counties to adopt a static map of areas near frequent transit and use that map for a year before updating it. Advisory committee members also expressed concerns about the feasibility of the reform options under rule 0445. The recommended amendments make those options easier to implement.

Some testimony raised equity concerns about these provisions; however, other testimony from equity organizations, affordable housing providers, and a disability consultant supported parking reforms. Additionally, experience from communities around Oregon and the United States that have reformed parking and a review of the academic literature show that parking reform generally improves equity.

**h. Rule 0630: Bicycle Parking**

This rule sets requirements for cities and counties to adopt development regulations that require bicycle parking as shown on pages 35-36 of Attachment A.

Staff recommend rearranging this rule to clarify which types of uses require bicycle parking, and what standards cities and counties must use. The recommended rules no longer contain a requirement for a minimum number of bicycle parking spaces calculated based on required off-street motor vehicle parking spaces.

This rule requires cities and counties to require at least one bicycle parking space per residential unit in multi-unit and mixed-use residential developments. The rulemaking advisory committee had significant discussion about this requirement, and written testimony also addressed this issue. Testimony noted that this can be a substantial expense for housing developers in some cases, and that relatively few trips are taken by bicycle. The requirement would, however, prepare for a future in which many more trips are taken by bicycle to reduce climate pollution.

The recommended amendments would add flexibility to allow cities and counties to reduce the parking requirement for a specific development application (a variance) or for a type of residential use (for example a care facility). Because of the significant

controversy on this issue, Attachment A also includes two other options on pages 35-36 that the commission could select.

- **Option A: One space per unit**  
This is what the commission adopted in 2022.
- **Option B: One space per unit with flexibility for reductions or exemptions**  
The department recommends this option.
- **Option C: One half space per unit**  
Cities and counties could choose to set a higher ratio, but they could not reduce below this ratio.

**i. Rule 0830: Enhanced Review of Select Roadway Projects**

This rule requires cities and counties to carefully review alternatives if they propose certain projects that would significantly increase street or highway capacity as shown on pages 39-42 of Attachment A.

The advisory committees spent significant time discussing this rule, specifically concerns about projects in existing plans. The rule does not apply when a city or county starts construction for a project in its existing TSP. The rule would apply if a city or county proposes to add a project its TSP and to the process for updating a TSP. Subsection (1)(c) requires the city or county to review projects on the prior TSP before projects are carried forward to the new TSP. Advisory committee members expressed concern that this review would be inappropriate for projects that are in ready for construction at the time of the TSP update, or that were included in a general obligation bond levy approved by voters.

Staff recommend adding a list of four exceptions to subsection (1)(c) so that some projects would not need to be reviewed during the TSP update. For projects that do not fall into one of the exceptions, the city or county would have options during a TSP update:

- Choose to not carry the project forward into the updated plan;
- Change the proposed project so that it no longer meets the criteria in (1)(a) or meets an exception in (1)(b) and thus is not subject to the rule; or
- Review alternatives as required in the rule.

Even with exceptions added to (1)(c), some advisory committee members and written testimony objected to the requirement to review projects in existing plans. Other members supported fewer and narrower exceptions. The recommended amendments represent a reasonable middle ground: avoiding excessive review of projects already underway, while ensuring that projects are carefully reviewed before adding street and highway capacity.



## **V. Assessment of Administrative Rule Requirements**

Oregon Revised Statute 197.040(1)(b) directs the Land Conservation and Development Commission to design its administrative requirements to:

- (A) Allow for the diverse administrative and planning capabilities of local governments;
- (B) Consider the variation in conditions and needs in different regions of the state and encourage regional approaches to resolving land-use problems;
- (C) Assess what economic and property interests will be, or are likely to be, affected by the proposed rule;
- (D) Assess the likely degree of economic impact on identified property and economic interests; and
- (E) Assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact.

The recommended amendments fulfill these requirements as described below.

### **(A) Allow for the diverse administrative and planning capabilities of local governments**

The recommended amendments make a variety of corrections and clarifications, including changes to provide more flexibility and certainty to affected local governments. The amended rules only apply to local governments within metropolitan areas.

### **(B) Consider the variation in conditions and needs in different regions of the state and encourage regional approaches to resolving land-use problems**

The recommended amendments provide additional flexibility to cities and counties to set different schedules for meeting key deadlines in the existing rules. The recommended amendments provide additional flexibility to determine how to best meet key requirements locally. The amended rules only apply to local governments within metropolitan areas.

### **(C) Assess what economic and property interests will be, or are likely to be, affected by the proposed rule**

The recommended amendments are corrections and clarifications to adopted rules. The amendments bring more clarity and certainty to local governments. The department has not identified economic or property interests expected to be affected by the recommended amendments.

**(D) Assess the likely degree of economic impact on identified property and economic interests**

The recommended amendments are corrections and clarifications to adopted rules. The amendments bring more clarity and certainty to local governments. The degree of property or economic impacts are likely to be very minimal.

**(E) Assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact**

The recommended amendments are corrections and clarifications to adopted rules. The department worked with stakeholders to develop amendments that provide increased flexibility and certainty. The recommended amendments are likely to have less economic impact than the presently adopted rules.

**VI. Recommended Action**

The department recommends that the commission:

1. Review the recommended amendments to administrative rules in Attachment A;
2. Review [rulemaking impact statements](#);
3. Review public comment and testimony received through September 17;
4. Adopt the recommended administrative rules; and
5. Repeal temporary rules upon the effective date of the adopted rules.

**a. Sample Motion 1 – Adopt Permanent Rule Amendments**

*Recommended motion – Approve department recommendation.*

I move that the Land Conservation and Development Commission amend rules in Oregon Administrative Rules chapter 660, division 12, as recommended in Attachment A of the staff report, using option B in rule 630, section 3.

*Alternate motion – Approve recommended rules using a different option for bicycle parking requirements.*

I move that the Land Conservation and Development Commission amend rules in Oregon Administrative Rules chapter 660, division 12, as recommended in Attachment A of the staff report, using option **[A or C]** in rule 630, section 3.

*Alternate motion – Approve revised rules.*

I move that the Land Conservation and Development Commission amend rules in Oregon Administrative Rules chapter 660, division 12, as recommended in

Attachment A of the staff report, using option **[A, B, or C]** in rule 630, section 3, with the following revisions: ***[state proposed revisions]***

**b. Sample Motion 2 – Repeal Temporary Rules**

I move that the Land Conservation and Development Commission repeal the temporary rules in Oregon Administrative Rule Chapter 660, Division 12, upon the filing and effective date of the permanent rules.

**VII. Attachments**

**A. Recommended Rule Amendments**

**B. Implementation Update**

**C. Rulemaking Charge**

**D. Summary of Testimony Received**

**E. Increasing Housing Production and Transportation Choices**

**F. Rule-by-Rule Summary of Changes to the Transportation Planning Rules**



**Chapter 660 – Division 12**  
**Transportation Planning**  
**Recommended Amendments – October 19, 2023**

This document contains the recommended set of amendments to the Transportation Planning Rules. The amendments are meant to address the rulemaking charge given to the department and the rulemaking advisory committee by the Land Conservation and Development Commission on April 20, 2023. This document includes changes from presently adopted rules (not including rules adopted temporarily by the commission), and comments about changes within boxes which are not part of the rules themselves.

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**660-012-0005: Definitions**

The change in this rule is due to advice of counsel to add a preamble to the definitions.

For the purposes of this division, the definitions contained in ORS 197.015, 197.303, and 197.627 shall apply unless the context requires otherwise. In addition, the following definitions apply:

(1) “Access Management” means measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.

The change in this definition is to clarify that these units can accommodate all people, and are often seen as desirable for many reasons and bought/leased/rented by people without disabilities.

(2) “Accessible dwelling unit” means a dwelling unit constructed to standards capable of accommodating persons with disabilities, in compliance with ORS 447.210 through 447.280, the Americans with Disabilities Act and applicable construction requirements in adopted building codes.

(3) “Accessible” means complying with the applicable standards of ORS 447.210 through 447.280, and where applicable, with ORS 447.310, American with Disabilities Act.

(4) “Accessway” means a walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a

- walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.
- (5) “Affected Local Government” means a city, county, or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.
- (6) “Approach Road” means a legally constructed, public or private connection that provides vehicular access either to or from or to and from a highway and an adjoining property.
- (7) “Area, net” means the total area of a development site exclusive of proposed or existing public rights of way, public parks, public open space, protected natural features, and any other areas permanently precluded from development due to development constraints, easements, or similar legal instruments.
- (8) “At or near a major transit stop”: “At” means a parcel or ownership that is adjacent to or includes a major transit stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. “Near” generally means a parcel or ownership that is within 300 feet of a major transit stop. The term “generally” is intended to allow local governments through their plans and ordinances to adopt more specific definitions of these terms considering local needs and circumstances consistent with the overall objective and requirement to provide convenient pedestrian access to transit.
- (9) “Bicycle boulevard” means bicycle facilities on streets with low motorized traffic volumes and speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs, markings, traffic diverters, or other measures to discourage through trips by motor vehicles. A bicycle boulevard may also include traffic control features to create safe, convenient bicycle crossings of intersecting streets.
- (10) “Climate-friendly area” means an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key destinations within the city and region. These areas feature a well-designed and connected pedestrian environment. To maximize community benefits these areas typically do not contain or require large parking lots, and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors, residents, and employees. Climate-friendly areas will reduce the reliance on light duty motor vehicle trips for residents, workers, and visitors by providing more proximate destinations within climate-friendly areas, improved connectivity to key destinations elsewhere in the community, and enhanced alternative transportation options.

This is a new definition added for clarity. There are references to climate pollution throughout the division.

(11) “Climate pollution” means emissions of greenhouse gases as defined in ORS 468A.210.

The change in this definition is to reword for clarity.

- (12) “Commercial parking lot” means a site ~~without a primary use where the primary use is renting or leasing~~ vehicle parking spaces ~~are rented or leased~~. It does not include shared parking.
- (13) “Committed transportation facilities” means those proposed transportation facilities and improvements that are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.
- (14) “Demand management” means actions that are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include, but are not limited to, the use of non-driving modes, ride-sharing and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid parking.
- (15) “Equitable outcomes” means outcomes that burdens underserved populations less than, and benefits underserved populations as much or more as, the city or county population as a whole. Examples of equitable outcomes include:
- (a) Increased stability of underserved populations, lowering the likelihood of displacement due to gentrification from public and private investments;
  - (b) More accessible, safe, affordable and equitable transportation options with better connectivity to destinations people want to reach;
  - (c) Adequate housing with access to employment, education, fresh food, goods, services, recreational and cultural opportunities, and social spaces;
  - (d) Increased safety for people in public spaces, transportation, and community development;

- (e) Equitable access to parks, nature, open spaces, and public spaces;
- (f) Better and more racially equitable health outcomes across the lifespan, particularly health outcomes connected to transportation choices, air pollution, and food;
- (g) Recognizing and remedying impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure siting decisions that harmed underserved communities; ~~and~~
- (h) Fairly-distributed benefits to residents and local governments across cities and counties within metropolitan areas; and

The change in this definition is to add an example to encourage engagement of people with disabilities in planning decisions. Decision processes up to this point have often not centered these voices.

- (i) Increased opportunities for people with disabilities to be actively engaged in community-based decision-making processes, with supports as needed.-
- ~~(165)~~ “Freeway” means a limited-access highway with access points exclusively from interchanges with other streets and highways. Limited access may be provided for rural land uses in rural areas where no other access is available.
- ~~(176)~~ “Horizon year” means the final year of the twenty-year planning period.
- ~~(187)~~ “Influence area of an interchange” means the area 1,320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.
- ~~(198)~~ “Local streets” means streets that are functionally classified as local streets to serve primarily local access to property and circulation within neighborhoods or specific areas. Local streets do not include streets functionally classified as collector or arterials.
- ~~(2049)~~ “Local Street Standards” include but are not limited to standards for right-of-way, pavement width, travel lanes, parking lanes, curb turning radius, and accessways.
- ~~(210)~~ “Major” means, in general, those facilities or developments that, considering the size of the urban or rural area and the range of size, capacity or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the immediate neighborhood:
  - (a) “Major” as it modifies transit corridors, stops, transfer stations, and new transportation facilities means those facilities that are most important to the functioning of the system or that provide a high level, volume, or frequency of service;
  - (b) “Major” as it modifies industrial, institutional, and retail development means such developments that are larger than average, serve more than neighborhood needs, or that have traffic impacts on more than the immediate neighborhood;
  - (c) Application of the term “major” will vary from area to area depending upon the scale of transportation improvements, transit facilities, and development that occur in the area. A facility considered to be major in a smaller or less densely developed area may, because of the relative significance and impact of the facility or development, not be considered a major facility in a larger or more densely developed area with larger or more intense development or facilities.
- ~~(224)~~ “Major transit stop” means existing and planned transit stations, including light rail stations and other transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in a transportation system plan and existing stops that:
  - (a) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to region wide service. In urban areas of 1,000,000 or more population, major transit stops are generally located along routes that have or are planned for 15-minute or better service frequency throughout the day and on weekends; and
  - (b) Are located in a transit-oriented development or within one-quarter mile of an area planned and zoned for:
    - (A) Medium or high-density residential development; or
    - (B) Intensive commercial or institutional uses within one-quarter mile of land uses in paragraph (A); or
    - (C) Uses likely to generate a relatively high level of transit ridership.
- ~~(232)~~ “Metropolitan area” means the local governments that are responsible for adopting local or regional transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities, counties, and, in the Portland Metropolitan Area, Metro.



This is a new definition added for clarity. There are references to Metro Region 2040 Centers throughout the division.

(24) “Metro Region 2040 Center” means the area within a boundary adopted by a city or county under Title 6 of the acknowledged Metro Urban Growth Management Functional Plan for the central city, regional centers, and town centers on Metro’s 2040 Growth Concept map.

(235) “Metropolitan Planning Organization (MPO)” means an organization located within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state including such designations made subsequent to the adoption of this rule. The Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the purposes of this division.

(246) “Minor transportation improvements” include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways, or expressways; new collector or arterial streets, road realignments or addition of travel lanes.

This is a new definition added to address charge item 1. The new definition of “multi-unit housing” will be used consistently throughout the division.

(27) “Multi-unit housing” means five or more attached housing units on a single lot or parcel. A dwelling unit may be attached to another dwelling unit vertically or horizontally. Multi-unit housing does not include middle housing types, as defined in ORS 197.758, but does include five or more attached condominium dwelling units located on a collectively managed lot or parcel.

(285) “ODOT” means the Oregon Department of Transportation.

(296) “Parking benefit district” means a designated area where some of the revenues from parking fees or permits for public parking within the designated area are dedicated to public improvements in the area.

The change in this definition is to reword for clarity and to address historic conditional uses based on providing parking.

(3027) “Parking mandates” means requirements to include or retain a carport, garage, or minimum number of off-street parking spaces with development, ~~or~~ redevelopment, alterations, changes of use, or, for residential development, a fee-in-lieu of providing parking for residential development. It does not include requirements for parking spaces under the Americans with Disabilities Act or ORS 447.233.

(3128) “Parking maximums” means limits on the number of off-street parking spaces that can be included in a development.

The change in this definition is to exclude spaces for automobiles for sale or rent and fleet vehicles as “parking spaces.”

(3229) “Parking spaces” means on and off-street spaces designated for automobile parking, other than parking spaces reserved for:

- (a) ~~reserved for automobiles for sale or rent;~~
- (b) fleet vehicles;
- (c) carpools or vanpools; or
- (d) ~~or~~ parking under the Americans with Disabilities Act.

(330) “Pedestrian district” means a comprehensive plan designation or implementing land use regulations, such as an overlay zone, that establish requirements to provide a safe and convenient pedestrian environment in an area planned for a mix of uses likely to support a relatively high level of pedestrian activity. Such areas include but are not limited to:

- (a) Lands planned for a mix of commercial or institutional uses near lands planned for medium to high-density housing; or
- (b) Areas with a concentration of employment and retail activity; and
- (c) That have, or could develop, or have planned a network of streets and accessways that provide convenient pedestrian circulation.

- (34+) “Pedestrian facility” means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian facilities include but are not limited to sidewalk\_s, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian facilities are generally hard surfaced. In parks and natural areas, pedestrian facilities may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities may also include rights of way or easements for future pedestrian improvements.
- (352) “Pedestrian plaza” means a small semi-enclosed area usually adjoining a sidewalk or a transit stop that provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete, pavers, bricks, or similar material and include seating, pedestrian scale lighting, and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance, or an intersection and connect directly to adjacent sidewalks, walkways, transit stops, and buildings. A plaza including 150-250 square feet would be considered “small.”
- (363) “Pedestrian scale” means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow, and buffering. Examples include ornamental lighting of limited height; bricks, pavers, or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.
- (374) “People with disabilities” means people who have a record or history of physical, mental, intellectual, or sensory impairments that in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

This is a new definition to address charge item 2.

- (38) “Performance measure” means an indicator used to evaluate progress towards meeting performance targets in accordance with OAR 660-012-0910.

This is a new definition to address charge item 2.

- (39) “Performance standard” means an indicator used to review comprehensive plan and land use regulation amendments in accordance with OAR 660-012-0060.
- (4035) “Planning period” means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this division.
- (4136) “Preliminary Design” means an engineering design that specifies in detail the location and alignment of a planned transportation facility or improvement.
- (4237) “Priority transit corridor” means a corridor that has a high existing or planned level of transit service relative to other transit service in the community, including service frequency and span of service. The corridor may be described as a series of stations when served by high-capacity transit services with widely spaced stations.
- (4338) “Reasonably direct” means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- (4439) “Refinement Plan” means an amendment to the transportation system plan, that resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.
- (450) “Regional Transportation Plan” or “RTP” means the long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.
- (46+) “Roads” means streets, roads, and highways.
- (472) “Rural community” means areas defined as resort communities and rural communities in accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need only meet the definitions contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

The change in this definition is in response to RAC comments.

- (483) “Separated or protected bicycle facilities” means bicycle facilities that are physically separated, or that are protected from motor vehicle traffic by barriers, elements that designed to inhibit intrusion into the bicycle facility. Protection may include parked motor vehicles, curbs, or a raised elevation of the bicycle facility. Separated or protected bicycle facilities may be unidirectional or two-way. Separated or protected bicycle facilities are designed to address conflicting traffic at intersections and other vehicular accesses to the street or highway.

This change in this definition is a rewording to make it easier to provide shared parking.

~~(494)~~ “Shared parking” means parking spaces used to meet the parking mandates for two or more uses, structures, or parcels of land, ~~to the extent that the owners or operators show the overall demand for parking spaces can be met by the shared parking.~~

~~(5045)~~ “Transit-Oriented Development (TOD)” means a mix of residential, retail, and office uses and a supporting network of roads, bicycle, and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit-oriented development include:

- (a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;
- (b) High density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD;
- (c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.

~~(5146)~~ “Transportation Facilities” means any physical facility that moves or assist in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage, and water systems.

~~(5247)~~ “Transportation System Management Measures” means techniques for increasing the efficiency, safety, capacity, or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.

~~(5348)~~ “Transportation Needs” means estimates of the movement of people and goods consistent with an acknowledged comprehensive plan and the requirements of this division. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this division, and attaining the state’s goals for greenhouse gas emissions reduction, especially those for avoiding principal reliance on any one mode of transportation.

~~(5449)~~ “Transportation Needs, Local” means needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.

~~(550)~~ “Transportation Needs, Regional” means needs for movement of people and goods between and through communities and accessibility to regional destinations within a metropolitan area, county, or associated group of counties.

~~(561)~~ “Transportation Needs, State” means needs for movement of people and goods between and through regions of the state and between the state and other states.

~~(572)~~ “Transportation Options Provider” means an entity providing services that work to change travel behavior in order to increase transportation system efficiency.

~~(583)~~ “Transportation Project Development” means implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.

~~(594)~~ “Transportation Service” means a service for moving people and goods, such as intercity bus service and passenger rail service.

~~(6055)~~ “Transportation System Plan (TSP)” means a plan for one or more transportation facilities that are planned, developed, operated, and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

~~(6156)~~ “Urban Area” means lands within an urban growth boundary, two or more contiguous urban growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). For the purposes of this division, the area need only meet the definition contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

~~(6257)~~ “Unbundled parking” means a requirement that parking spaces for each unit in a development be rented, leased, or sold separately from the unit itself. The parking space(s) must be rented, leased, or sold at market rates for comparable local off-street parking. The renter, lessor, or buyer of the unit must be allowed to opt out of renting, leasing, or buying the parking space.

~~(6358)~~ “Urban Fringe” means:

- (a) Areas outside the urban growth boundary that are within five miles of the urban growth boundary of an MPO area; and
- (b) Areas outside the urban growth boundary within two miles of the urban growth boundary of an urban area containing a population greater than 25,000.



(6459) “Vehicle Miles Traveled (VMT)” means all jurisdiction household-based light vehicle travel regardless of where the travel occurs.

(650) “Walkway” means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.712, ORS 197.717, ORS 197.732, ORS 197.012

## **660-012-0012: Effective Dates and Transition**

(1) The rules in this division adopted on July 21, 2022, and amendments to rules in this division adopted on that date, are effective August 17, 2022, except as provided in this rule.

(2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make interim updates to the local transportation system plan using requirements as provided in OAR 660-012-0015 if the city or county:

(a) Has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than December 31, 2022; or

(b) The interim update is not a major transportation system plan update as provided in OAR 660-012-0105, and the city or county has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than June 30, 2027. Interim updates must comply with applicable requirements in this division within the scope of the transportation system plan amendment but need not bring the entire transportation system plan in compliance with all applicable regulations.

The changes in this section are part of temporary rules adopted by the commission in April.

(3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or deadlines in section (4) of this rule.

(a) A submitted proposal for alternative dates shall include:

(A) A description of any work already underway to begin complying with the new or amended requirements of this division;

(B) Proposed dates for accomplishing requirements in lieu of effective dates or deadlines provided in this rule; and

(C) A schedule for updating local transportation system plans to comply with new or amended requirements of this division.

(b) Proposed alternative dates must demonstrate consistent progress toward meeting the updated requirements of this division. ~~Proposed alternative dates must include at least some work implemented by December 31, 2023.~~

Proposed alternative dates must include completion of all elements included in the alternative dates, except for a major update to the transportation system plan, by ~~June 30, 2027~~ December 31, 2029.

(c) Proposed alternative dates should be designed to sequence work in a logical progression, considering acknowledged plans, other work, and the work of other jurisdictions within the metropolitan area. Cities and counties in a metropolitan area may submit joint proposed alternative dates for a metropolitan area.

~~(d) Proposed alternative dates may not be submitted to the department after January 31, 2023.~~

~~(ed)~~ Local governments in regions required to submit a work program as provided in OAR 660-044-0015 may submit a single combined work program that proposes alternative dates as provided in this rule and meets the requirements as provided in OAR 660-044-0100. ~~Notwithstanding subsection (d), the combined work program must be submitted by the date provided in OAR 660-044-0015.~~

~~(fe)~~ The director shall review the proposed alternative dates to determine whether the proposed alternative dates meet the following criteria:

(A) Ensures urgent action;

(B) Coordinates actions across jurisdictions within the metropolitan area;

(C) Coordinates with work required as provided in OAR 660-044-0100;

(D) Sequences elements into a logical progression; and

(E) Considers availability of funding and other resources to complete the work.

~~(gf)~~ Upon the director finding the proposed alternative dates meet the criteria in (f), the alternative dates shall be used.

~~(hg)~~ The director may modify alternative dates at any time as necessary to achieve the purposes of this division.

- (4) The dates in this section apply unless alternative dates are approved by the director as provided in section (3).
- (a) Cities outside the Portland Metropolitan Area with a population over 5,000 in the urban area, and counties outside the Portland Metropolitan Area with an unincorporated population over 5,000 in the urban area, must adopt a major transportation system plan update as provided in OAR 660-012-0105 by December 31, 2029.

The change in this subsection addresses charge item 4. The change matches the date for local governments to meet the requirements of OAR 660-012-0215 with adoption of a local TSP update.

- (b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation performance standards take effect ~~on June 30, 2025~~ upon the adoption of a major update to the local transportation system plan.
- (c) A city or county that is subject to the requirements of OAR 660-012-0310 shall adopt land use requirements for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-0315 by December 31, 2024.

The change in this subsection addresses charge item 18 in part. The change clarifies that certain requirements must be met when local governments in the Portland Metropolitan Area adopt Metro Region 2040 centers.

- (d) Metro shall amend ~~its~~ the Urban Growth Management Functional Plan in conjunction with its next growth management analysis under ORS 197.296 and no later than December 31, 2024, to require each city and county within Metro to:

(A) By December 31, 2025, local government adopt boundaries for allion of Region 2040 regional and town centers identified on Metro's 2040 Growth Concept map for which the city or county has adopted urban land use designations in their comprehensive plan, except for any portions of centers that have boundaries adopted by another city or county; and land use regulations as described in the acknowledged urban growth management functional plan. Within the Metro urban growth boundary, a county with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services, or a city shall comply with the adopted requirements of the urban growth management functional plan by December 31, 2025.

(B) Adopt boundaries for any other regional and town center identified on Metro's 2040 Growth Concept map when the city or county adopts urban land use designations for the area of that center in their comprehensive plan, unless portions of the center have boundaries already adopted by another city or county; and

(C) Identify boundaries for regional and town centers that are adopted pursuant to this subsection to be located in the general area of the center as identified in the Metro 2040 Growth Concept map.

- (e) Cities and counties shall adopt land use regulations to meet the requirements of OAR 660-012-0330 no later than the date of adoption of a major transportation system plan update as provided in OAR 660-012-0105.

The change in this subsection is for language consistency.

- (f) Cities and counties shall adopt comprehensive plan amendments and land use regulations meeting requirements provided in OAR 660-012-0400, OAR 660-012-0405, and OAR 660-012-0415 through OAR 660-012-0450 no later than June 30, 2023, except as provided below. If a city or county has not done so, it may not ~~apply enforce~~ parking mandates after that date.

(A) Cities and counties that pass population thresholds in OAR 660-012-0400, OAR 660-012-0415, or OAR 660-012-0450 must adopt comprehensive plan amendments and land use regulations meeting requirements within 12 months of passing those population thresholds.

(B) If cities and counties adopt an approach in OAR 660-012-0445, policies must take effect no later than June 30, 2023.

(C) Cities and counties adopting an approach in OAR 660-012-0435 shall do so concurrently with adoption of any climate-friendly area under OAR 660-012-0315.

- (g) Cities choosing to report on the share of on-street parking spaces that are priced as provided in OAR 660-012-0450(1)(b) must:

(A) Demonstrate at least five percent of on-street parking spaces are priced by September 30, 2023; and

(B) Demonstrate at least 10 percent of on-street parking spaces are priced by September 30, 2025.

(5) The following dates and provisions may not be adjusted through proposed alternative dates as provided in section (3):

The change in this subsection addresses charge item 4. Staff have changed this subsection to match the recommendation to postpone the effective date of ORS 660-012-0210.

- (a) The provisions of OAR 660-012-0210 take effect ~~June 30, 2024~~ December 31, 2027.
- (b) A city or county ~~that is~~ subject to the requirements of OAR 660-012-0310 shall submit a study of climate-friendly areas as provided in OAR 660-012-0315(4) and (5) by December 31, 2023.
- (c) The provisions of OAR 660-012-0310(4)(a) and (b) take effect June 30, 2023.
- (d) Cities shall implement the requirements for electric vehicle charging as provided in OAR 660-012-0410 no later than March 31, 2023.
- (e) Cities and counties shall implement the requirements of OAR 660-012-0430 and 660-012-0440 when reviewing development applications submitted after December 31, 2022.

This new subsection addresses charge item 3. The new subsection means that during the interim period before December 31, 2029, local governments need not adopt a major update to their transportation system plan meeting all updated requirements to expand an urban growth boundary.

- (f) The provisions of OAR 660-012-0350(1)(a) take effect December 31, 2029.

This new subsection means that cities and counties need not adopt a new transportation system plan in the case where they need to use to authorization process in OAR 660-012-0830 in the interim period.

- (g) The provisions of OAR 660-012-0830(2)(b) take effect upon the adoption of a major update to the local transportation system plan

(6) Cities and counties with voter-approved bond-funded projects where the election occurred before January 1, 2022 may use approved bond funding as a factor when prioritizing projects in an unconstrained project list as provided in OAR 660-012-0170(4).

(7) The first reporting year for the reporting requirements provided in OAR 660-012-0900 is 2023, with reports due no later than May 31, 2024.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.712, ORS 197.296, ORS 455.417

#### **660-012-0100: Transportation System Plans in Metropolitan Areas**

This changes in this rule are for clarity.

(1) Cities and counties shall develop and adopt a transportation system plan. Cities and counties shall develop a transportation system plan and amendments to that plan consistent with the provisions of OAR 660-012-0105 through OAR 660-012-0215. A transportation system plan includes the following elements:

- (a) The core transportation system plan elements as provided in section (2);
- (b) Funding projections as provided in OAR 660-012-0115;
- (c) A transportation options element as provided in OAR 660-012-0145;
- (d) An unconstrained project list as provided in OAR 660-012-0170;
- (e) A financially-constrained project list as provided in OAR 660-012-0180;
- (f) Any refinement plans adopted as provided in OAR 660-012-0190;
- (g) A pedestrian system element as provided in OAR 660-012-0500;
- (h) A bicycle system element as provided in OAR 660-012-0600;
- (i) A public transportation system element as provided in OAR 660-012-0700; and
- (j) A street and highway system element as provided in OAR 660-012-0800.

(2) A transportation system plan shall include the following core elements:

- (a) The base and planning horizon years as provided in section (3) of this rule;
- (b) The land use assumptions as provided in OAR 660-012-0340;
- (c) A list of all elements of the plan, and the date of adoption or amendment of each;
- (d) The coordinated land use and transportation system planning policies in the ~~city's~~ comprehensive plan;
- (e) The local transportation system plan goals and policies;
- (f) Areas with concentrations of underserved populations as provided in OAR 660-012-0125, identified using best available data;



- (g) A record of the engagement, involvement, and decision-making processes used in development of the plan, as provided in OAR 660-012-0130;
- (h) A major equity analysis as provided in OAR 660-012-0135 or an engagement-focused equity analysis as provided in OAR 660-012-0135 for urban areas under 5,000 in population; and
- (i) The dates of each report made to the director as provided in OAR 660-012-0900, including all applicable city and county reports for the planning area.
- (3) Cities and counties shall determine the base and horizon years of a transportation system plan as follows:
- (a) The base year is the present or past year which is used for the development of plan elements. The base year shall be the year of adoption of a major update to the ~~Transportation System plan~~ Update, or no earlier than five years prior.
- (b) The horizon year is the future year for which the plan contains potential projects and shall be at least twenty years from the year of adoption of a major update to the transportation system plan.
- (4) The director may grant a whole or partial exemption from the requirements of this division to cities and counties with a population of less than 10,000 within the urban area. The director may also grant a whole or partial temporary exemption from the requirements of this division to jurisdictions of any size that are newly included in an existing metropolitan area or a newly designated metropolitan area. The director shall use the criteria and process as provided in OAR 660-012-0055(7) to decide to approve an exemption.
- (5) The development of a transportation system plan shall be coordinated with affected cities, counties, transportation facility owners, and transportation service providers, and transportation options providers.
- (6) Adoption or amendment of a transportation system plan shall constitute the land use decision regarding the function, mode, general location, and need for transportation facilities, services, and major improvements.
- (7) Adoption or amendment of a transportation system plan shall include findings of compliance with applicable statewide planning goals, acknowledged comprehensive plan policies, and land use regulations.
- (8) Cities and counties shall design transportation system plans to achieve transportation performance targets as provided in OAR 660-012-0910.
- (9) Metro shall adopt a regional transportation system plan provided in OAR 660-012-0140.
- (10) Cities and counties in the Portland Metropolitan Area shall additionally meet the requirements as provided in OAR 660-012-0140.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.180, ORS 197.200, ORS 197.274, ORS 197.712

### **660-012-0110: Transportation System Planning Area**

- (1) The planning area for transportation system plans is the area within the acknowledged urban growth boundary. The unincorporated area within urban growth boundaries is the urbanizable area.
- (2) Cities and counties are responsible for cooperatively developing transportation system plans within the urban area, including the urbanizable area. Cities and counties shall jointly determine and agree how transportation system planning will occur in the urbanizable area, including plan adoption.
- (a) Cities may develop and adopt a single transportation system plan for the entire urban area;
- (b) A county may choose to develop and adopt a separate transportation system plan for areas in the urbanizable area; or
- (c) A city and county may jointly determine the geographic extent of each of their transportation system plans within the urban area.

The changes in this section address charge items 5 and 6. The changes remove confusing provisions for counties. The rules should be clear throughout when they apply to cities or counties.

- (3) Counties planning for urban areas as provided in this rule, and associated cities, shall meet these requirements:
- ~~(a) Counties shall meet the applicable requirements of this division as if they were a city, even when requirements only refer to cities.~~
- ~~(a)~~ Both the city and county shall meet all applicable requirements of this division based on the population of the entire urban area, except where a population threshold in a rule specifically refers to the population of the urban unincorporated area.
- ~~(b)~~ When a county develops a transportation system plan for a portion of the urban area within an urban growth boundary, both transportation system plans must have the same planning horizon year. This subsection does not apply in urban areas with more than one city or in the Portland Metropolitan Area.

(4) Counties shall plan areas outside urban growth boundaries as rural, regardless of location within a metropolitan area. Counties planning for unincorporated communities within a metropolitan area must meet requirements provided in OAR chapter 660, division 22.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### **660-012-0135: Equity Analysis**

(1) Cities and counties shall determine whether the land use and transportation plans required in this division improve outcomes for underserved populations by using an equity analysis. An equity analysis is intended to determine benefits and burdens on underserved populations, as identified in OAR 660-012-0125.

This section has been added to address charge item 7. The new section clarifies which circumstances require each type of equity analysis. This does not change which types of analysis are required, only lists them in this rule.

(2) A city or county must engage in either a major equity analysis or an engagement-focused equity analysis as provided in this division, including in the following circumstances:

(a) A major equity analysis must be conducted when making a major update to a transportation system plan for an urban area of 5,000 in population or larger, as provided in OAR 660-012-0100(2).

(b) An engagement-focused equity analysis must be conducted:

(A) When making a major update to a transportation system plan for an urban area under 5,000 in population, as provided in OAR 660-012-0100(2);

(B) When making a minor update to a transportation system plan, as provided in OAR 660-012-0105(1);

(C) When designating a climate-friendly area, as provided in OAR 660-012-0315(4)(c); and

(D) When choosing to authorize a proposed facility, as provided in OAR 660-012-0830(2)(f).

~~(23)~~ A city or county engaging in a major equity analysis shall conduct all the actions in the engagement-focused equity analysis in section ~~(34)~~. In addition, a city or county shall:

(a) Assess, document, acknowledge, and address where current and past land use, transportation, and housing policies and effects of climate change have harmed or are likely to harm underserved populations;

(b) Assess, document, acknowledge, and address where current and past racism in land use, transportation, and housing has harmed or is likely to harm underserved populations;

(c) Identify geographic areas with significantly disproportionate concentrations of underserved populations;

(d) Develop key performance measures as required in OAR 660-012-0905, or review existing performance measures, for key community outcomes as provided in subsection ~~(34)~~(a) over time; and

(e) Use the best available data in conducting sections (a) through (d).

~~(34)~~ A city or county conducting an engagement-focused equity analysis shall:

(a) Engage with members of underserved populations as identified in OAR 660-012-0125 to develop key community outcomes;

(b) Gather, collect, and value qualitative and quantitative information, including lived experience, from the community on how the proposed change benefits or burdens underserved populations;

(c) Recognize where and how intersectional discrimination compounds disadvantages;

(d) Analyze the proposed changes for impacts and alignment with desired key community outcomes and key performance measures under OAR 660-012-0905;

(e) Adopt strategies to create greater equity or minimize negative consequences; and

(f) Report back and share the information learned from the analysis and unresolved issues with people engaged as provided in subsection (a).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### **660-012-0140: Transportation System Planning in the Portland Metropolitan Area**

(1) This rule applies to cities and counties in the Portland Metropolitan Area, and Metro. In the Portland Metropolitan Area, cities and counties shall develop and adopt local transportation system plans as provided in OAR 660-012-0100. Metro shall develop and adopt a regional transportation system plan as provided in this rule.

(2) Cities and counties shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with Metro's regional transportation system plan. Consistent means city and county comprehensive plans and implementing ordinances conform with the policies and projects in the regional transportation system

- 1 plan. If Metro finds a local transportation system plan is consistent with the Regional Transportation Functional  
 2 Plan, the transportation system plan shall be deemed consistent with the regional transportation system plan.
- 3 (3) Metro shall prepare, adopt, amend, and update a regional transportation system plan in coordination the with  
 4 regional transportation plan required by federal law. Insofar as possible, the regional transportation system plan  
 5 shall be accomplished through a single coordinated process that complies with the applicable requirements of  
 6 federal law and this division.
- 7 (a) When Metro adopts or amends the regional transportation plan to comply with this division as provided in this  
 8 section, Metro shall review the adopted plan or amendment and either:
- 9 (A) Adopt findings that the proposed regional transportation plan amendment or update is consistent with the  
 10 applicable provisions of adopted regional transportation system plan and compliant with applicable  
 11 provisions of this division; or
- 12 (B) Adopt amendments to the regional transportation system plan that make the regional transportation plan  
 13 consistent and compliant with applicable provisions of this division. Necessary plan amendments or updates  
 14 shall be prepared and adopted in coordination with the federally-required plan update or amendment. Such  
 15 amendments shall be initiated no later than 30 days from the adoption of the regional transportation plan  
 16 amendment or update and shall be adopted no later than one year from the adoption of the regional  
 17 transportation plan amendment or update or according to a work program approved by the commission. A  
 18 plan amendment is initiated for purposes of this subsection where the affected local government files a post-  
 19 acknowledgement plan amendment notice with the department as provided in OAR 660-018-0020.
- 20 (b) Adoption or amendment of the regional transportation plan relates to compliance with this division for  
 21 purposes of this section if it does one or more of the following:
- 22 (A) Changes plan policies;
- 23 (B) Adds or deletes a project from the list of planned transportation facilities, services, or improvements or from  
 24 the financially-constrained project list required by federal law;
- 25 (C) Modifies the general location of a planned transportation facility or improvement;
- 26 (D) Changes the functional classification of a transportation facility; or
- 27 (E) Changes the planning period or adopts or modifies the population or employment forecast or allocation  
 28 upon which the plan is based.
- 29 (c) The following amendments to the regional transportation plan do not relate to compliance with this division  
 30 for purposes of this section:
- 31 (A) Adoption of an air quality conformity determination;
- 32 (B) Changes to a federal revenue projection;
- 33 (C) Changes to estimated cost of a planned transportation project; or
- 34 (D) Deletion of a project from the list of planned projects where the project has been constructed or completed.
- 35 (4) Notwithstanding any requirement in this division, Metro may adopt provisions into a regional functional plan  
 36 that require cities and counties to meet an additional requirement for transportation system planning where Metro  
 37 finds that the additional requirement is necessary to meet regional planning objectives and supports the purposes  
 38 of this division.

39 The changes in this section address charge item 5. The changes provide additional flexibility for setting  
 40 the horizon year of local transportation system plans in the Portland Metropolitan Area to match the  
 41 horizon date of the regional transportation plan.

- 42 (5) Notwithstanding requirements for transportation system ~~planning areas~~ plans provided in OAR 660-012-0100  
 43 through OAR 660-012-0110:
- 44 (a) Metro shall work cooperatively with cities and counties to determine responsibility for planning areas in the  
 45 urbanizable area. Where a county has responsibility for a planning area, the county must meet the requirements  
 46 as provided for counties in OAR 660-012-0110;
- 47 (b) Counties planning for unincorporated areas within the urban growth boundary shall meet all applicable  
 48 requirements based on the population of the planning area; ~~and~~
- 49 (c) Counties and cities need not have the same planning horizon year; ~~and~~
- 50 (d) Cities or counties may set the horizon year of a local transportation system plan to match the horizon year of  
 51 the adopted regional transportation plan.



- (6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-0150, Metro shall prescribe inventory requirements in transportation system plans for cities and counties in a regional functional plan.
- (7) Metro may propose alternative requirements in lieu of requirements provided in this division.
- (a) The director shall review proposed alternative requirements to make a recommendation to the commission as to whether the proposed alternative requirements would meet the objectives of the original requirements and support the purposes of this division.
- (b) The commission shall hold a hearing to review the proposed alternative requirements and the director's recommendation. If the commission finds that the proposed alternative requirements meet the objectives of the original requirements and support the purposes of this division, then the commission shall issue an order approving the proposed alternative requirements; otherwise, the commission shall remand the proposed alternative requirements to Metro with specific directions for changes needed to meet the objectives of the original requirement and support the purposes of this division.
- (c) Upon approval by the commission, Metro may adopt the proposed alternative requirements into a regional functional plan. Upon adoption by Metro, cities and counties that comply with the alternative requirements of the regional functional plan are no longer required to meet the specific requirements of this division as described in the commission order.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.274, ORS 197.301, ORS 197.712

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### 660-012-0155: Prioritization Framework

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- (1) Cities, counties, Metro, and state agencies shall use the framework in this rule for decision making regarding prioritization of transportation facilities and services. Cities, counties, Metro, and state agencies shall consider the following:
- (a) Prioritization factors as provided in section (3);
- (b) Classification of facilities or segments as provided in section (4);
- (c) The planned land use context as provided in section (5); and
- (d) Expected primary users as provided in section (6).
- (2) Cities, counties, Metro, and state agencies may use local values determined through engagement as provided in OAR 660-012-0120 to weight various prioritized factors when making prioritization decisions as provided in this division.
- (3) Cities, counties, Metro, and state agencies shall prioritize transportation facilities and services based on the following factors:
- (a) Meeting greenhouse gas reduction targets, including:
- (A) Reducing per-capita vehicle miles traveled to meet greenhouse gas reduction targets provided in OAR 660-044-0020 or OAR 660-044-0025;
- (B) Supporting compact, pedestrian-friendly patterns of development in urban areas, particularly in climate-friendly areas;
- (C) Reducing single-occupant vehicle travel as a share of overall travel; and
- (D) Meeting performance targets set as provided in OAR 660-012-0910.
- (b) Improving equitable outcomes for underserved populations identified in OAR 660-012-0125;
- (c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;
- (d) Improving access for people with disabilities;
- (e) Improving access to destinations, particularly key destinations identified as provided in OAR 660-012-0360;
- (f) Completing the multimodal transportation network, including filling gaps and making connections;
- (g) Supporting the economies of the community, region, and state; and
- (h) Other factors determined in the community.

The change in this section addresses charge item 8. The change clarifies that local governments may apply mode-specific functional classifications to facilities.

- (4) Cities, counties, Metro, and state agencies shall consider the functional classification of planned or existing transportation facilities or segments when making decisions about appropriate transportation facilities and services. Cities, counties, Metro, and state agencies may establish ~~different mode-specific~~ functional classifications for each mode on any facility or segment that they own and operate.

- (5) Cities, counties, Metro, and state agencies shall consider the planned land use context around an existing or planned transportation facility or segment when making decisions about appropriate transportation facilities and services.
- (a) Within climate-friendly areas, cities, counties, Metro, and state agencies shall prioritize pedestrian, bicycle, and public transportation facilities and services. Cities, counties, Metro, and state agencies shall ensure facilities are planned for these modes to experience safe, low stress, and comfortable travel for people of all ages and abilities within climate-friendly areas with minimal interference from motor vehicle traffic.
- (b) In areas with concentrations of underserved populations, cities, counties, Metro, and state agencies shall prioritize transportation projects addressing historic and current marginalization. Proposed transportation projects in these areas must work to rectify previous harms and prevent future harms from occurring. These areas may have suffered from disinvestment or harmful investments, including transportation system investments. Such harms include but are not limited to displacement, increased exposure to pollutants, destruction and division of neighborhoods, heat islands, and unsafe conditions for pedestrians, cyclists, transit users, and others.
- (6) Cities, counties, Metro, and state agencies shall consider the expected primary users of an existing or planned transportation facility or segment when making decisions about appropriate transportation facilities and services. In particular:
- (a) In areas near schools or other locations with expected concentrations of children, or areas with expected concentrations of older people or people with disabilities, cities, counties, Metro, and state agencies must prioritize safe, protected, and continuous pedestrian and bicycle networks connecting to key destinations, including transit stops.
- (b) In industrial areas, along routes accessing key freight terminals, and other areas where accommodations for freight are needed, cities, counties, Metro, and state agencies must consider the needs of freight users. Pedestrian, bicycle, and public transportation system connections must be provided in industrial areas at a level that provides safe access for workers.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.180, ORS 197.712, ORS 468A.205

#### **660-012-0180: Financially-Constrained Project List**

- (1) Cities and counties shall include a financially-constrained project list in a transportation system plan. Cities and counties shall use the prioritized unconstrained project list developed as provided in OAR 660-012-0170 and the amount of funding available developed as provided in OAR 660-012-0115 to produce the financially-constrained project list.
- (2) Cities, counties, Metro, and the state may only develop, fund, and construct projects on the financially-constrained project list.
- (a) Cities and counties may only submit projects on the financially-constrained project list in their transportation system plan to the financially-constrained list of a federally-required regional transportation plan.

The changes to this subsection address charge item 9. The intent of this provision is to allow projects that happen along with development to occur even if they are not on the financially-constrained project list. This is because often these types of projects are opportunistic, depending on property development which may not have been anticipated. The adopted language could be interpreted in ways that were not intended.

- ~~(b) Cities and counties may permit projects on the unconstrained project list but not on the financially constrained list to be constructed if the project is built by a property owner as a requirement of land development and the project would not require review as provided in OAR 660-012-0830. Cities and counties may develop, fund, or construct a project on the unconstrained project list if:~~
- ~~(A) The project is required as a condition of land development;~~
- ~~(B) A property owner is providing financial or material contributions to the project; and~~
- ~~(C) The project would not require review as provided in OAR 660-012-0830.~~
- (3) Cities and counties shall create a financially-constrained project list using the top available projects on the prioritized unconstrained project list and the planning-level cost estimates developed as provided in OAR 660-012-0170. The sum of the planning-level cost estimates for projects placed on the financially-constrained project list shall not exceed 125 percent of the funding available as identified in OAR 660-012-0115. Cities and counties shall select projects such that the resulting financially-constrained list would:

- (a) Reduce per capita vehicle miles traveled, as provided in OAR 660-012-0160;
  - (b) Burden underserved populations less than and benefit underserved populations as much or more as the city or county population as a whole; and
  - (c) Make significant progress towards meeting the performance targets set for each performance measure as provided in OAR 660-012-0910 or OAR 660-044-0110.
- (4) If the list of projects cannot meet each test in section (3), the city or county must adjust the project list to find the highest-ranking set of projects that can meet the criteria in section (3). This is the financially-constrained project list.
- (5) Cities or counties making a major or minor amendment to the transportation system plan as provided in OAR 660-012-0105 which includes an update to any project list, shall update the financially-constrained project list as provided in this rule.
- (6) Cities and counties shall prioritize the implementation of projects from the financially-constrained project list for their ability to reduce climate pollution and improve equitable outcomes using the criteria provided in section (3) of this rule.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.712, ORS 468A.205

#### **660-012-0210: Transportation Modeling and Analysis**

The change to this rule postpones the effective date of this rule to allow for a future process to review and refine this rule. The not yet in effect adopted text of the rule will remain for now, but it is staff's intention to review and recommend amendments to this rule prior to the effective date.

- (1) This rule does not become effective until December 31, 2027.
- ~~(42)~~ A city or county relying on transportation models or mathematical analysis of the transportation system to make a land use decision shall do so consistently with this rule.
- ~~(23)~~ The model or analysis must account for changes in vehicle miles traveled per capita that would result from any transportation projects proposed as a part of the land use decision.
- ~~(34)~~ The assumptions and inputs used with the modeling or analysis must be consistent with acknowledged plans.
- ~~(45)~~ The modeling or analysis must demonstrate that the land use decision will not increase vehicle miles traveled per capita.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### **660-012-0215: Transportation Performance Standards**

The changes in this rule address charge item 10. The changes fix a numbering error.

- (1) This rule applies to transportation performance standards that cities and counties use to review comprehensive plan and land use regulation amendments as provided in OAR 660-012-0060. If a city or county requires applicants to analyze transportation impacts as part of development review in acknowledged local land use regulations, then that review must include evaluation of the performance standards established under this rule. This rule applies to transportation performance standards that Metro uses to review functional plan amendments as provided in OAR 660-012-0060.
- (2) Cities and counties shall adopt transportation performance standards. The transportation performance standards must support meeting the targets for performance measures set as provided in OAR 660-012-0910. The transportation performance standards must include these elements:
- ~~(3a)~~ Characteristics of the transportation system that will be measured, estimated, or projected, and the methods to calculate their performance;
  - ~~(4b)~~ Thresholds to determine whether the measured, estimated, or projected performance meets the performance standard. Thresholds may vary by facility type, location, or other factors. Thresholds shall be set at the end of the planning period, time of development, or another time; and
  - ~~(5c)~~ Findings for how the performance standard supports meeting the targets for performance measures set as provided in OAR 660-012-0910.

The change in this section addresses charge item 11. The change clarifies that Metro may set standards that are to be used across the region.

- ~~(63)~~ Cities, counties, Metro, and state agencies shall adopt two or more transportation performance standards. Metro may adopt regional performance standards in a functional plan for use across regional and local plans. At least one



of the transportation performance standards must support increasing transportation options and avoiding principal reliance on the automobile. The transportation system plan must clearly establish how to apply the multiple performance standards to a proposal that meets some, but not all, of the transportation performance standards. The transportation performance standards must evaluate at least two of the following objectives for the transportation system, for any or all modes of transportation:

- (a) Reducing climate pollution;
- (b) Equity;
- (c) Safety;
- (d) Network connectivity;
- (e) Accessibility;
- (f) Efficiency;
- (g) Reliability; and
- (h) Mobility.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.180, ORS 197.712

The title of this rule has been changed to be consistent.

#### **660-012-0310: ~~Climate~~ Climate-Friendly Areas**

(1) This rule, OAR 660-012-0315, and OAR 660-012-0320 apply to cities and counties that:

- (a) Are within a metropolitan area other than the Portland Metropolitan Area;
- (b) Are inside incorporated cities or areas within an urban growth boundary as provided in section (3); and
- (c) Have a population of more than 5,000 within an urban growth boundary.

(2) Cities and counties shall study and zone climate-friendly areas for locations that meet the following requirements.

- (a) Locations able to support development consistent with the land use requirements of OAR 660-012-0320.
- (b) The locations shall be in existing or planned urban centers, including downtowns, neighborhood centers, transit-served corridors, or similar districts. To the extent practicable, climate-friendly areas should be located within, or in close proximity to, areas planned for, or provided with, high-density residential uses and a high concentration of employment opportunities.
- (c) The locations shall be in areas that are served, or planned for service, by high quality pedestrian, bicycle, and transit services.
- (d) The locations shall not be in areas where development is limited or disallowed by provisions adopted pursuant to Statewide Planning Goal 7. Climate-friendly areas may be designated in such areas if the local government has adopted requirements for development that will mitigate potential hazards to life and property, in compliance with Statewide Planning Goal 7.
- (e) Cities may designate climate-friendly areas within the urban growth boundary, but outside the city limits boundary, if the following requirements are met:
  - (A) The area is contiguous with the city limits boundary;
  - (B) The provision of urban services is contingent upon annexation into the city limits and the area is readily serviceable with urban water, sewer, stormwater, and transportation. "Readily serviceable" means that urban infrastructure services are nearby and could be provided to allow construction on the site within one year of an application for a building permit;
  - (C) The zoning that will be applied upon annexation, based on the city's comprehensive plan designation for the area, is consistent with climate-friendly area requirements;
  - (D) The county in which the subject area is located has adopted a consistent comprehensive plan designation for the area; and
  - (E) The city can demonstrate that at least 70 percent of complete annexation applications within the last five years have been approved within one year of the date of complete annexation application.
- (f) Climate-friendly areas shall have a minimum width of 750 feet, including any internal rights of way that may be unzoned. Contiguous climate-friendly areas with distinct land use requirements may be considered cumulatively to demonstrate compliance with the minimum width requirement. Exceptions to these minimum dimensional requirements are allowed due to natural barriers, such as rivers; or due to long-term barriers in the built environment, such as freeways. Exceptions are also allowed if potential climate-friendly areas are constrained by adjacent areas planned and zoned to meet industrial land needs.

- (3) Cities and counties shall designate climate-friendly areas. Counties with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services within an identified urban growth boundary shall coordinate with the respective city or cities to address climate-friendly area requirements for those areas. Areas under county jurisdiction outside urban growth boundaries; or within urban growth boundaries but not provided with urban water, sanitary sewer, stormwater, and transportation services; are not subject to this rule.
- (4) Cities and counties shall designate climate-friendly areas as they cross the population thresholds in subsections (a) and (b). City population is as determined by the most recently certified Portland State University Population Research Center population estimate. Compliance timelines are based upon the date of the certification of the population estimate. County population within an urban growth boundary may be calculated by interpolating Portland State University Population Research Center's population forecast for the area within an urban growth boundary, then subtracting the certified city population estimate from the total population within the urban growth boundary for the current year.
- (a) A city or county with a population within an urban growth boundary exceeding 5,000, but less than 10,001 shall submit a study of potential climate-friendly areas to the department as provided in OAR 660-012-0315 within 545 days of reaching a population exceeding 5,000. The city or county shall subsequently adopt land use requirements as provided in OAR 660-012-0315, and climate-friendly elements to their comprehensive plans within 365 days of the deadline for submittal of the study of potential climate-friendly areas.
- (b) A city or a county with a population exceeding 10,000 within an urban growth boundary shall submit a study of potential climate-friendly areas to the department as provided in OAR 660-012-0315 within 545 days of reaching a population exceeding 10,000. The city or county shall subsequently adopt land use requirements as provided in OAR 660-012-0315, and climate-friendly elements to their comprehensive plans within 365 days of the deadline for submittal of the study of potential climate-friendly areas. The city or county shall maintain sufficient lands within climate-friendly areas as their population grows, as provided in OAR 660-012-0315. For cities also subject to OAR 660-008-0045, compliance with this requirement shall be demonstrated in each Housing Capacity Analysis following the initial designation of climate-friendly areas. Land use requirements for climate-friendly areas shall be established concurrent or prior to the adoption of the Housing Capacity Analysis as provided in OAR 660-012-0320. Counties subject to this rule shall coordinate with cities to address climate-friendly area requirements within an urban growth boundary.
- (5) If a city or county has not designated sufficient climate-friendly areas as provided in this rule, the commission may:
- (a) Initiate periodic review for the city or county to address the requirement; or
- (b) Issue an enforcement order to the city or county, consistent with ORS 197.646.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.615, ORS 197.646, ORS 197.712

The title of this rule has been changed to be consistent.

#### **660-012-0315: Designation of ~~Climate~~ Climate-Friendly Areas**

- (1) The designation of climate-friendly areas refers to the process of studying potential climate-friendly areas and adopting land use requirements and climate-friendly elements into comprehensive plans, as provided in this rule. Cities and counties subject to the requirements of OAR 660-012-0310 with a population greater than 10,000 shall designate climate-friendly areas sufficient to accommodate at least 30 percent of the total identified number of housing units necessary to meet all current and future housing needs by calculating zoned building capacity as provided in section (2), or using an alternative methodology as provided in OAR 660-012-0320(10).
- (a) A local government may designate one or more climate-friendly areas to accommodate at least 30 percent of housing units.

The changes in this subsection are part of the temporary rules adopted by the commission in April.

- (b) The total number of housing units necessary to meet all current and future housing needs shall be determined from the local government's most recently adopted and acknowledged analysis of housing capacity analysis and needed housing consistent with ORS 197.296 at the time it was adopted, by adding the total number of existing dwelling units identified in the buildable land inventory to the anticipated number of future needed housing units over the planning period of the housing capacity analysis.

The changes in this section are part of the temporary rules adopted by the commission in April.

- (2) Cities and counties subject to section (1) shall calculate the housing unit capacity within climate-friendly areas, as follows:
- (a) Regardless of existing development in a climate-friendly area, determine the potential square footage of zoned building capacity for each net developable area based on ~~existing or anticipated~~ proposed development standards ~~within~~ for the climate-friendly area, including applicable setbacks, allowed building heights, open space requirements, on-site parking requirements, and ~~similar~~ all other applicable regulations ~~that would impact the developable site area~~. Within developed areas with no blocks greater than 5.5 acres, analysis of net developable areas may be conducted for each city block, without regard to property boundaries within the block. Within areas of 5.5 acres or more ~~of 5.5 acres or more~~ bounded by streets ~~of 5.5 acres or more~~, the local government shall assume the same ratio of ~~total gross~~ land area to net land area as that which exists in the most fully developed urban center within the city or county.
  - (b) Where the local government has not established a maximum building height, assumed building height shall be 85 feet. For the purpose of calculating zoned building capacity, cities and counties may assume the following number of floors within multistory buildings, based on allowed building heights:
    - (A) Thirty feet allows two floors.
    - (B) Forty feet allows three floors.
    - (C) Fifty feet allows for four floors.
    - ~~(B)~~ (D) Sixty feet allows for five floors.
    - ~~(E)~~ (F) Seventy-five feet allows for six floors.
    - ~~(G)~~ (F) Eighty-five feet allows for seven floors.
  - (c) If a local government allows height bonuses above the maximum building heights used for calculations in subsection (b), the local government may include 25 percent of that additional zoned building capacity when the bonuses:
    - (A) Allow building heights above the minimums established in OAR 660-012-0320(8); and,
    - (B) Allow height bonuses for publicly-subsidized housing serving households with an income of 80 percent or less of the area median household income, or height bonuses for the construction of accessible dwelling units, as defined in OAR 660-008-0050(4)(a), in excess of minimum requirements.
  - (d) Local governments shall assume that residential dwellings will occupy 30 percent of the zoned building capacity calculated in subsections (a), (b), and (c) within climate-friendly areas. Public parks and open space areas within climate-friendly areas that are precluded from development shall not be included in calculations of zoned building capacity, but may be counted towards minimum area and dimensional requirements for climate-friendly areas. Zoning and development standards for public parks and open space areas are exempted from compliance with the land use requirements in OAR 660-012-0320 if the existing zoning standards do not allow residential, commercial, or office uses.
  - (e) Local governments shall assume an average dwelling unit size of 900 square feet. Local governments shall use the average dwelling unit size to convert the square footage of zoned residential building capacity calculated in subsection (d) into an estimate of the number of dwelling units that may be accommodated in the climate-friendly area.
- (3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of 10,000 or less shall designate at least 25 acres of land as climate-friendly area.
- (4) Cities and counties must submit a study of potential climate-friendly areas to the department as provided in this rule. The study of potential climate-friendly areas shall include the following information:
- (a) Maps showing the location and size of all potential climate-friendly areas. Cities and counties shall use the study process to identify the most promising area or areas to be chosen as climate-friendly areas but are not required to subsequently adopt and zone each studied area as a climate-friendly area.
  - (b) Cities and counties subject to section (1) shall provide preliminary calculations of zoned residential building capacity and resultant residential dwelling unit capacity within each potential climate-friendly area consistent with section (2), or using an alternative methodology as provided in OAR 660-012-0320(10), and using land use requirements within each climate-friendly area as provided in OAR 660-012-0320. Potential climate-friendly areas must be cumulatively sized and zoned to accommodate at least 30 percent of the total identified number of housing units as provided in section (1).
  - (c) A community engagement plan for the designation of climate-friendly areas, including the process to adopt associated amendments to the comprehensive plan and zoning code, consistent with the requirements of OAR



- 660-012-0120 through 660-012-0130. The community engagement plan shall be consistent with the requirements for an engagement-focused equity analysis as provided in OAR 660-012-0135(34).
- (d) Analysis of how each potential climate-friendly area complies, or may be brought into compliance, with the requirements of OAR 660-012-0310(2).
- (e) A preliminary evaluation of existing development standards within the potential climate-friendly area(s) and a general description of any changes necessary to comply with the requirements of OAR 660-012-0320.
- (f) Plans for achieving fair and equitable housing outcomes within climate-friendly areas, as identified in OAR 660-008-0050(4)(a)-(f). Analysis of OAR 660-008-0050(4)(f) shall include analysis of spatial and other data to determine if the rezoning of potential climate-friendly areas would be likely to displace residents who are members of state and federal protected classes. The local government shall also identify actions that may be employed to mitigate or avoid potential displacement.
- (5) Cities and counties shall submit climate-friendly area study reports required in section (4). Following submittal, the department shall review reports as follows:
- (a) Within 30 days of receipt of the report, the department shall:
- (A) Post a complete copy of the submitted report on the department's website along with a statement that any person may file a written comment regarding the submitted report no more than 21 days after the posting of the report.
- (B) Provide notice to persons described under ORS 197.615(3)(a), directing them to the posting described in paragraph (A) and informing them that they may file a written comment regarding the submitted report no more than 21 days after the posting of the report.
- (b) Within 60 days of posting of the report on the department's website, the department shall provide written comments to the local government regarding the report information and the progress made to identify suitable climate-friendly areas. The department shall also provide the local government with any written comments submitted by interested persons, as provided in subsection (a).

The changes in this section are part of temporary rules adopted by the commission in April.

- (6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and clearly identify the climate-friendly elements to areas in their comprehensive plan maps, comprehensive plans, zoning maps, or zoning codes; indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements and findings for the climate-friendly element of the comprehensive plan, code, or map amendment shall include the following:
- (a) Cities and counties subject to section (1) shall provide maps showing the location of all adopted climate-friendly areas, and supplemental materials including calculations to demonstrate that climate-friendly areas contain sufficient zoned residential building capacity to accommodate 30 percent of total housing units as provided in section (2), or using an alternative methodology as provided in OAR 660-012-0320(10), and based on adopted land use requirements in these areas as provided in OAR 660-012-0320. Cities and counties subject to section (3) shall provide maps showing the location of the adopted climate-friendly area. Local governments subject to (1) or (3) shall include findings containing the information and analysis required in section (4) for any climate-friendly areas that were not included in the initial study specified in section (4).
- (b) Documentation of the number of total existing dwelling units, accessible dwelling units, and income-restricted dwelling units within all climate-friendly areas. Where precise data is not available, local governments may provide estimates based on best available information.
- (c) Documentation that all adopted and applicable land use requirements for climate-friendly areas are consistent with the provisions of OAR 660-012-0320.
- (d) Adoption of a climate-friendly element into the comprehensive plan containing findings and analysis summarizing the local government climate-friendly area designation decision process and demonstration of compliance with the provisions of OAR 660-012-0310 through 660-012-0325. Additionally, a Adopted findings shall demonstrate compliance with the provisions of OAR 660-012-0310 through 660-012-0325, and shall include:
- (A) Identification of all ongoing and newly-added housing production strategies the local government shall use to promote the development of affordable housing in climate-friendly areas. The local government may use the Housing Production Strategy Guidance for Cities to review and identify potential strategies, as provided in OAR 660-008-0050(3). These strategies shall be incorporated into future housing production strategy reports, as provided in OAR chapter 660, division 8.

(B) Identification of all ongoing and newly-added housing production strategies the local government shall use to prevent the displacement of members of state and federal protected classes in climate-friendly areas. Findings shall include a description of how the strategies will be implemented based on consideration of identified neighborhood typologies and the most effective measures to prevent displacement based on typology. The local government may use the Housing Production Strategy Guidance for Cities, along with the department's "Anti-Displacement and Gentrification Toolkit" to identify the most effective measures to prevent displacement based on neighborhood typologies. These strategies shall be incorporated into future housing production strategy reports, as provided in OAR chapter 660, division 8.

(7) For cities and counties identified in section (1), the information provided in compliance with subsections (6)(b) and (d) shall provide a basis for subsequent Housing Production Strategy Reports to assess progress towards fair and equitable housing production goals in climate-friendly areas, as provided in OAR 660-008-0050(4)(a).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

The title of this rule has been changed to be consistent.

#### **660-012-0320: Land Use Requirements in ~~Climate~~ Climate-Friendly Areas**

The changes to this section provide clarity regarding reduced development expectations when using the outcome-oriented approach in section (9).

(1) Cities and counties subject to the provisions of OAR 660-012-0310 shall incorporate the requirements in sections (2) through (7) of this rule into policies and development regulations that apply in all climate-friendly areas. Cities and counties shall either incorporate the provisions in section (8) into development regulations for climate-friendly areas, or shall demonstrate with adopted findings and analysis that alternative development regulations for climate-friendly areas will comply with the requirements in result in equal or higher levels of development in climate-friendly areas as provided in section (9). If adopting more than one climate-friendly area, a city or county may demonstrate compliance with either section (8) or section (9) for each climate-friendly area, provided that all requirements for each respective climate-friendly area are met.

The changes to this section address charge item 1. The changes incorporate the consistent use of the term "multi-unit housing. Other changes disallow local governments from requiring ground floor and office uses if a multi-unit residential building contains regulated affordable housing units. This change will facilitate funding for affordable housing, which typically would not support non-residential development.

(2) Except as noted in subsection (a) and section (3), development regulations for a climate-friendly area shall allow single-use and mixed-use development within individual buildings and development sites, including the following outright permitted uses:

(a) ~~Multi-unit housing~~ family residential and attached single-unit housing ~~family residential~~. Other residential building types may be allowed, subject to compliance with applicable minimum density requirements in section (8) of this rule, or alternative land use requirements as provided in section (9). Notwithstanding this section, local governments may require ground floor commercial and office uses within otherwise single-use multi-unit ~~family residential~~ buildings, unless a multi-unit building will contain units subject to a recorded agreement that runs with the land and requires affordability for an established income level for a defined period of time.

(b) Office-type uses.

(c) Non-auto dependent retail, services, and other commercial uses.

(d) Child care, schools, and other public uses, including public-serving government facilities.

The changes to this section provide consistency with the modified outcome-oriented approach described in section (9), which no longer contains requirements for jobs per net acre.

(3) Portions of abutting residential or employment-oriented zoned areas within a half-mile walking distance of a mixed-use area zoned as provided in section (1) may count towards climate-friendly area requirements, if in compliance with subsections (a) or (b). Notwithstanding existing development, zoned residential building capacity shall be calculated for the abutting areas based on allowed building heights and existing development standards in these areas, as provided in OAR 660-012-0315(2) or using an alternative methodology as provided in OAR 660-012-0320(10). Residential ~~and employment~~ densities for abutting areas shall correspond to the climate-friendly area type, provided in subsections (8)(a), (b), or (c) or (9)(a), (b), or (c). Employment densities for abutting areas

- 1 shall comply with the thresholds in subsection (b). If subsections (a) or (b) are met, no changes to existing zoning  
2 or development standards are required for these areas.
- 3 (a) Residential areas with minimum residential densities or existing residential development equal to or greater  
4 than the densities provided in section (8); or
- 5 (b) Existing employment uses equal to or greater than the number of jobs per acre provided in paragraphs (A),  
6 (B), or (C) as applicable~~section (9).~~
- 7 (A) Qualifying areas within local governments with a population greater than 5,000 up to 25,000 shall provide  
8 at least 20 jobs per net acre.
- 9 (B) Qualifying areas within local governments with a population greater than 25,000 up to 50,000 shall provide  
10 at least 30 jobs per net acre.
- 11 (C) Qualifying areas within local governments with a population greater than 50,000 shall provide at least 40  
12 jobs per net acre.
- 13 (4) Local governments shall prioritize locating government facilities that provide direct service to the public within  
14 climate-friendly areas and shall prioritize locating parks, open space, plazas, and similar public amenities in or  
15 near climate-friendly areas that do not contain sufficient parks, open space, plazas, or similar public amenities.  
16 Local governments shall amend comprehensive plans to reflect these policies, where necessary. Streetscape  
17 requirements in climate-friendly areas shall include street trees and other landscaping, where feasible.
- 18 (5) Local governments shall establish maximum block length standards as provided below. For the purpose of this  
19 rule, a development site consists of the total site area proposed for development, absent previously dedicated  
20 rights-of-way, but including areas where additional right-of-way dedication may be required.
- 21 (a) For development sites less than 5.5 acres in size, a maximum block length of 500 feet or less. Where block  
22 length exceeds 350 feet, a public pedestrian through-block easement shall be provided to facilitate safe and  
23 convenient pedestrian connectivity in climate-friendly areas. Substantial redevelopment of sites of two acres or  
24 more within an existing block that does not meet the standard shall provide a public pedestrian accessway  
25 allowing direct passage through the development site such that no pedestrian route will exceed 350 feet along  
26 any block face. Local governments may grant exceptions to street and accessway requirements as provided in  
27 OAR 660-012-0330(2).
- 28 (b) For development sites of 5.5 acres or more, a maximum block length of 350 feet or less. Local governments  
29 may grant exemptions to street requirements as provided in OAR 660-012-0330(2).
- 30 (6) Development regulations may not include a maximum density limitation.
- 31 (7) Local governments shall adopt policies and development regulations in climate-friendly areas that implement the  
32 following:
- 33 (a) The transportation review process in OAR 660-012-0325;
- 34 (b) The land use requirements as provided in OAR 660-012-0330;
- 35 (c) The applicable parking requirements as provided in OAR 660-012-0435; and
- 36 (d) The applicable bicycle parking requirements as provided in OAR 660-012-0630.
- 37 (8) Local governments shall adopt either the following provisions into development regulations for climate-friendly  
38 areas, or the requirements in section (9). Local governments are not required to enforce the minimum residential  
39 densities below for mixed-use buildings (buildings that contain residential units, as well as office, commercial, or  
40 other non-residential uses) if the mixed-use buildings meet a minimum floor area ratio of 2.0. A floor area ratio is  
41 the ratio of the gross floor area of all buildings on a development site, excluding areas within buildings that are  
42 dedicated to vehicular parking and circulation, in proportion to the net area of the development site on which the  
43 buildings are located. A floor area ratio of 2.0 would indicate that the gross floor area of the building was twice  
44 the net area of the site. Local governments are not required to enforce the minimum residential densities below for  
45 redevelopment that renovates and adds residential units within existing buildings, but that does not add residential  
46 units outside the existing exterior of the building.
- 47 (a) Local governments with a population greater than 5,000 up to 25,000 shall adopt the following development  
48 regulations for climate-friendly areas:
- 49 (A) A minimum residential density requirement of 15 dwelling units per net acre; and
- 50 (B) Maximum building height no less than 50 feet.
- 51 (b) Local governments with a population greater than 25,000 up to 50,000 shall adopt the following development  
52 regulations for at least one climate-friendly area with a minimum area of 25 acres. Additional climate-friendly  
53 areas may comply with the following standards or the standards in subsection (a).
- 54 (A) A minimum residential density requirement of 20 dwelling units per net acre; and



(B) Maximum building height no less than 60 feet.

(c) Local governments with a population greater than 50,000 shall adopt the following development regulations for at least one climate-friendly area with a minimum area of 25 acres. Additional climate-friendly areas may comply with the following standards or the standards in subsections (a) or (b):

(A) A minimum residential density requirement of 25 dwelling units per net acre; and

(B) Maximum building height no less than 85 feet.

The changes in this section are part of temporary rules adopted by the commission in April. Typographical errors have been corrected in 9(b) and 9(c). Subsections (a), (b), and (c) have been restructured for improved clarity. The minimum floor area ratio option in Section (9) has been reduced from 2.0 to 1.0 to provide more flexibility for local governments and to be more consistent with the minimum zoned building capacity requirements in subsection (a).

(9) As an alternative to adopting the development regulations in section (8), local governments may demonstrate with adopted findings and analysis that their adopted development regulations for climate-friendly areas will provide for equal or higher levels of development in climate-friendly areas than those allowed per the standards in section (8). Additional zoned building capacity of 25 percent may be included for development regulations that allow height bonuses for additional zoned building capacity above established maximums that are consistent with OAR 660-012-0315(2)(c)(B). Specifically, the local government must demonstrate that the alternative development regulations will consistently and expeditiously allow for the levels of development described in subsections (a)-(c). Alternative development regulations must require either a minimum residential density of 15 dwelling units per net acre or a minimum floor area ratio of 1.02-0, as described in section (8). ~~below:~~

(a) Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations to allow a zoned building capacity of at least 60,000 square feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights in climate-friendly areas to enable development of at least 20 dwelling units and 20 jobs per net acre.

(b) Local governments with a population greater than 25,000 up to 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity of at least 90,000 square feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights, or at least 90,000 square feet per net acre, enable development of at least 30 dwelling units and 30 jobs per net acre. Additional climate-friendly areas may comply with this standard or with the standard in subsection (a).

(c) Local governments with a population greater than 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity, of at least 120,000 square feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights, or at least 120,000 square feet per net acre, enable development of at least 40 dwelling units and 40 jobs per net acre. Additional climate-friendly areas may comply with this standard or with the standard in subsections (a) or (b).

(10) A local government may provide an alternative methodology for zoned residential building capacity calculations that differs from OAR 660-012-0315(2). The methodology must clearly describe all assumptions and calculation steps, and must demonstrate that the methodology provides an equal or better system for determining the zoned residential building capacity sufficient to accommodate at least 30 percent of the total identified number of housing units necessary to meet all current and future housing needs within climate-friendly areas. The alternative methodology shall be supported by studies of development activity in the region, market studies, or similar research and analysis.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

The title of this rule has been changed to be consistent.

## **660-012-0325: Transportation Review in ~~Climate~~ Climate-Friendly Areas and Centers**

The changes to this rule address charge item 12. The changes rearrange some of the provisions of the rule to better clarify the application of the rule to both adopting a climate-friendly area or Region 2040 center and reviewing plan or land use regulations within existing climate-friendly areas or Region 2040 centers. The changes clarify what actions local governments must take in each circumstance.

- ~~(1) Cities or counties shall use this rule to review amendments to comprehensive plans or land use regulations within a climate friendly area designated as provided in OAR 660-012-0315 and in Region 2040 centers designated in Title 6 of Metro's Urban Growth Management Functional Plan. Cities and counties shall use this rule to review land use decisions made to implement OAR 660-012-0310 through OAR 660-012-0320. Cities and counties are exempt from requirements as provided in OAR 660-012-0060 when reviewing amendments to comprehensive plans or land use regulations within a designated climate friendly area and in Region 2040 centers designated in Title 6 of Metro's Urban Growth Management Functional Plan.~~
- (1) Cities or counties shall use the provisions of this rule to review amendments to comprehensive plans or land use regulations in lieu of the provisions of OAR 660-012-0060 when the amendment is:
- (a) To adopt a climate-friendly area as provided in OAR 660-012-0310 through OAR 660-012-0320, or a Metro Region 2040 center; or
  - (b) Within an adopted climate-friendly area or Metro Region 2040 center.
- ~~(2) Cities and counties making amendments to comprehensive plans or land use regulations to meet requirements as provided in OAR 660-012-0320 must either:~~
- ~~(a) Update the transportation system plan as provided in OAR 660-012-0105 and include a multimodal transportation gap summary as provided in section (3) of this rule, considering the proposed land uses in the climate friendly area; or~~
  - ~~(b) Develop and adopt a multimodal transportation gap summary in coordination with impacted transportation facility providers and transportation service providers as provided in section (3) to meet requirements in OAR 660-012-0320.~~
- (2) Cities and counties considering amendments to comprehensive plans or land use regulations to adopt or expand a climate-friendly area as provided in OAR 660-012-0310 through OAR 660-012-0320, or a Metro Region 2040 center, must make findings, including:
- (a) A multimodal transportation gap summary as provided in section (4); and
  - (b) The multimodal transportation gap summary must include a highway impacts summary as provided in section (5) if the designated climate-friendly area as provided in OAR 660-012-0315 or Region 2040 center contains a ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.
- (3) Cities and counties considering amendments to comprehensive plans or land use regulations within an adopted climate-friendly area or Metro Region 2040 center must make findings including a highway impacts summary as provided in section (5) if:
- (a) A city or county is reviewing a plan amendment that includes property in an adopted Interchange Area Management Plan, includes property within one-quarter mile of a ramp terminal intersection, or includes property within one-quarter mile of a state highway segment in an adopted ODOT Facility Plan area; or
  - (b) The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing traffic on the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.
- ~~(34) A multimodal transportation gap summary must be coordinated between the local jurisdiction, transportation facility providers, and transportation services providers to consider multimodal transportation needs in each climate-friendly area as provided in OAR 660-012-0320 or Region 2040 center. The multimodal transportation gap summary must include:~~
- ~~(a) A summary of the existing multimodal transportation network within the climate-friendly area;~~
  - ~~(b) A summary of the gaps in the pedestrian and bicycle networks in the climate-friendly area, including gaps needed to be filled for people with disabilities, based on the summary of the existing multimodal transportation network;~~
  - ~~(c) If applicable as provided in section (42), a highway impacts summary as provided in section (5); and~~
  - ~~(d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).~~

- (4) ~~A city or county shall include a highway impacts summary in the multimodal transportation gap summary if the designated climate friendly area as provided in OAR 660-012-0315 or Region 2040 center contains a ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.~~
- (5) A highway impacts summary must identify how the transportation system may be affected by implementation of the climate-friendly area. The highway impacts summary must include:
- (a) A summary of ~~the changes between~~ existing and proposed development capacity of the climate-friendly area based on the proposed changes to the comprehensive plan and land use regulations;
  - (b) A summary of the additional motor vehicle traffic generation that may be expected in the planning period, considering reductions for expected complementary mixed-use development, additional multimodal options, and assuming meeting goals for reductions in vehicle miles traveled per capita; and
  - (c) A summary of traffic-related deaths and serious injuries within the climate-friendly area in the past five years.
- (6) ~~Cities and counties making amendments to adopted land use regulations shall adopt findings including a highway impacts summary as provided in section (5) if:~~
- (a) ~~A city or county is reviewing a plan amendment within one quarter mile of a ramp terminal intersection, adopted Interchange Area Management Plan area, or adopted ODOT Facility Plan area, or;~~
  - (b) ~~The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing traffic on the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.~~

This section has been added to address how plan amendments that affect areas both inside and outside a climate-friendly area or Region 2040 center may be reviewed.

- (6) Cities and counties considering amendments to comprehensive plans or land use regulations that affect areas both inside and outside an adopted climate-friendly area or Metro Region 2040 center may either:
- (a) Make separate findings for areas inside the climate-friendly area or Metro Region 2040 center as provided in this rule, and findings for areas outside the climate-friendly area or Metro Region 2040 center as provided in OAR 660-012-0060; or
  - (b) Make findings for all affected areas as provided in OAR 660-012-0060.
- (7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap summary or a revised highway impacts summary to ODOT and other affected transportation facility or service providers prior to submitting notice as provided in OAR 660-018-0020.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.610-197.625, ORS 197.712, ORS 197.717

### **660-012-0330: Land Use Requirements**

- (1) Cities and counties shall implement plans and land use regulations to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use development patterns must support access by people using pedestrian, bicycle, and public transportation networks.
- (2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site or class of sites would make those provisions prohibitively costly or impossible to implement. Cities or counties may adopt land use regulations that provide for exemptions as provided in this section. Any allowed exemption shall advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:
  - (a) Topography or natural features;
  - (b) Railroads, highways, or other permanent barriers;
  - (c) Lot or parcel size, orientation, or shape;
  - (d) Available access;
  - (e) Existing or nonconforming development;
  - (f) To provide for accessibility for people with disabilities; or
  - (g) Other site constraints.
- (3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and connected neighborhoods. Land use regulations must meet the following requirements for neighborhood design and access:
  - (a) Neighborhoods shall be designed with connected networks of streets, paths, accessways, and other facilities to provide circulation within the neighborhood and pedestrian and bicycle system connectivity to adjacent districts. A connected street network is desirable for motor vehicle traffic but may be discontinuous where



- 1 necessary to limit excessive through-travel, or to protect a safe environment for walking, using mobility  
 2 devices, and bicycling in the neighborhood.
- 3 (b) Neighborhoods shall be designed with direct pedestrian access to key destinations identified in OAR 660-012-  
 4 0360 via pedestrian facilities.
- 5 (c) Cities and counties shall set block length and block perimeter standards at distances that will provide for  
 6 pedestrian network connectivity. Cities and counties may allow alleys or public pedestrian facilities through a  
 7 block to be used to meet a block length or perimeter standard.
- 8 (d) Cities and counties shall set standards to reduce out-of-direction travel for people using the pedestrian or  
 9 bicycle networks.
- 10 (4) Cities and counties shall have land use regulations in commercial and mixed-use districts that provide for a  
 11 compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the  
 12 pedestrian, bicycle, and public transportation networks. Commercial or mixed-use site design land use regulations  
 13 must meet the following requirements:
- 14 (a) Primary pedestrian entrances to buildings must be oriented to a public pedestrian facility and be accessible to  
 15 people with mobility disabilities. An uninterrupted accessway, courtyard, plaza, or other pedestrian-oriented  
 16 space must be provided between primary pedestrian entrances and the public pedestrian facility, except where  
 17 the entrance opens directly to the pedestrian facility. All pedestrian entrances must be designed to be barrier-  
 18 free.

19 **The changes in this subsection are part of temporary rules adopted by the commission in April.**

- 20 (b) Motor vehicle parking, circulation, access, and loading may be located on site beside or behind buildings.  
 21 Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public  
 22 pedestrian facilities on or along the primary facing street. Bicycle parking may be permitted.
- 23 (c) On-site accessways must be provided to directly connect key pedestrian entrances to public pedestrian  
 24 facilities, to any on-site parking, and to adjacent properties, as applicable.
- 25 (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary pedestrian entrances as  
 26 required in this section. Primary pedestrian entrances for uses open to the public must be open during business  
 27 hours.
- 28 (e) Large sites must be designed with a connected network of public pedestrian facilities to meet the requirements  
 29 of this section.
- 30 (f) Development on sites adjacent to a transit stop or station on a priority transit corridor must be oriented to the  
 31 transit stop or station. The site design must provide a high level of pedestrian connectivity and amenities  
 32 adjacent to the stop or station. If there is inadequate space in the existing right of way for transit infrastructure,  
 33 then the infrastructure must be accommodated on site.
- 34 (g) Development standards must be consistent with bicycle parking requirements in OAR 660-012-0630.
- 35 (h) These site design land use regulations need not apply to districts with a predominantly industrial or  
 36 agricultural character.
- 37 (5) Cities and counties shall have land use regulations in residential neighborhoods that provide for slow  
 38 neighborhood streets comfortable for families, efficient and sociable development patterns, and provide for  
 39 connectivity within the neighborhood and to adjacent districts. Cities and counties must adopt land use regulations  
 40 to meet these objectives, including but not limited to those related to setbacks, lot size and coverage, building  
 41 orientation, and access.
- 42 (6) Cities and counties shall have land use regulations that ensure auto-oriented land uses are compatible with a  
 43 community where it is easy to walk or use a mobility device. Auto-oriented land uses include uses related to the  
 44 operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory  
 45 to the primary use, including drive-through uses. Land use regulations must meet the following requirements:
- 46 (a) Auto-oriented land uses must provide safe and convenient access opportunities for people walking, using a  
 47 mobility device, or riding a bicycle. Ease of access to goods and services must be equivalent to or better than  
 48 access for people driving a motor vehicle.
- 49 (b) Outside of climate-friendly areas, cities and counties may provide for exemptions to this rule in cases where an  
 50 auto-oriented land use cannot reasonably meet the standards of this rule. Standards developed in cases of an  
 51 exemption must protect pedestrian facilities.
- 52 (7) Cities and counties with an urban area over 100,000 in population must have reasonable land use regulations that  
 53 allow for development of low-car districts. These districts must be developed with no-car or low-car streets, where  
 54 walking or using mobility devices are the primary methods of travel within the district. Cities and counties must

- 1 make provisions for emergency vehicle access and local freight delivery. Low-car districts must be allowed in  
 2 locations where residential or mixed-use development is authorized.
- 3 (8) Cities and counties must implement land use regulations to protect transportation facilities, corridors, and sites  
 4 for their identified functions. These regulations must include, but are not limited to:
- 5 (a) Access control actions consistent with the function of the transportation facility, including but not limited to  
 6 driveway spacing, median control, and signal spacing;
- 7 (b) Standards to protect future construction and operation of streets, transitways, paths, and other transportation  
 8 facilities;
- 9 (c) Standards to protect public use airports as provided in OAR 660-013-0080;
- 10 (d) Processes to make a coordinated review of future land use decisions affecting transportation facilities,  
 11 corridors, or sites;
- 12 (e) Processes to apply conditions to development proposals in order to minimize impacts and protect  
 13 transportation facilities, corridors, or sites for all transportation modes;
- 14 (f) Regulations to provide notice to public agencies providing transportation facilities and services, railroads,  
 15 Metropolitan Planning Organizations, the Oregon Department of Transportation, and the Oregon Department of  
 16 Aviation of:
- 17 (A) Land use applications that require public hearings;
- 18 (B) Subdivision and partition applications;
- 19 (C) Other applications that affect private access to roads; and
- 20 (D) Other applications within airport noise corridors and imaginary surfaces that affect airport operations.
- 21 (g) Regulations ensuring that amendments to land use designations, densities, and design standards are consistent  
 22 with the functions, capacities, and performance standards of facilities identified in the TSP.

23 Statutory/Other Authority: ORS 197.040

24 Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### 25 **660-012-0405: Parking Regulation Improvements**

26 The change in this section clarifies small employee parking lots need not have preferential parking. This  
 27 is in line with how cities have applied this long-standing rule provision in the past.

- 28 (1) Cities and counties shall adopt land use regulations as provided in this section:
- 29 (a) Designated employee parking areas in new developments with more than 50 parking spaces shall provide  
 30 preferential parking for carpools and vanpools;
- 31 (b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-  
 32 oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and  
 33 ride stations, and similar facilities; and
- 34 (c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing  
 35 mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for  
 36 truck loading should be considered.

37 The changes in this section clarify the desire to encourage conversion of underused parking areas  
 38 applies to both on and off-street parking.

- 39 (2) Cities and counties shall adopt policies for on-street parking and land use regulations for off-street parking that  
 40 allow and encourage the conversion of existing underused parking areas to other uses.
- 41 (3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

42 The changes in this section addressing tree canopy provisions and exemption of application to parking  
 43 lots between  $\frac{1}{4}$  and  $\frac{1}{2}$  acre in this section are part of temporary rules adopted by the commission in April  
 44 and are also charge items 15 and 16. Minor changes in subsection (4)(a) to clarify intent and remove  
 45 confusing language. There is a clarification the  $\frac{1}{2}$  acre measurement is not just the parking spaces  
 46 themselves, and another that it is focused on off-street parking. This section also addresses charge item  
 47 14 to allow counties to have the option of receiving fee-in-lieu payments into a local fund.

- 48 (4) Cities and counties shall adopt land use regulations for any new development that includes more than one-  
 49 quarter-half acre of new off-street surface parking on a lot or parcel as provided below. The new surface parking  
 50 area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and  
 51 maneuvering areas, including driveways and drive aisles. ~~as provided below.~~

The changes in this subsection clarify that it describes a mitigation action. Changes also clarify that cities and counties may offer only a subset of the actions in the rule if they so wish, and clarifies it applies to new off-street spaces.

(a) Developments not required to comply with OAR 330-135-0010 must provide a climate mitigation action. Climate mitigation actions shall include at least one of the following. Cities and counties are not required to offer all these options ~~one of the following~~:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space on the property. Panels may be located anywhere on the property. ~~In lieu of installing solar panels on site, cities may allow developers to pay \$1,500 per parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;~~

The change to this paragraph sets \$1,500 as a floor, allowing cities and counties to index it for inflation, and clarifies it just applies to off-street parking spaces.

(B) ~~Payment of at least \$1,500 per new off-street parking space into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;~~

~~Actions to comply with OAR 330-135-0010; or~~

(C) Tree canopy covering at least ~~50~~ 40 percent of the new parking lot area at maturity but no more than 15 years after planting; ~~or-~~

The change to this paragraph would allow a mixture of actions.

(D) A mixture of actions under paragraphs (A) through (C) the city or county deems to meet the purpose of this section.

The changes to this subsection clarify it is about trees. The changes also clarify if tree canopy is chosen as the mitigation action under subsection (a) it meets this overlapping requirement.

(b) Developments must provide tree canopy. ~~Developments shall provide -street- either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments but are not required to provide them- trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations. Developments providing 40 percent tree canopy to comply with paragraph (a)(C) comply with this subsection.; and~~

The changes to this subsection clarify pedestrian connections must be included throughout the site, more in line with the previous language and existing TPR; and only need to be made if there are existing or planned pedestrian facilities in the adjacent rights-of-way.

(c) Developments must provide pedestrian connections throughout the parking lot, connecting at minimum the following, except where not practical due to site-specific conditions:

(A) building entrances;

(B) existing or planned pedestrian facilities in the adjacent public rights-of-way;

(C) transit stops; and

(D) accessible parking spaces, street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.

The changes to this subsection focus the tree provisions on planting and removes the maintenance provisions.

(e) In providing trees under subsections (a) and, (b) and (c), the following standards shall be met. ~~The tree spacing and species planted must be designed to maintain a continuous canopy. Local codes must provide clear and objective standards to achieve such a canopy.~~ Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible.



The city or county shall have minimum standards for tree planting and tree care no lower than the 2021 American National Standards Institute A300 standards, ~~and a process to ensure ongoing compliance with tree planting and maintenance provisions.~~

- (5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### **660-012-0410: Electric Vehicle Charging**

- (1) This rule applies to cities within a metropolitan area.  
 (2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code adopted pursuant to ORS 455.417.

The change in this section makes a minor clarification.

- (3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to accommodate ~~serve~~ 40 percent of all vehicle parking spaces.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 455.417

#### **660-012-0415: Parking Maximums and Evaluation in More Populous Communities**

The changes in this section address charge items 17 and 18. The changes include a clarification about which map is being referenced, and about which parking maximum requirements may apply.

- (1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the urban growth boundary, and cities with populations over 25,000 within the Portland Metropolitan Area, shall set parking maximums in climate-friendly areas, and in Metro Region 2040 centers ~~regional centers and town centers, designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map~~. Those cities and counties shall also set parking maximums on lots or parcels within the transit corridors and rail stop areas listed in OAR 660-012-0440. Cities and counties that have designated priority transit corridors under OAR 660-012-0710 may set parking maximums in those corridors in place of the corridors identified in OAR 660-012-0440(3)(b) and (c).

- (a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit and two off-street parking spaces per non-studio residential unit in a multi-unit housing development in climate-friendly areas and within one-half mile walking distance of priority transit corridors. These maximums shall include visitor parking;  
 (b) Parking maximums shall be no higher than five spaces per 1,000 square feet of floor space for all commercial and retail uses other than automobile sales and repair, eating and drinking establishments, and entertainment and commercial recreation uses;  
 (c) For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area than the floor area of the building; and

The changes in this subsection are part of temporary rules adopted by the commission in April.

- (d) ~~In setting parking maximums, cities and counties shall consider setting maximums equal to or less than 150 percent of parking mandates in their adopted land use regulations in effect as of January 1, 2020. A city or county that sets a higher parking maximum must adopt findings for doing so. In no case shall the city or county exceed the limits in subsections (a) through (c) in climate friendly areas and for developments on parcels or lots within one-half mile of transit corridors and three-quarters mile of rail transit stops listed in OAR 660-012-0440; and~~  
 (ed) Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures may be exempted from the calculations in this section.

The changes in this section clarify the areas listed are the key areas for parking management, even when a city has taken the path of waiving parking mandates and is therefore not subject to OAR 660-012--0435 and OAR 660-012-0440.

- (2) Cities with populations over 200,000 shall, in addition to the requirements in section (1) of this rule:
- (a) Study the use of priced on-street timed parking spaces in those areas ~~subject listed in~~ OAR 660-012-0435(2) and OAR 660-012-0440(2) and (3). This study shall be conducted every three years or more frequently. Cities shall adjust prices to ensure availability of on-street parking spaces at all hours. This shall include all spaces in the city paid by minutes, hours, or day but need not include spaces where a longer-term paid residential permit is required;
  - (b) Use time limits or pricing to manage on-street parking spaces in an area at least one year before authorizing any new structured parking on city-owned land including more than 100 spaces in that area after March 31, 2023;
  - (c) Adopt procedures ensuring prior to approval of construction of additional structured parking projects of more than 300 parking spaces designed to serve existing uses, developer of that parking structure must implement transportation demand management strategies for a period of at least six months designed to shift at least 10 percent of existing vehicle trips ending within one-quarter mile of the proposed parking structure to other modes; and
  - (d) Adopt design requirements requiring applicants to demonstrate that the ground floor of new private and public structured parking that fronts a public street and includes more than 100 parking spaces would be convertible to other uses in the future, other than driveways needed to access the garage.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### **660-012-0425: Reducing the Burden of Parking Mandates**

- (1) This rule applies to cities and counties that:
- (a) Are within a metropolitan area; and
  - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

The changes in this section clarify wording and remove duplication with OAR 660-012-0405(3) requirement on shared parking.

- (2) Cities and counties shall adopt and enforce land use regulations as provided in this section:
- (a) Garages and carports may not be required for residential developments;
  - (b) Garage parking spaces shall count towards off-street parking mandates;
  - (c) Provision of shared parking shall be allowed to meet parking mandates;
  - (d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a site. If any non-loading parking is provided on site, all required parking ~~for parking~~ for people with disabilities shall be on site. If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance;
  - (e) Parking mandates shall be reduced by one off-street parking space for each three kilowatts of capacity in solar panels or wind power that will be provided in a development;
  - (f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates;
  - (g) Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates; and
  - (h) Parking mandates shall be reduced by one off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.
- (3) Any reductions under section (2) shall be cumulative and not capped.

The deletion of this section is part of temporary rules adopted by the commission in April.

- ~~(4) Cities and counties shall require the parking for multi-family residential units in the areas in OAR 660-012-0440 be unbundled parking.~~

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

**660-012-0430: Reduction of Parking Mandates for Development Types**

(1) This rule applies to cities and counties that:

- (a) Are within a metropolitan area; and
- (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

(2) Cities and counties may not require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally-established property.

The changes in this section address charge item 13. The changes make language parallel.

(3) Cities and counties may not ~~require parking~~ enforce parking mandates for the following development or use types:

- (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;
- (b) Child care facility as defined in ORS 329A.250;
- (c) Single-room occupancy housing;
- (d) Residential units smaller than 750 square feet;
- (e) Affordable housing as defined in OAR 660-039-0010;
- (f) Publicly supported housing as defined in ORS 456.250;
- (g) Emergency and transitional shelters for people experiencing homelessness; and
- (h) Domestic violence shelters.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 329A.250, ORS 443.400, ORS 456.250

**660-012-0435: Parking Reform in Climate-Friendly Areas and Centers**

(1) This rule applies to cities and counties that:

- (a) Are within a metropolitan area; and
- (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

The changes in this section address charge items 18 and 20. The changes include a minor clarification about which map is referenced, and other cleaner language and an exemption of townhouses and rowhouses.

(2) Cities and counties shall adopt land use regulations addressing parking mandates in climate-friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land use regulations addressing parking mandates in Metro Region 2040 centers ~~regional centers and town centers designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map~~. In each such area, cities and counties shall either:

- (a) Remove all parking mandates within the area and on parcels in its jurisdiction that include land within one-quarter mile distance of those areas; or
- (b) Manage parking by:
  - (A) Adopting a parking benefit district with paid on-street parking and some revenues dedicated to public improvements in the area;
  - (B) Adopting land use ~~amendments regulations to requiring~~ no more than one-half off-street parking space per dwelling unit in the area that is not a townhouse or rowhouse; and
  - (C) Adopting land use regulations without parking mandates for commercial developments.

The deletion of this section is part of temporary rules adopted by the commission in April.

~~(3) Cities and counties that opt to retain parking mandates under OAR 660-012-0400 shall require the parking for multi-family residential units in the areas listed in section (2) be unbundled parking.~~

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712



**660-012-0440: Parking Reform Near Transit Corridors**

The changes in this rule address charge items 21 and 22. The changes include clarification about how sections (3)(b) and (c) interact, along with the ability to set areas without mandates once per year.

- (1) This rule applies to cities and counties that:
  - (a) Are within a metropolitan area; and
  - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.
- (2) Cities and counties may not ~~require parking spaces~~ enforce parking mandates for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops.
- (3) Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors, including:
  - (a) Priority transit corridors designated under OAR 660-012-0710;
  - (b) Corridors with ~~bus-transit~~ service arriving with a scheduled frequency of at least four times an hour during peak service; and
  - (c) If a community has no corridor qualifying under subsection (b), cCorridors with the most frequent transit ~~route or routes~~ service in the community if the scheduled frequency is at least once per hour during peak service.
- (4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.
- (5) In determining the extent of lands subject to subsection (3)(b) or (c), a city or county shall either:
  - (a) Evaluate current service frequencies on the date a land use application is submitted, provided the application remains valid for review pursuant to ORS 215.427 or ORS 227.178, or
  - (b) Adopt a map designating these lands based on service frequency on the date development codes implementing this rule are adopted. The city or county must update the map at least once per year from the date of adoption if services frequencies change and additional lands become subject to subsection (3)(b) or (c). The city or county must use subsection (5)(a) if additional lands are subject to subsections (3)(b) or (c) and the adopted map is more than one year old.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

**660-012-0445: Parking Management Alternative Approaches**

- (1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420, cities and counties shall select and implement either a fair parking policy approach as provided in subsection (a) or a reduced regulation parking management approach as provided in subsection (b).

The changes in this subsection are part of temporary rules adopted by the commission in April and address charge item 17. Additional clarification on when unbundling takes effect per charge item 19.

- (a) A fair parking policy approach shall include at least ~~three~~ two of the following five provisions, including at least one provision from paragraphs (A) through (C):
  - (A) A requirement that parking spaces for each residential unit in multi-unit housing developments ~~that include five or more leased or sold residential units on a lot or parcel~~ be unbundled parking upon lease creation, lease renewal, or sale. Cities and counties may exempt townhouse and rowhouse development from this requirement;
  - (B) A requirement that parking spaces serving leased commercial developments be unbundled parking upon lease creation or renewal;
  - (C) A requirement for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of \$50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking;
  - (D) A tax on the revenue from commercial parking lots collecting no less than 10 percent of income, with revenues dedicated to improving transportation alternatives to drive-alone travel; and
  - (E) A reduction of parking mandates for new ~~multifamily multi-unit housing residential~~ development to no higher than one-half spaces per unit, including visitor parking.

The changes in this subsection are part of temporary rules adopted by the commission in April. Additional changes clarify historic resources references per charge item 23 and that the scope of “change of use and redevelopment” is not unlimited. Clarification on when unbundling must take effect for charge item 19.

(b) A reduced regulation parking management approach shall include all of the following:

- (A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;
- (B) A repeal of parking mandates for ~~transit-oriented development and~~ mixed-use development;
- (C) A repeal of parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;
- (D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in ~~residential multi-unit housing developments of five or more units on a lot or parcel;~~
- (E) A repeal of parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years. Cities and counties may require registration of a building as vacant two years prior to the waiving of parking mandates;
- (F) A repeal of requirements to provide additional parking for change of use or redevelopment where at least 50 percent of the building floor area is retained;
- (G) A repeal of parking mandates for expansion of existing businesses by less than 30 percent of a building footprint;
- (H) A repeal of parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or identified as a designated or contributing structure on a local inventory of historic resources or buildings;
- (I) A repeal of parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space;
- (J) A repeal of parking mandates for developments built under the Oregon Residential Reach Code;
- (K) A repeal of parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;
- (L) A repeal of parking mandates for schools;
- (M) A repeal of parking mandates for bars and taverns; and
- ~~(N) Setting parking maximums consistent with OAR 660-012-0415(1), notwithstanding populations listed in that section; and~~
- ~~(O)~~ Implementation of at least one pricing mechanism, either:
  - (i) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through paid permits, meters, or other payments, or time limits; or
  - (ii) Requirements that parking for multi-unit housing units be unbundled parking upon lease renewal or sale.

(2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### **660-012-0505: Pedestrian System Inventory**

The change in this section addresses charge item 24. The change clarifies that the inventory requirement applies within ¼ mile of primary and secondary (K-12) schools.

- (1) Pedestrian system inventories must include information on pedestrian facilities and street crossings for all areas within climate-friendly areas, within Metro Region 2040 centers, within one-quarter mile of all primary and secondary schools, and along all arterials and collectors. Pedestrian system inventories should include information on pedestrian facilities and street crossings for all areas within the planning area.
  - (a) Inventories of pedestrian facilities must include information on width and condition.
  - (b) Inventories of street crossings must include crossing distances, the type of crossing, closed crossings, curb ramps, and distance between crossings.
- (2) Pedestrian system inventories must include the crash risk factors of inventoried pedestrian facilities, including but not limited to speed, volume, and roadway width. Pedestrian system inventories must also include the location of all reported injuries and deaths of people walking or using a mobility device. This must include all reported incidents from the most recent five years of available data prior to the year of adoption of the pedestrian system inventory.

Statutory/Other Authority: ORS 197.040  
 Statutes/Other Implemented: ORS 197.012, ORS 197.712

### 660-012-0510: Pedestrian System Requirements

The change in this section addresses charge item 8. The change clarifies that local governments may apply mode-specific functional classifications to pedestrian facilities.

- (1) This rule describes the minimum planned pedestrian facilities that must be included in plans. Cities and counties may choose to exceed the requirements in this rule. Cities and counties may choose to apply pedestrian functional classifications to pedestrian facilities.
- (2) Pedestrian facility owners must design, build, and maintain pedestrian facilities to allow comfortable travel for all people, including people with disabilities.
- (3) All streets and highways, other than expressways, shall have pedestrian facilities, as provided in ORS 366.514.
  - (a) Pedestrian facilities must be planned for both sides of each street.
  - (b) Cities shall plan for enhanced pedestrian facilities such as wide, protected sidewalks and pedestrian zones, such as plazas, in the following contexts:
    - (A) Along high volume or high-speed streets;
    - (B) In climate-friendly areas and Metro Region 2040 centers;
    - (C) In areas with concentrations of underserved populations.

The change in this subsection addresses charge item 25. The change clarifies that the right-of-way to be considered in this requirement includes right-of-way dedicated to transportation purposes, not necessarily right of way for utilities or other purposes.

- (c) A substantial portion of the right-of-way dedicated to transportation uses in climate-friendly areas and Metro Region 2040 centers must be dedicated to pedestrian uses, including but not limited to sidewalks, pedestrian plazas, and protective buffers.
  - (d) Cities shall plan for enhanced tree canopy and other infrastructure that uses natural and living materials in pedestrian spaces in climate-friendly areas, Metro Region 2040 centers, and areas with concentrations of underserved populations.
- (4) Off-street multi-use paths must be designed to permit comfortable joint or separated use for people walking, using mobility devices, and cycling. Separated areas for higher speeds and low speeds shall be provided when there is high anticipated use of the path.
- (5) Enhanced crossings are pedestrian facilities to cross streets or highways that provide a high level of safety and priority to people crossing the street. Enhanced crossings must have adequate nighttime illumination to see pedestrians from all vehicular approaches. Enhanced crossings must be provided, at minimum, in the following locations:
  - (a) Closely spaced along arterial streets in climate-friendly areas and Metro Region 2040 centers;
  - (b) Near transit stops on local access priority arterial segments, or collector streets in a climate-friendly area or Metro Region 2040 center, or on a priority transit corridor;
  - (c) At off-street path crossings; and
  - (d) In areas with concentrations of underserved populations.
- (6) Cities may take exemptions to the requirements in this rule through findings in the transportation system plan, for each location where an exemption is desired, for the following reasons:
  - (a) A city may plan for a pedestrian facility on one side of local streets in locations where topography or other barriers would make it difficult to build a pedestrian facility on the other side of the street, or where existing and planned land uses make it unnecessary to provide pedestrian access to the other side of the street. Street crossings must be provided near each end of sections where there is a pedestrian facility on only one side of the street.
  - (b) A city or county may plan for no dedicated pedestrian facilities on very slow speed local streets that are sufficiently narrow, and carry little or no vehicular traffic, so that pedestrians are the primary users of the street.

Statutory/Other Authority: ORS 197.040  
 Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 366.514



**660-012-0605: Bicycle System Inventory**

- (1) Bicycle system inventories must include information on bicycle lanes, bicycle routes, accessways, paths, and other types of bicycle facilities, including pedestrian facilities that may be used by bicycles. Inventories must include information on width, type, and condition.

The change in this section addresses charge item 24. The change clarifies that the inventory requirement applies within ¼ mile of primary and secondary (K-12) schools.

- (2) Bicycle system inventories must include information on bicycle facilities of all types within climate-friendly areas, within Metro Region 2040 centers, within one-quarter mile of all primary and secondary schools, on bicycle boulevards, and along all arterials and collectors. Bicycle system inventories should include information on bicycle facilities and street crossings for all areas within the planning area.
- (3) Bicycle system inventories must include the crash risk factors of inventoried bicycle facilities, including but not limited to speed, volume, separation, and roadway width. Bicycle system inventories must also include the location of all reported injuries and deaths of people on bicycles. This must include all reported incidents from the most recent five years of available data prior to the year of adoption of the bicycle system inventory.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

**660-012-0610: Bicycle System Requirements**

The change in this section addresses charge item 8. The change clarifies that local governments may apply mode-specific functional classifications to bicycle facilities.

- (1) This rule describes the minimum planned bicycle facilities that must be included in plans. Cities or counties may choose to exceed the requirements in this rule. Cities and counties may choose to apply bicycle functional classifications to bicycle facilities.
- (2) Cities and counties shall plan for a connected network of bicycle facilities that provides a safe, low stress, direct, and comfortable experience for people of all ages and abilities. All ages and abilities includes:
- (a) School-age children;
  - (b) People over 65 years of age;
  - (c) Women;
  - (d) People of color;
  - (e) Low-income riders;
  - (f) People with disabilities;
  - (g) People moving goods, cargo, or other people; and
  - (h) People using shared mobility services.
- (3) A connected network is comprised of both the ability to access key destinations within a community and enough coverage of safe and comfortable facilities to ensure most people within the community can travel by bicycle.
- (a) Cities and counties must design the connected network to connect to key destinations identified as provided in OAR 660-012-0360, and to and within each climate-friendly area or Metro Region 2040 center.
  - (b) Cities and counties must design the connected network to permit most residents of the planning area to access the connected network with an emphasis on mitigating uncomfortable or unsafe facilities or crossings.
  - (c) The connected network shall consist of connected bicycle facilities including, but not limited to, separated and protected bicycle facilities, bicycle boulevards, and multi-use or bicycle paths. The connected network must include a series of interconnected bicycle facilities and provide direct routes to key destinations. Cities and counties must design comfortable and convenient crossings of streets with high volumes of traffic or high-speed traffic.

The changes in this section address concerns that the application of certain bicycle facilities was unclear.

- (4) Cities and counties shall plan and design bicycle facilities considering the context of adjacent motor vehicle facilities and land uses.
- (a) Cities and counties ~~shall must~~ design bicycle facilities with higher levels of separation or protection along streets that have higher volumes or speeds of traffic.
  - (b) Cities and counties ~~shall must~~ plan for separated or protected bicycle facilities on streets in climate-friendly areas, Metro Region 2040 Centers, and other places with a concentration of destinations. Cities and counties are not required to plan ~~Separated or protected bicycle facilities may not be necessary~~ on streets with very low

- 1 levels of motor vehicle traffic, with slow speeds of motor vehicles, or near where a high-quality parallel bicycle  
 2 facility on the connected network ~~exists within one block~~.
- 3 (c) Cities and counties ~~shall must~~ identify locations with existing bicycle facilities along high traffic or high-speed  
 4 streets where the existing facility is not protected or separated, or parallel facilities do not exist. Cities and  
 5 counties ~~shall must~~ plan for a transition to appropriate facilities in these locations.
- 6 (5) Cities and counties shall adopt standards for bicycle system planning and facilities that will result in a safe, low  
 7 stress, and comfortable experience for people of all ages and abilities. In adopting standards, cities and counties  
 8 may use one or more of the following:
- 9 (a) The Urban Bikeway Design Guide, second edition, published by the National Association of City  
 10 Transportation Officials;
- 11 (b) Designing for All Ages & Abilities, December 2017, published by the National Association of City  
 12 Transportation Officials; and
- 13 (c) For state facilities, The Blueprint for Urban Design, 2019, published by the Oregon Department of  
 14 Transportation.
- 15 (6) Cities and counties shall use the transportation prioritization framework in OAR 660-012-0155 when making  
 16 decisions about bicycle facilities.
- 17 Statutory/Other Authority: ORS 197.040  
 18 Statutes/Other Implemented: ORS 197.012, ORS 197.712

### 19 **660-012-0630: Bicycle Parking**

20 The changes in this rule address charge item 17. The rule has also been reorganized to be clearer about  
 21 which uses need to have required bicycle parking (section 2), minimum parking requirements for some  
 22 residential uses (section 3), and standards for required bicycle parking (section 4). The updated rule also  
 23 removes the existing requirements for a certain number of bike parking spaces for uses where off-street  
 24 motor vehicle parking is required.

- 25 (1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle  
 26 and other small-scale mobility devices.
- 27 (2) Cities and counties shall require bicycle parking for the following uses:
- 28 (a) All new multi-unit development or mixed-use development of five residential units or more as provided in  
 29 section (3);
- 30 (b) All new retail development;
- 31 (c) All new office and institutional developments;
- 32 (d) All major transit stops, and any park-and-ride lots that require land use approval; and
- 33 (f) Any land use where off-street motor vehicle parking is mandated.

34 This section provides that cities and counties must have required bicycle parking for multi-unit and mixed-  
 35 use residential uses. Staff presents three options to the commission for this section based on  
 36 conversations at the rulemaking advisory committee and testimony received.

37 **OPTION A:** This option prescribes a minimum of one bicycle parking space per residential unit.

38 (3) Cities and counties shall require a minimum of one covered bicycle parking space per unit for multi-unit and  
 39 mixed-use residential uses.

40 **OPTION B: This is the staff recommended option.** This option provides for a minimum of one bicycle  
 41 parking space per residential unit and provides for cities and counties to allow case-by-case adjustments  
 42 as well as different requirements in some situations.

43 (3) Cities and counties shall require a minimum of one covered bicycle parking space per unit for multi-unit and  
 44 mixed-use residential uses. Cities and counties may:

- 45 (a) Allow for reductions or exemptions to the minimum parking requirement based on development-specific  
 46 considerations; and
- 47 (b) Exempt or reduce the minimum parking requirement for certain types of residential uses that are likely to have  
 48 less future demand for bicycle parking.

**OPTION C:** This option prescribes a minimum of one half of a bicycle parking space per unit.

(3) Cities and counties shall require a minimum of one-half of a covered bicycle parking space per unit, rounded up to the next nearest whole number, for multi-unit and mixed-use residential uses.

(4) Cities and counties shall adopt development regulations requiring all required bicycle parking provided must:

(a) Either allow ways to lock at least two points on a bicycle, or be within a lockable space only available to authorized users;

(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from stairs, other parked bicycles, walls, or other obstructions;

(c) Be in a location that is convenient and well-lit; and

(d) Include bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

(5) Cities and counties shall provide for public bicycle parking and allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

~~(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily development or mixed-use development of four residential units or more, and new office and institutional developments. Such bicycle parking must include at least one bicycle parking space for each residential unit.~~

~~(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be located within a short distance from the main retail entrance.~~

~~(4) Cities and counties shall require bicycle parking for all major transit stations and park and ride lots.~~

~~(5) Cities and counties shall require bicycle parking in climate friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.~~

~~(6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.~~

~~(7) Cities and counties shall require bicycle parking for any land use where off street motor vehicle parking is mandated. The minimum number of bicycle parking spaces shall be no less than the greater of:~~

~~(a) Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7, rounded to the next highest whole number; or~~

~~(b) As otherwise provided in this rule.~~

~~(8) Cities and counties shall ensure that all bicycle parking provided must:~~

~~(a) Allow ways to secure at least two points on a bicycle;~~

~~(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions;~~

~~(c) Be in a location that is convenient and well-lit; and~~

~~(d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.~~

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

**660-012-0700: Public Transportation System Planning**

The changes in this section address charge item 26. The changes clarify how local governments are to work with transit service providers. There are also changes to use terms consistently.

(1) Transportation system plans must include a public transportation system element that meets the requirements of this rule. Cities and counties must work in close cooperation with transit service providers in order to complete the public transportation system element of the transportation system plan.

(a) Cities and counties shall coordinate with public transportation service providers to develop the public transportation system ~~plan~~ element.

(b) The public transportation system ~~plan~~ element must include elements of the public transportation system that are in the control of the city, county, and coordinating transportation facility owners.

(c) The public transportation system ~~plan~~ element must identify elements of the public transportation system that the city or county will work with transit service providers to realize or improve, including transit priority corridors, transit supportive infrastructure, and stop amenities.

(d) Cities and counties must coordinate with transit service providers to align the public transportation system ~~plan~~ transit element with Transit Development Plans, goals, and other strategic planning documents ~~developed~~ adopted by a transit service providers to the extent practical.



- (e) Transportation system plans do not control public transportation elements exclusively controlled by transit service providers. These include funding or details of transit service provision, including timetables and routing.
- (2) A public transportation system element must include the following elements:
  - (a) The complete public transportation system as described in section (3) that includes the full buildout and provision of services of the public transportation system within the urban growth boundary;
  - (b) Identification of gaps and deficiencies in the public transportation system as described in section (4);
  - (c) Locations of key public transportation destinations identified as provided in OAR 660-012-0360; and
  - (d) A list of prioritized public transportation system projects developed as provided in OAR 660-012-0720.
- (3) The complete public transportation system is the full buildout of a complete public transportation system within the planning area. The city or county determines the complete public transportation system plan by:
  - (a) Using the public transportation system inventory developed under OAR 660-012-0705 as a base; and
  - (b) Adding the minimum public transportation services and facilities to places that do not presently meet the minimum public transportation system requirements in OAR 660-012-0710.
- (4) Cities and counties shall identify gaps and deficiencies in the public transportation system by comparing the complete public transportation system with the public transportation system inventory developed under OAR 660-012-0705. Cities and counties must include any part of the complete public transportation system not presently built or operated to the standards in the complete public transportation system plan as a gap or deficiency. Cities and counties must identify gaps in the transit supportive facilities provided on priority transit corridors and other transit corridors identified as provided in OAR 660-012-0710. Transit supportive facilities include, but are not limited to:
  - (a) Stations, hubs, stops, shelters, signs, and ancillary features; and
  - (b) Transit priority infrastructure, including signals, queue jumps, and semi-exclusive or exclusive bus lanes or transitways.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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#### **660-012-0810: Street and Highway System Requirements**

- (1) Cities and counties shall plan, design, build, and maintain a connected streets and highway network in a manner that respects the prioritization factors in OAR 660-012-0155.
  - (a) Cities and counties shall plan streets and highways for the minimum size necessary for the identified function, land use context, and expected users of the facility.
  - (b) Cities and counties shall consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, increase safety, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, provide for utility placement, and support connected and safe pedestrian and bicycle networks.
  - (c) Cities and counties shall plan for an equitable allocation of right-of-way consistent with the prioritization factors as provided in OAR 660-012-0155. Streets in climate-friendly areas, Metro Region 2040 centers, and along priority transit corridors must be designed to prioritize pedestrian, bicycle, and transit systems, as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- (2) Cities and counties shall plan local streets to provide local access to property and localized circulation within neighborhoods.
  - (a) Cities and counties shall plan and design local streets for low and safe travel speeds compatible with shared pedestrian and bicycle use.
  - (b) Cities and counties shall establish standards for local streets with pavement width and right-of-way width as narrow as practical to meet needs, reduce the cost of construction, efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve safety, and accommodate convenient pedestrian and bicycle circulation. Local street standards adopted by a city or county must be developed as provided in ORS 368.039. A local street standard where the paved width is no more than 28 feet on streets where on-street parking is permitted on both sides of the street shall be considered adequate to meet this requirement. Wider standards may be adopted if the local government makes findings that the wider standard is necessary.
  - (c) Cities and counties shall plan and design a complete and connected network of local streets. Cities and counties may plan for chicanes, diverters, or other strategies or devices in local street networks where needed to prevent excessive speed or through travel. These measures must continue to provide for connected and pedestrian and bicycle networks.

- (d) Cities and counties shall avoid planning or designing local streets with a dead end. Dead end local streets may be permitted in locations with topographic or other barriers, or where the street is planned to continue to a connected network in the future.
- (e) Cities and counties shall plan for multimodal travel on local streets as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710. Cities and counties must plan local streets in climate-friendly areas and Metro Region 2040 centers to prioritize pedestrian and bicycle systems, and be limited to local access for motor vehicles.
- (f) A city or county may plan for local streets to be wider than otherwise allowed in this rule when used exclusively for access to industrial or commercial properties outside of climate-friendly areas or Metro Region 2040 centers, and where plans do not allow residential or mixed-use development.
- (g) Transportation system plans need not include the specific location of all planned local streets but must describe areas where they will be necessary.
- (3) Cities and counties shall plan collector streets to provide access to property and collect and distribute traffic between local streets and arterials. Cities and counties must plan and design a collector street network that is complete and connected with local streets and arterials.
- (a) Cities and counties must plan for multimodal travel on collector streets as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- (b) Cities and counties must plan collectors in climate-friendly areas and Metro Region 2040 centers to prioritize pedestrian, bicycle, and public transportation systems.
- (4) Cities and counties shall plan arterial streets and highways to provide travel between neighborhoods and across urban areas. Cities and counties must plan an arterial street network that is complete and connected with local streets and collectors.
- (a) Cities and counties shall designate each segment of an arterial as one of the three categories below in the transportation system plan. These designations must be made considering the intended function, the land use context, and the expected users of the facility. Cities and counties must address these considerations to ensure local plans include different street standards for each category of arterial segment.
- (A) Cities and counties shall plan for local access priority arterial segments to prioritize access to property and connected streets when balancing needs on the facility. Local access priority arterial segments will generally allow for more access locations from property, more opportunities to make turns, more frequent intersections with other streets, and slower speeds.
- (B) Cities and counties shall plan for through movement priority arterial segments to prioritize through movement of traffic when balancing needs on the facility. Through movement priority arterial segments will generally prioritize access limited to intersections with the street network, limited access to individual properties, and safe speeds.
- (C) Cities and counties shall plan for arterial segments in a climate-friendly area to prioritize multimodal travel as provided in subsection (b). This includes prioritizing complete, connected, and safe pedestrian, bicycle, and public transportation facilities.
- (b) Cities and counties shall plan for multimodal travel on or along arterial streets as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- (A) Cities and counties shall plan arterials in climate-friendly areas to prioritize pedestrian, bicycle, and public transportation systems.
- (B) Cities and counties shall plan arterials along transit priority corridors to prioritize transit service reliability and frequency over general-purpose traffic.

The changes in this section address charge item 27. The changes make some clarifications about how local governments must consider planning for freeways as part of the transportation planning process.

- (5) Cities and counties shall, as part of the transportation planning process, carefully consider new or expanded freeways considering goals for reductions in vehicle miles traveled per capita.
- (a) Cities and counties shall consider high-occupancy vehicle lanes, including transit lanes, and managed priced lanes on freeways.
- (b) Pedestrian and bicycle facilities should be parallel to freeways, rather than on them. Transit facilities on or along freeways ~~must~~ should be designed for direct transit vehicle access.
- (6) Notwithstanding other provisions of this rule, where appropriate, cities and counties shall plan and design streets and highways to accommodate:

- (a) Transit vehicles on a segment of a priority transit corridor or transit corridor without dedicated transit lanes or transitway.
- (b) Freight travel on designated freight routes and key freight terminals inventoried as provided in OAR 660-012-0805.
- (c) Agricultural equipment on streets or highways connecting to agriculturally zoned land used for agricultural purposes where equipment access is necessary.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 368.039

### **660-012-0830: Enhanced Review of Select Roadway Projects**

- (1) Cities and counties shall review and may authorize certain proposed facilities to be included as a planned project or unconstrained project in any part of the local comprehensive plan, including the transportation system plan.
  - (a) The following types of proposed facilities must be reviewed as provided in this rule:
    - (A) A new or extended arterial street, highway, freeway, or bridge carrying general purpose vehicle traffic;
    - (B) New or expanded interchanges;
    - (C) An increase in the number of general purpose travel lanes for any existing arterial or collector street, highway, or freeway; and
    - (D) New or extended auxiliary lanes with a total length of one-half mile or more. Auxiliary lane means the portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing, maneuvering of entering and leaving traffic, and other purposes supplementary to through-traffic movement.
  - (b) Notwithstanding any provision in subsection (a), the following proposed facilities need not be reviewed or authorized as provided in this rule:
    - (A) Changes expected to have a capital cost of less than \$5 million;
    - (B) Changes that reallocate or dedicate right of way to provide more space for pedestrian, bicycle, transit, or high-occupancy vehicle facilities;
    - (C) Facilities with no more than one general purpose travel lane in each direction, with or without one turn lane;
    - (D) Changes to intersections that do not increase the number of lanes, including implementation of a roundabout;
    - (E) Access management, including the addition or extension of medians;
    - (F) Modifications necessary to address safety needs; or
    - (G) Operational changes, including changes to signals, signage, striping, surfacing, or intelligent transportation systems.

The changes in this subsection are part of temporary rules adopted by the commission in April. This version is slightly changed to use parallel language and to incorporate some changes from advisory committee input.

- ~~(e) To retain a proposed facility that is included in an existing acknowledged plan adopted as provided in OAR 660-012-0015, a city or county shall review that facility under this rule at the time of a major update to its transportation system plan.~~
- (c) Notwithstanding subsection (a), a city or county may carry forward a proposed facility in a major transportation system plan update without review as provided in this rule if it is a planned project in a transportation system plan acknowledged prior to January 1, 2023, and the project meets any of the following at the time of adoption of the update:
  - (A) The project is included in a general obligation bond approved by voters prior to January 1, 2022;
  - (B) The project is included as a project phase other than planning in the State Transportation Improvement Program adopted by the Oregon Transportation Commission, or a metropolitan planning organization's transportation improvement program;
  - (C) The project has received a decision under the National Environmental Policy Act of 1969; or
  - (D) The project has been advertised for construction bids.

(2) Cities and counties choosing to authorize a proposed facility as provided in this rule shall:

- (a) Initiate the authorization process through action of the governing body of the city or county;



A proposed added provision in OAR 660-012-0012(5)(g) postpones the effective date on this subsection until the adoption of a transportation system plan.

- (b) Include the authorization process as part of an update to a transportation system plan to meet the requirements as provided in OAR 660-012-0100, or have an existing acknowledged transportation system plan meeting these requirements;
  - (c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;
  - (d) Designate the project limits and characteristics of the proposed facility, including length, number of lanes, or other key features;
  - (e) Designate a facility impact area and determine affected jurisdictions as provided in section (3);
  - (f) Conduct an engagement-focused equity analysis of the proposed facility as provided in OAR 660-012-0135;
  - (g) Develop a public involvement strategy as provided in section (4);
  - (h) Conduct an alternatives review as provided in sections (5) and (6);
  - (i) Choose to move forward with an authorization report as provided in section (7);
  - (j) Complete an authorization report as provided in section (8); and
  - (k) Publish the authorization report as provided in section (9).
- (3) A city or county designating a facility impact area and determining affected jurisdictions shall:
- (a) Coordinate with all cities and counties with planning jurisdictions within two miles of the limits of the proposed facility to determine the extent of the facility impact area;
  - (b) Review the extent of the impact of the proposed facility by including all areas where implementation of the proposed facility is expected to change levels or patterns of traffic or otherwise change the transportation system or land use development patterns;
  - (c) Take particular care when reviewing the facility impact area in places with concentrations of underserved populations. The city or county must consider the special impact of new facilities in the context of historic patterns of discrimination, disinvestment, and harmful investments;
  - (d) Designate a facility impact area to include, at minimum, areas within one mile of the proposed facility; and
  - (e) Determine affected jurisdictions by including all cities or counties with planning jurisdictions in the designated facility impact area.
- (4) A city or county developing a public involvement strategy shall, in coordination with affected jurisdictions:
- (a) Develop the public involvement strategy as provided in OAR 660-012-0130.
  - (b) Require that the public involvement strategy provides for opportunities for meaningful public participation in decision-making over the course of the authorization process;
  - (c) Require that the public involvement strategy includes regular reports to the affected governing bodies, planning commissions, and the public on the progress of the authorization process; and
  - (d) Coordinate the public involvement strategy with other public involvement activities that may be concurrent, including updates to a transportation system plan or authorizations for other proposed facilities.
- (5) A city or county choosing to undertake an alternatives review shall, in coordination with affected jurisdictions:

The change in this subsection addresses charge item 28. The change makes the term “public involvement strategy” consistent throughout the rule.

- (a) Have designated the facility impact area, determined affected jurisdictions, transit service providers, and transportation options providers; and developed a public ~~consultation~~ involvement strategy as provided in this rule;
- (b) Develop a summary of the expected impacts of the proposed facility on underserved populations identified as provided in OAR 660-012-0125, particularly, but not exclusively, in neighborhoods with concentrations of underserved populations. These impacts must include, but are not limited to, additional household costs, and changes in the ability to access jobs and services without the use of a motor vehicle;
- (c) Develop a summary of the estimated additional motor vehicle travel per capita that is expected to be induced by implementation of the proposed facility over the first 20 years of service, using best available science;
- (d) Investigate alternatives to the proposed facility, as provided in subsections (e) through (h). Cities and counties must use a planning level of analysis, and make use of existing plans and available data as much as practical;
- (e) Investigate alternatives to the proposed facility through investments in the pedestrian and bicycle systems. The city or county must:
  - (A) Review the transportation system plan for identified gaps and deficiencies in pedestrian and bicycle facilities within the facility impact area;

- (B) Determine how much of the need for the proposed facility may be met through enhanced investments in the pedestrian and bicycle networks;
- (C) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need which do not require implementation of the proposed facility; and
- (D) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need which may be implemented without the proposed facility, and may be retained if the proposed facility is implemented.
- (f) Investigate alternatives to the proposed facility through investments in the public transportation system. The city or county must:
- (A) Review the transportation system plan for identified gaps and deficiencies in public transportation facilities and services within the facility impact area;
- (B) Coordinate with transit service providers to identify opportunities for providing additional transit service within or to the facility impact area; and
- (C) Identify potential transit facility and service investments that contribute to meeting the identified need which may be implemented without the proposed facility.
- (g) Investigate alternatives to the proposed facility through investments in transportation options programs; or other means to reduce demand for motor vehicle travel. The city or county must:
- (A) Review the transportation system plan for identified existing and needed transportation demand management services within the facility impact area;
- (B) Coordinate with transportation options providers to identify opportunities for providing transportation demand management services in and around the facility impact area; and
- (C) Identify potential transportation options program investments that contribute to meeting the identified need which may be implemented without the proposed facility.
- (h) Investigate alternatives to the proposed facility that include system pricing. The city or county must:
- (A) Determine if various types of pricing could substantially reduce the need for the proposed facility;
- (B) Investigate a range of pricing methods appropriate for the facility type and need, which may include, but are not limited to: parking pricing, tolling, facility pricing, cordon pricing, or congestion pricing; and
- (C) Identify pricing methods where it is reasonably expected to meet the need for the facility, may reasonably be implemented, and can be expected to generate sufficient revenue to cover the costs of operating the collection apparatus.
- (6) A city or county completing an alternatives review must, in coordination with affected jurisdictions:
- (a) Review the projects identified in section (5) to determine sets of investments that may be made that could substantially meet the need for the proposed facility without implementation of the proposed facility. A city or county must consider adopted state, regional, and local targets for reduction of vehicle miles traveled to reduce ~~greenhouse gas emissions~~climate pollution when making determinations of substantially meeting the need for the proposed facility; and
- (b) Complete an alternatives review report upon completion of the alternatives review phase. The alternatives review report must include a description of the effectiveness of identified alternatives. The alternatives review report must include the summaries developed in subsections (5)(b) and (c). The alternatives review report must be provided to the public, and the governing bodies and planning commissions of each affected city or county. The alternatives review report must also be included in the next annual report to the director as provided in OAR 660-012-0900.
- (7) The governing body of the city or county shall review the alternatives review report and may either:
- (a) Select a set of investments reviewed in the alternatives review report intended to substantially meet the identified need for the proposed facility. These investments may be added to the unconstrained project list of the transportation system plan as provided in OAR 660-012-0170; or
- (b) Choose to complete the authorization report for the proposed facility, as provided in section (8).
- (8) A city or county choosing to complete an authorization report as provided in section (7) shall, after completion of the alternatives review, include the following within the authorization report:
- (a) A record of the initiation of the authorization process by the governing body;
- (b) The public involvement strategy developed as provided in section (4), and how each part of the public involvement strategy was met;
- (c) The alternatives review report;

- (d) A summary of the estimated additional long-term costs of maintaining the proposed facility, including expected funding sources and responsible transportation facility operator.
- (9) A city or county shall publish the authorization report upon completion and provide it to the public and governing bodies of each affected jurisdiction.
- (10) A city or county, having completed and published an authorization report, may place the proposed project on the list of street and highway system projects with other projects as provided in OAR 660-012-0820. A proposed project authorized as provided in this rule may remain on a project list in the transportation system plan as long there are no significant changes to the proposed project or the land use context as described in the authorization report.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 468A.205

## **660-012-0905: Land Use and Transportation Performance Measures**

The changes in this rule are for clarity.

- (1) Cities, counties, and Metro that have a land use and transportation scenario approved by the commission as provided in OAR 660-044-0050 or OAR 660-044-0120 shall report on the performance measures from the approved regional scenario plan.
- (2) Cities and counties that do not have a land use and transportation scenario approved by the commission as provided in OAR 660-044-0120 shall report on the specific actions, including capital improvements and the adoption of policies or programs that they have or will undertake to reduce pollution and increase equitable outcomes for underserved populations. At a minimum, this report must include the following performance measures:
- (a) Compact Mixed-Use Development
- (A) Number of publicly supported affordable housing units in climate-friendly areas.
- (B) Number of existing and permitted dwelling units in climate-friendly areas and percentage of existing and permitted dwelling units in climate-friendly areas relative to total number of existing and permitted dwelling units in the jurisdiction.
- (C) Share of retail and service jobs in climate-friendly areas relative to retail and service jobs in the jurisdiction.
- (b) Active Transportation
- (A) Percent of collector and arterial streets in climate-friendly areas and underserved population neighborhoods with bicycle and pedestrian facilities with Level of Traffic Stress 1 or 2.
- (B) Percent of collector and arterial roadways streets in climate-friendly areas and underserved population neighborhoods with safe and convenient marked pedestrian crossings.
- (C) Percent of transit stops with safe pedestrian crossings within 100 feet.
- (c) Transportation Options
- (A) Number of employees covered by an Employee Commute Options Program.
- (B) Number of households engaged with Transportation Options activities.
- (C) Percent of all Transportation Options activities that were focused on underserved population communities.
- (d) Transit
- (A) Share of households within one-half mile of a priority transit corridor.
- (B) Share of low-income households within one-half mile of a priority transit corridor.
- (C) Share of key destinations within one-half mile of a priority transit corridor.
- (e) Parking Costs and Management: Average daily public parking fees in climate-friendly areas.
- (f) Transportation System
- (A) Vehicle miles traveled per capita.
- (B) Percent of jurisdiction transportation budget spent in climate-friendly areas and underserved population neighborhoods.
- (C) Share of investments that support modes of transportation with low pollution.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 468A.205



**660-012-0910: Land Use and Transportation Performance Targets**

The changes to this rule address charge item 29. The change clarifies that Metro, rather than cities or counties, sets regional performance targets for the Portland Metropolitan Area, consistent with OAR 660-012-0900.

- (1) ~~Cities and counties~~, and Metro must set performance targets for each reporting year for each performance measure provided in OAR 660-044-0110 and OAR 660-012-0905 in their local transportation system plan. Performance targets for the performance measures provided in OAR 660-012-0905 must be set at levels that are reasonably likely to achieve the regional performance targets from an approved land use and transportation scenario plan as provided in OAR 660-044-0110 or the regional performance targets from the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission.
- (2) ~~Cities and counties~~, and Metro that have a land use and transportation scenario approved by the commission as provided in OAR 660-044-0120 must set targets for equity performance measures in a transportation system plan as provided in OAR 660-044-0110(9)(c).
- (3) ~~Cities and counties~~, and Metro shall set performance targets in any major update to their transportation system plan as provided in OAR 660-012-0105. If a city or county has not yet set targets and is submitting a major report as provided in OAR 660-012-0900(7), then the city or county shall set performance targets through a minor update to their transportation system plan.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.712, ORS 468A.205



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### Implementation Update Climate-Friendly and Equitable Communities Program

October 19, 2023

DLCD and the Oregon Department of Transportation (ODOT) continue to support cities and counties through the [Climate-Friendly and Equitable Communities program](#). To date, the departments have secured roughly \$22 million to implement the program including:

- Nearly \$800,000 in grants from DLCD to cities and counties for studies of potential climate-friendly areas spent during the 2021-2023 biennium.
- \$3 million appropriated by the legislature to DLCD for the 2023-2025 biennium, nearly \$2.7 million of which will be grants to cities and counties.
- Roughly \$18.5 million from ODOT to fund local transportation system plans (TSPs) over the next 5-7 years, to fund regional scenario planning in the Eugene-Springfield region and the Salem-Keizer region, and to develop performance measures and targets for smaller metropolitan areas.

DLCD and ODOT will also provide advice, guidance documents, code reviews, and one-on-one consultation. DLCD will focus on parking reform and climate-friendly areas. ODOT will lead on updating the guidance and data for transportation system plans and updating the ODOT Analysis and Procedures Manual.

### Program Updates

#### ***Parking Reform***

Eight cities have repealed parking mandates citywide:

- Albany
- Beaverton
- Bend
- Central Point
- Corvallis
- Portland
- Salem
- Tigard

With department assistance, many other cities and counties are moving towards removing parking mandates citywide, while others are exploring the fair policies reform option (Sherwood) or the reduced red tape option (Medford, Phoenix). Ashland, Cornelius, Eugene, Grants Pass and Springfield are scheduled to complete their reforms this year.

As a result, local housing builders and businesses previously stymied by parking mandates are now able to develop. The Sightline Institute reported on several examples in articles published [February 2](#) and [June 30](#), and anecdotes continue to emerge, including moving forward on [scores of affordable housing units in Troutdale](#), an expansion of a hair salon in Grants Pass, and an expansion of a dog genetics facility in Gladstone.

Staff have worked with cities to draft and finalize code changes and adopt the various parking reforms into their codes.

### ***Climate-Friendly Areas***

DLCD provided funding to the 15 local governments that are required to designate climate-friendly areas (CFAs) in the 2021-2023 biennium. DLCD awarded grants and contracts totaling nearly \$800,000 to support community engagement and technical analysis of potential locations for the CFAs. Cities and counties will use that analysis to prepare a report and submit it to DLCD by the end of 2023. Then the cities and counties must amend their zoning and development regulations to create CFAs by the end of 2024.

Local governments are preparing their CFA studies for review by the department and public. The studies must be submitted by December 31, 2023, but two have already been submitted.

- The City of Eagle Point was the first community to submit its [CFA study](#) for review and comment. Their study was published on the CFEC website on August 31, 2023, and one public comment was received. Department comments on the study were provided to Eagle Point on October 17, 2023.
- The City of Salem submitted its study on September 26, 2023, and the study was published on the CFEC website on October 4, 2023. Public comments are due by October 25, 2023, and the department's comments will be provided prior to December 3, 2023.

Department staff prepared an October 26, 2023, session for the annual conference of the Oregon Chapter of the American Planning Association, entitled "Housing Planning is Climate Planning". The session will be moderated by Commission Vice-Chair Nick Lelack, with brief presentations by department staff, as well as from planners from three implementing cities (Eugene, Corvallis, and Bend). The focus of the discussion will be how CFA implementation fits in with ongoing mixed-use planning and other local planning efforts. Among other topics, Bend staff will discuss lessons learned from the department-funded CFA market study, which evaluated the market feasibility of seven housing prototypes in potential CFA areas in Bend.

Department staff continue to work with local governments to implement CFA requirements and to support related work in the 2023-2025 biennium, including additional market studies, as resources are available. More detailed information on funding support for local government implementation is provided below.



### ***Alternative Dates and Exemptions***

The rules allow cities and counties to request alternative dates for some timelines in the rules. The temporary rules adopted in April extended the opportunity to request alternate dates. At the end of June, cities and counties in the Salem-Keizer and the Eugene-Springfield regions submitted regional work plans which included additional requests for alternative dates. Director Bateman has approved alternative dates for 30 cities and counties. A [report of approved alternative dates](#) is on the [program website](#).

Smaller jurisdictions may also request a temporary exemption from some or all of the requirements in the Transportation Planning Rules. Director Bateman has approved exemptions for nine cities and one county. A [report of approved exemptions](#) is on the program website.

### **2023-2025 Funding**

The 2023 legislature appropriated \$3 million to support cities and counties through the Climate-Friendly and Equitable Communities program. This funding will be allocated in two categories:

**Required work:** Non-competitive allocation for all rule requirements with a deadline within this biennium, and for requirements triggered by a local update of a transportation system plan (TSP).

**Open grants:** Competitive process open to cities and counties within metropolitan areas to support other work required by the rules and work consistent with the intent of the CFEC program.

### ***Required Work***

This category consists of work directly required by rule with a specific deadline within the biennium and requirements triggered by a major update of a transportation systems plan (TSP). The required deadlines included climate-friendly areas (OAR 660-012-0310), parking reform and management (660-012-0400 series), and land use regulations (660-012-0330) triggered by a TSP update. ODOT is leading implementation on TSP updates, inventories, scenario planning, performance measures, and performance standards. Staff reviewed the rule to list all of the tasks required during the 2023-2025 biennium and then contacted each city and county to discuss what funding they would need to meet the requirements. This category is non-competitive and does not require an application from affected local governments.

- **Land Use Regulations (OAR 660-012-0330)**

This rule updates requirements for land use code to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Local codes are required to be updated with a major update to a TSP.

#### **Model Code**

Many local governments expressed interest in receiving funding and model code from DLCD during this biennium to help them prepare for the upcoming requirements. The model code will be developed through the guidance and input of local government practitioners.

### **Code Audits**

This work will provide code audits using the model code to identify needed areas of work in existing land use regulations in order to comply with the updated requirements. DLCD will provide consultant support to jurisdictions.

### **Code Amendments**

This work will provide consultant support to implement needed changes identified through code audits for local governments to meet updated requirements.

- **CFA Zoning Updates (OAR 660-012-0315)**

This work will provide consultant and grant funding support to jurisdictions to adopt updated land use regulations to meet Climate-Friendly Area requirements. Staff have offered assistance with code writing, public engagement, and market feasibility studies to local governments. ODOT is providing further assistance to complete the required multi-modal gap analysis and highway impacts summary.

- **Regional Scenario Planning Grants (OAR 660-044-0015)**

This work will provide grant funding to reimburse local staff time for their participation in work tasks identified in their regional scenario planning work plans with ODOT's consultants. This work is occurring over the next two years for jurisdictions in the Salem-Keizer and Central Lane metropolitan areas.

- **Equitable Engagement Toolbox (OAR 660-012-0130)**

This work will be done in conjunction with other agency work on equitable engagement and result in guidance, templates, and tools for local governments to implement equitable engagement requirements in OAR 660-012-0130 and 660-012-0135.

- **Enhanced Engagement (OAR 660-012-0130)**

This work will provide grants to cities who are updating their transportation system plans in the near term to perform enhanced community engagement. Deliverables from cities would include hiring staff to specialize in engagement, mini-contracts with representatives, co-creating curriculum on transportation issues, disability consultants to improve disability engagements, and design charettes.

- **Parking Management Jump Start Guide (OAR 660-012-0400)**

This work will develop a parking management program jump start guide for communities that have identified a need for on-street parking management to address the impacts of spillover parking, where developments have more parking demand than met by off-street supply. This guide will help communities understand the costs and benefits of various parking management tools, as well as identify and implement parking management program elements they deem appropriate.

### ***Open Grants***

Cities and counties in the CFEC program will have an opportunity to apply for funding for tasks directly required by rule or work that achieves the overall intent of the program. The application process will start during fall 2023, with work starting in early-to-mid-2024. Successful applicants will have the choice to receive a grant or receive direct services from consultants selected through a DLCD procurement process.

#### **Eligible Projects:**

- Code audits and code amendments
- Parking reform and management
- Market feasibility studies
- Equitable engagement
- Transportation system planning
- Staff time reimbursements
- Disability consultants
- Other similar work





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**Charge to the Department and the Rulemaking Advisory Committee  
for Amendments to the Climate-Friendly and Equitable Communities rules  
by the Land Conservation and Development Commission**



**April 2023**

**Summary**

This charge from the Land Conservation and Development Commission is intended to provide guidance to the department and the Rulemaking Advisory Committee (RAC) for amendments to the Climate-Friendly and Equitable Communities rules. LCDC initiates this rulemaking activity, guides it, and will ultimately decide what rules to adopt. The rules are meant to implement climate pollution reduction actions to comply with Oregon's climate pollution reduction targets.

The commission expects that the rulemaking process will take seven months from initiation to adoption.

**Rulemaking Scope**

The rulemaking is expected to focus on amendments to the Transportation Planning Rules ("TPR"), Oregon Administrative Rules ("OAR") chapter 660, division 12. The scope of this rulemaking activity is narrow, and includes two categories of amendments:

1. Minor clarifications and corrections as listed in this charge; and
2. Review of temporary amendments adopted by the commission in April 2023.

The department and rulemaking advisory committee may propose other minor changes as necessary to make the rules work effectively or changes recommended by legal counsel.

**Desired Outcomes**

The commission charges the department and the Rulemaking Advisory Committee with recommending amendments to rules that will advance these outcomes:

1. Continue to confirm and advance the outcomes of the Climate-Friendly and Equitable Communities Rulemaking;
2. Continue to work toward ensuring underserved populations guide decision making processes that are built to accommodate them;
3. Continue to clarify rules that can be successfully implemented by local governments and the state; and
4. Continue to help meet Oregon's climate pollution reduction goals, specifically the division 44 climate pollution reduction targets and Statewide Transportation Strategy targets.

### Expected Clarifications and Corrections

The following is a list of minor clarifications and corrections expected to be addressed as part of this rulemaking process. Proposed amendments may include the listed rules or other rules as needed to meet the objective of the listed issue. All listed rules are within the TPR (OAR chapter 660, division 12).

Item	Clarification or Correction	Affected Rule or Rules
1	Define multi-unit housing consistently.	0005, 0300, 0630
2	Add definitions of performance standards and performance measures	0005
3	Clarify provisions for TSP requirements related to UGB expansions during the interim period.	0012, 0350
4	Modify effective dates of some rules to line up with a major TSP update.	0012, 0210, 0215
5	Clarify how the horizon year may be determined. Clearly allow flexibility for coordinated horizon years with the Metro RTP.	0100(3)(b), 0140(5)(c)
6	Clarify requirements for counties; remove overly broad language.	0110(3)
7	Clarify in the rule when each type of equity analysis should be performed.	0135
8	Clarify language of functional classification for each mode. This provision may need to be repeated or referenced elsewhere in the rules.	0155(4)
9	Clarify intent, remove confusing language.	0180(2)
10	Fix numbering.	0215
11	Clarify how rule 0215 works in the Portland metropolitan area.	0215, 0140
12	Clarify confusing language, particularly concerning comprehensive plan and land use regulation amendments.	0325
13	Amend to use consistent terminology.	0400 through 0450
14	Clarify to allow counties to use this provision.	0405(4)(a)(A)
15	Clarify carpool and vanpool requirements only apply to large parking lots	0405(1)(a)
16	Clarify underused parking policies are for both on and off-street parking.	0405(2)

Item	Clarification or Correction	Affected Rule or Rules
17	Clarify language with differing references and “multiunit” terms.	0415
18	More specifically identify the referenced map.	0415(1), 0435
19	Clarify unbundled parking requirements would apply to new leases.	0425, 0435
20	Add exemptions for townhomes and rowhomes for consistency across these rules.	0435(3), 0445(1)(a)(A)
21	Clarify how requirements for parking along transit work together.	0440(3)
22	Allow annual code adjustment based on transit frequency instead of constant adjustment.	0440(3)
23	Clarify language on historic buildings.	0445(1)(b)(H)
24	Clarify that “all” schools means K-12 schools, not preschools.	0505(1), 0605(1)
25	Clarify the definition of “right-of-way” to exclude right of way used for utilities or other non-transportation purposes.	0510(3)(c)
26	Clarify how jurisdictions are expected to align TSPs with plans developed or adopted by a transit service provider.	0700(1)(d)
27	Clarify to differentiate between TSP requirements and project development.	0810(5)
28	Clarify terminology, use “public involvement strategy” consistently in rule.	0830(5)(a)
29	Clarify how this rule functions in the Portland Metro area.	0910





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## Summary of Written Testimony Received after the Hearing on July 28, 2023

October 6, 2023



### A. Topics addressed by multiple commenters

The staff report has additional details about these topics and how they are addressed in the recommended amendments.

Topics Testimony	Overall support	Align with OHNA	0005 Bicycle facilities definition	0210 Modelling VMT	0315 - 0320 Minimum densities	0350 UGB	0430 - 0445 Parking	0630 Bicycle parking	0830 Vehicle capacity projects
Exhibit 09: Sightline Institute								X	
Exhibit 10: Oregon Climate Action Coalition	X	X	X	X	X			X	X
Exhibit 11: Wilsonville	X			X					
Exhibit 12: Eugene	X								
Exhibit 13: Tigard	X								
Exhibit 14: Cornelius & Hillsboro	X	X	X	X			X		X
Exhibit 15: League of Oregon Cities	X	X							
Exhibit 16: Springfield	X				X	X	X		
Exhibits 17 & 18: Oregon Realtors		X		X	X	X		X	X
Exhibit 19: Washington County	X			X					X
Exhibits 20 & 21: Portland	X								

OHNA = Oregon Housing Needs Assessment

VMT = Vehicle miles travelled

UGB = Urban growth boundary

## B. Topics addressed by individual commenters

Testimony	Topic	Recommendation
Exhibit 10: Oregon Climate Action Coalition	0012 Alternate dates	The rule amendments adopted in April allow cities and counties to propose alternate dates at any time. The recommended amendments make minor conforming changes. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0100(3) Base year	The recommended amendments to 0140(5) provide the flexibility that the commenter suggested in the Portland metropolitan area.
Exhibit 14: Cornelius & Hillsboro	0215(2) Performance measures	The suggested change is not necessary as provisions for jurisdictions with adopted scenario plans are in the adopted rules at OAR 660-012-0905(1) and OAR 660-012-0910.
Exhibit 14: Cornelius & Hillsboro	0405(4)(e) Tree planting	The recommended amendments already remove the requirement for cities and counties to ensure ongoing compliance with tree maintenance. This was included in the June 30 draft. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0505(1) & 0605(2) Public schools	The recommended amendments already narrow the scope of schools included in the requirement for a detailed pedestrian inventory. This comment suggests limiting the scope further to exclude religious and other private schools. Student safety is important regardless of the type of school they attend. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0610(4) Bicycle facility design exceptions	The recommended amendments provide considerable flexibility within the requirement to “plan and design bicycle facilities considering the context.” No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0630(2) & (5) Bicycle parking in CFA’s and centers	The recommended amendments provide considerable flexibility for locating bicycle parking. Climate-friendly areas and Metro Region 2040 Centers will generally have higher than average bicycle mode share, so it would be counter-productive to reduce bicycle parking in these areas. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0810(2) Street width	The recommended amendments provide flexibility for cities and counties to determine where a narrow street would be inappropriate. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0810(4) Local access priority arterials	The recommended amendments provide flexibility for cities and counties to classify streets. No further changes recommended in response to this comment.
Exhibit 16: Springfield	0180(2)(b) Unconstrained project list	The recommended amendments incorporate the suggestion to remove a phrase that could be confusing.

Testimony	Topic	Recommendation
Exhibit 16: Springfield	0315(2)(a) potential square footage	The recommended amendments clarify which local regulations must be considered when estimating building capacity. The comment expresses a concern that the rule could still be unclear in some situations, but does not suggest clarifying language. No further changes recommended in response to this comment.
Exhibit 19: Washington County	0180 Financially constrained list	Updates to 0140(5) provide additional flexibility for planning horizon years in the Portland metropolitan area. Changes to the local financially-constrained list may or may not be needed in coordination with a regional plan update.
Exhibit 19: Washington County	0330 Ambiguous and subjective terms	The recommended amendments use general terms to give flexibility to cities and counties to make decisions appropriate to local conditions. The department can provide guidance to help cities and counties find one way to comply with the rule while preserving the flexibility for other cities and counties to find their own way to comply. No further changes recommended in response to this comment.
Exhibit 19: Washington County	0810 Ambiguous and subjective terms	The recommended amendments use general terms to give flexibility to cities and counties to make decisions appropriate to local conditions. The department can collaborate with the Oregon Department of Transportation to provide guidance to help cities and counties find one way to comply with the rule while preserving the flexibility for other cities and counties to find their own way to comply. No further changes recommended in response to this comment.
Exhibits 20 & 21: Portland	0005(31) Parking spaces	The recommended amendments incorporate the suggestion to add “fleet vehicles” to the list of parking areas that are exempt from the definition.
Exhibits 20 & 21: Portland	0610 Parallel bike facilities	The recommended amendments increase the flexibility in response to discussion at advisory committee meetings about situations (for example couplets) where the parallel facility would be more than one block away but would still provide a safe, low stress, direct, and comfortable experience. Cities and counties have the ability to set a more specific standard for their own bicycle network. No further changes recommended in response to this comment.





# Increasing Housing Production and Transportation Choices

The Climate-Friendly and Equitable Communities and Oregon Housing Needs Analysis Programs Expand Transportation and Housing Options

## Integrated Planning for Oregon's Current and Future Needs

Oregonians deserve housing they can afford, quality transportation choices to meet their daily needs, and a healthy climate that supports generations to come.

Consistent with Oregon's approach of integrated, comprehensive planning, the Climate-Friendly and Equitable Communities (CFEC) and Oregon Housing Needs Analysis (OHNA) programs work together to facilitate housing and transportation choice.

As the Department of Land Conservation and Development (DLCD) implements Governor Kotek's housing executive orders, staff are working with communities across the state to develop solutions to help facilitate the construction of the 36,000 new housing units per year Oregonians need while meeting our climate goals. DLCD's housing, transportation, and climate teams work together to ensure our programs result in housing production, transportation choice, and more equitable communities.



## Creating Climate-Friendly Areas with Affordable Housing and Transportation Choices

The Climate-Friendly and Equitable Communities or CFEC program builds on years of local planning and investment. The program directs fifteen communities in Oregon's metropolitan areas to identify and allow walkable areas with significant housing capacity, and update zoning where needed. In these "climate-friendly areas," Oregonians should have a range of transportation choices and be able to meet most of their daily needs without having to drive long distances.

Climate-friendly areas create bonus local housing capacity ready for the market to fill. To boost housing production in areas with transportation choice, local governments will allow housing choice in these areas, from single-unit housing to traditional starter housing including duplexes, triplexes, and townhomes, and apartments. As cities update their zoning codes, many are increasing housing capacity in other areas as well, to allow for additional housing production and choice.

For the purposes of proposed urban growth boundary expansions, the additional housing units allowed in climate-friendly areas do not count as housing capacity unless the market is actually building them. Cities will continue to be able to facilitate timely urban growth area expansions in response to housing need. In one example of policy alignment, climate-friendly areas qualify as one of the efficiency measures required for urban growth boundary (UGB) expansions. Cities implementing updated climate and housing programs will have a speedier path to future UGB expansions. CFEC staff are engaged in the OHNA process to ensure the programs are aligned on this policy point.

The Climate-Friendly and Equitable Communities and Oregon Housing Needs Analysis programs work together to expand housing options for Oregonians.

## Removing Barriers; Increasing Housing Production, Affordability, and Choice

The CFEC program works to remove barriers to producing housing. These modernization strategies enable developers to build more housing with more units.

**Reducing costly parking mandates.** One of the most powerful ways CFEC is helping get needed housing built is by reducing parking mandates. Nearly one-third of households are a single person, living alone. One of every seven Oregon renter households don't own any cars. Requiring off-street parking increases the cost of multifamily housing by 10-20 percent and reduces housing supply.

The CFEC program means builders can provide the amount of parking appropriate for each unique development. In just the past few months, several previously stalled housing developments are moving forward under CFEC's parking reforms, in Grants Pass, Beaverton, Eugene, and Troutdale.

**Allowing more housing units.** The CFEC program increases the number and types of housing units allowed in climate-friendly areas and removes obstacles for development in walkable, mixed-use areas.

**Reducing the need for expensive transportation infrastructure, such as road expansions.** Updated planning rules allow local governments to reduce the burden and cost of transportation analysis and overbuilding of the transportation system.

**Helping Oregonians afford housing.** Housing and transportation are the top two expenses in most households' budgets. CFEC aims to reduce transportation costs, thereby increasing budget available and expanding housing options.

## Funding Studies to Discover Housing Opportunities

Market studies of climate-friendly areas are an eligible use of the 2023 legislature's \$3 million investment in the CFEC program. Cities may request market studies, and the department will provide them as resources allow. Market studies will allow local governments to evaluate the near-term feasibility of different levels of development in climate-friendly areas and other mixed-use zones. Recent program changes make it easier for local governments to adopt land use regulations that are more compatible with the scale of existing developed areas.

## Moving Forward

The CFEC, OHNA, and other modernization programs are part of ongoing efforts by local governments, the Oregon legislature, and state agencies, boards, and commissions to boost housing production and make sure all Oregonians have a place to call home. These programs work to allow and facilitate the creation of market-rate and affordable housing options in neighborhoods where people have a range of transportation choices to get where they live, work, and play.

## Contact and More Information

Kevin Young, Senior Urban Planner, 503-602-0238, [kevin.young@dlcd.oregon.gov](mailto:kevin.young@dlcd.oregon.gov)  
Ethan Stuckmayer, Housing Division Manager, 503-302-0937, [ethan.stuckmayer@dlcd.oregon.gov](mailto:ethan.stuckmayer@dlcd.oregon.gov)

Climate-Friendly and Equitable Communities Program

<https://www.oregon.gov/lcd/cl/pages/cfec.aspx>

Oregon Housing Needs Analysis and Other Housing Programs

<https://www.oregon.gov/LCD/Housing/Pages/index.aspx>



# Oregon

Tina Kotek, Governor

## Department of Land Conservation and Development

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### Rule-by-Rule Summary of Proposed Changes to the Transportation Planning Rules (Oregon Administrative Rules Chapter 660, Division 12)



October 19, 2023

This document includes a summary of proposed changes to the adopted rules in chapter 660, division 12. The changes include those that were temporarily adopted in April 2023.

Rule	Proposed Changes
660-012-0000: Purpose	No changes proposed.
660-012-0005: Definitions	<ul style="list-style-type: none"><li>• Addresses charge items 1 and 2.</li><li>• Incorporates temporary rule changes.</li><li>• Changes for clarity and in response to advisory committee feedback.</li></ul>
660-012-0010: Transportation Planning	No changes proposed.
660-012-0011: Applicable Rules	No changes proposed.
660-012-0012: Effective Dates and Transition	<ul style="list-style-type: none"><li>• Addresses charge items 3, 4, and 18.</li><li>• Incorporates temporary rule changes.</li><li>• Changes for clarity and in response to advisory committee feedback.</li></ul>
660-012-0015: Preparation and Coordination of Transportation System Plans	No changes proposed.
660-012-0020: Elements of Transportation System Plans	No changes proposed.
660-012-0025: Complying with the Goals in Preparing Transportation System Plans; Refinement Plans	No changes proposed.
660-012-0030: Determination of Transportation Needs	No changes proposed.
660-012-0035: Evaluation and Selection of Transportation System Alternatives	No changes proposed.
660-012-0040: Transportation Financing Program	No changes proposed.
660-012-0045: Implementation of the Transportation System Plan	No changes proposed.



Rule	Proposed Changes
660-012-0050: Transportation Project Development	No changes proposed.
660-012-0055: Timing of Adoption and Update of Transportation System Plans; Exemptions	No changes proposed.
660-012-0060: Plan and Land Use Regulation Amendments	No changes proposed.
660-012-0065: Transportation Improvements on Rural Lands	No changes proposed.
660-012-0070: Exceptions for Transportation Improvements on Rural Land	No changes proposed.
660-012-0100: Transportation System Plans in Metropolitan Areas	<ul style="list-style-type: none"> <li>Minor changes for clarity.</li> </ul>
660-012-0105: Transportation System Plan Updates	No changes proposed.
660-012-0110: Transportation System Planning Area	<ul style="list-style-type: none"> <li>Addresses charge items 5 and 6.</li> </ul>
660-012-0115: Funding Projections	No changes proposed.
660-012-0120: Transportation System Planning Engagement	No changes proposed.
660-012-0125: Underserved Populations	No changes proposed.
660-012-0130: Decision-Making with Underserved Populations	No changes proposed.
660-012-0135: Equity Analysis	<ul style="list-style-type: none"> <li>Addresses charge item 7.</li> </ul>
660-012-0140: Transportation System Planning in the Portland Metropolitan Area	<ul style="list-style-type: none"> <li>Addresses charge item 5.</li> </ul>
660-012-0145: Transportation Options Planning	No changes proposed.
660-012-0150: Transportation System Inventories	No changes proposed.
660-012-0155: Prioritization Framework	<ul style="list-style-type: none"> <li>Addresses charge item 8.</li> </ul>
660-012-0160: Reducing Vehicle Miles Traveled	No changes proposed.
660-012-0170: Unconstrained Project List	No changes proposed.

Rule	Proposed Changes
660-012-0180: Financially-Constrained Project List	<ul style="list-style-type: none"> <li>Addresses charge item 9.</li> </ul>
660-012-0190: Transportation System Refinement Plans	No changes proposed.
660-012-0200: Temporary Projects	No changes proposed.
660-012-0210: Transportation Modeling and Analysis	<ul style="list-style-type: none"> <li>Change to postpone effective date of the rule to allow future revisions.</li> </ul>
660-012-0215: Transportation Performance Standards	<ul style="list-style-type: none"> <li>Addresses charge items 10 and 11.</li> </ul>
660-012-0300: Coordinated Land Use and Transportation System Planning	No changes proposed.
660-012-0310: Climate-Friendly Areas	<ul style="list-style-type: none"> <li>Minor change to rule title.</li> </ul>
660-012-0315: Designation of Climate-Friendly Areas	<ul style="list-style-type: none"> <li>Incorporates temporary rule changes.</li> <li>Minor change to rule title.</li> </ul>
660-012-0320: Land Use Requirements in Climate-Friendly Areas	<ul style="list-style-type: none"> <li>Addresses charge item 1.</li> <li>Incorporates temporary rule changes.</li> <li>Changes for clarity and in response to advisory committee feedback.</li> <li>Minor change to rule title.</li> </ul>
660-012-0325: Transportation Review in Climate Friendly Areas	<ul style="list-style-type: none"> <li>Addresses charge item 12.</li> <li>Changes for clarity and in response to advisory committee feedback.</li> <li>Minor change to rule title.</li> </ul>
660-012-0330: Land Use Requirements	<ul style="list-style-type: none"> <li>Incorporates temporary rule changes.</li> </ul>
660-012-0340: Land Use Assumptions	No changes proposed.
660-012-0350: Urban Growth Boundary Expansions	No changes proposed.
660-012-0360: Key Destinations	No changes proposed.
660-012-0400: Parking Management	No changes proposed.
660-012-0405: Parking Regulation Improvements	<ul style="list-style-type: none"> <li>Addresses charge items 14, 15, and 16.</li> <li>Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0410: Electric Vehicle Charging	<ul style="list-style-type: none"> <li>Minor change for clarity.</li> </ul>

Rule	Proposed Changes
660-012-0415: Parking Maximums and Evaluation in More Populous Communities	<ul style="list-style-type: none"> <li>• Addresses charge items 17 and 18.</li> <li>• Incorporates temporary rule changes.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0420: Exemption for Communities without Parking Mandates	No changes proposed.
660-012-0425: Reducing the Burden of Parking Mandates	<ul style="list-style-type: none"> <li>• Incorporates temporary rule changes.</li> <li>• Changes for clarity.</li> </ul>
660-012-0430: Reduction of Parking Mandates for Development Types	<ul style="list-style-type: none"> <li>• Addresses charge item 13.</li> </ul>
660-012-0435: Parking Reform in Climate Friendly Areas	<ul style="list-style-type: none"> <li>• Addresses charge items 18 and 20.</li> <li>• Incorporates temporary rule changes.</li> </ul>
660-012-0440: Parking Reform Near Transit Corridors	<ul style="list-style-type: none"> <li>• Addresses charge items 21 and 22.</li> </ul>
660-012-0445: Parking Management Alternative Approaches	<ul style="list-style-type: none"> <li>• Addresses charge items 17, 19, and 23.</li> <li>• Incorporates temporary rule changes.</li> </ul>
660-012-0450: Parking Management in More Populous Communities	No changes proposed.
660-012-0500: Pedestrian System Planning	No changes proposed.
660-012-0505: Pedestrian System Inventory	<ul style="list-style-type: none"> <li>• Addresses charge item 24.</li> </ul>
660-012-0510: Pedestrian System Requirements	<ul style="list-style-type: none"> <li>• Addresses charge items 8 and 25.</li> </ul>
660-012-0520: Pedestrian System Projects	No changes proposed.
660-012-0600: Bicycle System Planning	No changes proposed.
660-012-0605: Bicycle System Inventory	<ul style="list-style-type: none"> <li>• Addresses charge item 24.</li> </ul>
660-012-0610: Bicycle System Requirements	<ul style="list-style-type: none"> <li>• Addresses charge item 8.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0620: Bicycle System Projects	No changes proposed.
660-012-0630: Bicycle Parking	<ul style="list-style-type: none"> <li>• <b>Options for Commission</b></li> <li>• Addresses charge item 17.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0700: Public Transportation System Planning	<ul style="list-style-type: none"> <li>• Addresses charge item 26.</li> <li>• Changes for clarity.</li> </ul>



<b>Rule</b>	<b>Proposed Changes</b>
660-012-0705: Public Transportation System Inventory	No changes proposed.
660-012-0710: Public Transportation System Requirements	No changes proposed.
660-012-0720: Public Transportation System Projects	No changes proposed.
660-012-0800: Street and Highway System Planning	No changes proposed.
660-012-0805: Street and Highway System Inventory	No changes proposed.
660-012-0810: Street and Highway System Requirements	<ul style="list-style-type: none"> <li>• Addresses charge item 27.</li> </ul>
660-012-0820: Street and Highway Projects	No changes proposed.
660-012-0830: Enhanced Review of Select Roadway Projects	<ul style="list-style-type: none"> <li>• Addresses charge item 28.</li> <li>• Incorporates temporary rule changes.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0900: Reporting	No changes proposed.
660-012-0905: Land Use and Transportation Performance Measures	<ul style="list-style-type: none"> <li>• Minor changes for clarity.</li> </ul>
660-012-0910: Land Use and Transportation Performance Targets	<ul style="list-style-type: none"> <li>• Addresses charge item 29.</li> </ul>
660-012-0915: Review of Reports	No changes proposed.
660-012-0920: Compliance Hearings	No changes proposed.

# Summary of Parking Reforms for Tualatin

## Phase 1: Owners, Builders Decide Parking Near Transit Also, No Mandates for Equity Uses

*Applies to development applications submitted after December 31, 2022*

- City may not enforce parking mandates:
  - Within three-quarters of a mile of the Tualatin WES Station
  - Within one-half mile of the Route 94 corridor
  - Within one-half mile of the Route 76 corridor
- City may not enforce parking mandates for small housing units (<750 sq. ft), affordable housing units, child care, facilities for people with disabilities, domestic violence and emergency/transitional shelters
- City may not require more than 1 parking space/unit for residential developments with more than 1 unit

## Phase 2: More Reform and Choose an Approach for Lands Outside Transit Corridors *implement by June 30, 2024*

### Code must

- Provide preferential carpool/vanpool parking when >50 spaces
- Allow redevelopment of parking areas for bike or transit uses
- Allow and encourage redevelopment of underused parking
- Allow and facilitate shared parking
- Require new parking areas >½ acre to install 40% tree canopy OR solar panels OR pay a fee-in-lieu
- Require new parking areas of more than ½ acre to provide trees and pedestrian connections
- Have parking maximums within ½ mile of transit and in Metro town center

### City chooses one of three options for further reform:

Option 1	Options 2 and 3	
Repeal parking mandates  no additional action needed	Reduced mandates based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking.  May not require garages/carports.	
	In Metro town center: remove mandates in and near center <i>or</i> adopt parking benefit district/remove commercial mandates/reduce residential mandates to ½ space/unit or below.	
	Option 2, the above plus adopt at least two policies:	Option 3, the above plus adopt all these policies
	1. Charge for parking separate from residential rents 2. Charge for parking separate from commercial lease 3. Flexible commute benefit for businesses with more than 50 employees 4. Tax on parking lot revenue 5. No more than ½ space/unit mandated for multifamily development	No mandates for a variety of specific uses, schools, bars, small commercial buildings, vacant buildings, studios/one bedrooms, historic buildings, LEED or Oregon Reach Code developments, etc.  No additional parking for changes in use, redevelopments, expansions of over 30%  No mandates within ½ mile walking distance of Metro town center  Designate on-street paid parking district or unbundle parking



# Oregon

Tina Kotek, Governor

## Department of Land Conservation and Development

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August 7, 2023

Steve Koper, AICP, Assistant Community Development Director  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062



By Email: [skoper@tualatin.gov](mailto:skoper@tualatin.gov)

Subject: Alternative Dates Granted as Provided in OAR 660-012-0012(3)

Dear Assistant Director Koper,

I am writing in response to the city's updated request of July 6, 2023 for an alternative date for compliance with portions of the Oregon Administrative Rules (OAR) chapter 66, division 12, as provided in OAR 660-012-0012(3). The city's request included:

- An alternative date of June 30, 2024 for OAR 660-012-0012(4)(f) to adopt comprehensive plan amendments and land use regulations as provided in OAR 660-012-0400, OAR 660-012-0405, and OAR 660-012-0415 through OAR 660-012-0450.

I have considered each of the criteria in OAR 660-012-0012(3)(e) in granting this alternative date. The criteria are:

- (e) The director shall review the proposed alternative dates to determine whether the proposed alternative dates meet the following criteria:
  - (A) Ensures urgent action;
  - (B) Coordinates actions across jurisdictions within the metropolitan area;
  - (C) Coordinates with work required as provided in OAR 660-044-0100;
  - (D) Sequences elements into a logical progression; and
  - (E) Considers availability of funding and other resources to complete the work.

I find that the city meets the criteria in OAR 660-012-0012(3)(e), and therefore the alternative date is **granted**. This alternative date applies to OAR 660-012-0400, OAR 660-012-0405, OAR 660-012-0415, OAR 660-012-0420, OAR 660-012-0425, OAR 660-



012-0435, OAR 660-012-0445, and OAR 660-012-0450. A summary of this approval is included in Attachment A.

Sincerely,

A handwritten signature in black ink that reads "Brenda D Bateman". The signature is written in a cursive, flowing style.

Brenda Bateman, Ph.D.  
Director

CC: Matt Crall, DLCD Planning Services Division Manager  
Erik Havig, ODOT Statewide Policy and Planning Manager  
Laura Kelly, DLCD Regional Representative  
Neelam Dorman, ODOT Region 1 Planning Manager  
Theresa Conley, ODOT Transportation Planner  
Bill Holmstrom, DLCD Land Use and Transportation Planning Coordinator  
Evan Manvel, DLCD Climate Mitigation Planner  
Cody Meyer, DLCD Land Use and Transportation Planner

**Attachment A**  
**Alternative Dates – City of Tualatin**

The city has been granted the following alternative dates as provided in OAR 660-012-0012(3).

- An alternative date of June 30, 2024 is approved for OAR 660-012-0012(4)(f) to adopt comprehensive plan amendments and land use regulations as provided in:
  - OAR 660-012-0400: Parking Management
  - OAR 660-012-0405: Parking Regulation Improvements
  - OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities
  - OAR 660-012-0420: Exemption for Communities without Parking Mandates
  - OAR 660-012-0425: Reducing the Burden of Parking Mandates
  - OAR 660-012-0435: Parking Reform in Climate Friendly Areas
  - OAR 660-012-0445: Parking Management Alternative Approaches
  - OAR 660-012-0450: Parking Management in More Populous Communities

# Phase 1: CFEC Parking Reform Map

Effective December 31, 2022

## Legend

- ★ TriMet WES Tualatin Station
- TriMet WES Commuter Rail
- Buslines (Route 76 & 94)
- Tualatin City Limits
- Parking Reform Overlay  
*Elimination of Required Parking*
- Multifamily Housing
- ▨ Vacant Lands
- Planning Districts
  - Residential
  - Commercial
  - Industrial
  - Institutional

Parking reform also applies to the following uses:

- Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities as defined in ORS 443.400;
- Child care facility as defined in ORS 329A.250;
- Single-room occupancy housing;
- Residential units smaller than 750 square feet;
- Affordable housing as defined in OAR 660-039-0010;
- Publicly supported housing as defined in ORS 456.250;
- Emergency and transitional shelters for people experiencing homelessness; and
- Domestic violence shelters.



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS