

ANALYSIS AND FINDINGS
CFEC PARKING REFORM

April 2024

Case #:	PTA 24-0002
Project:	CFEC Parking Reform
Procedure:	Type IV-B, Legislative

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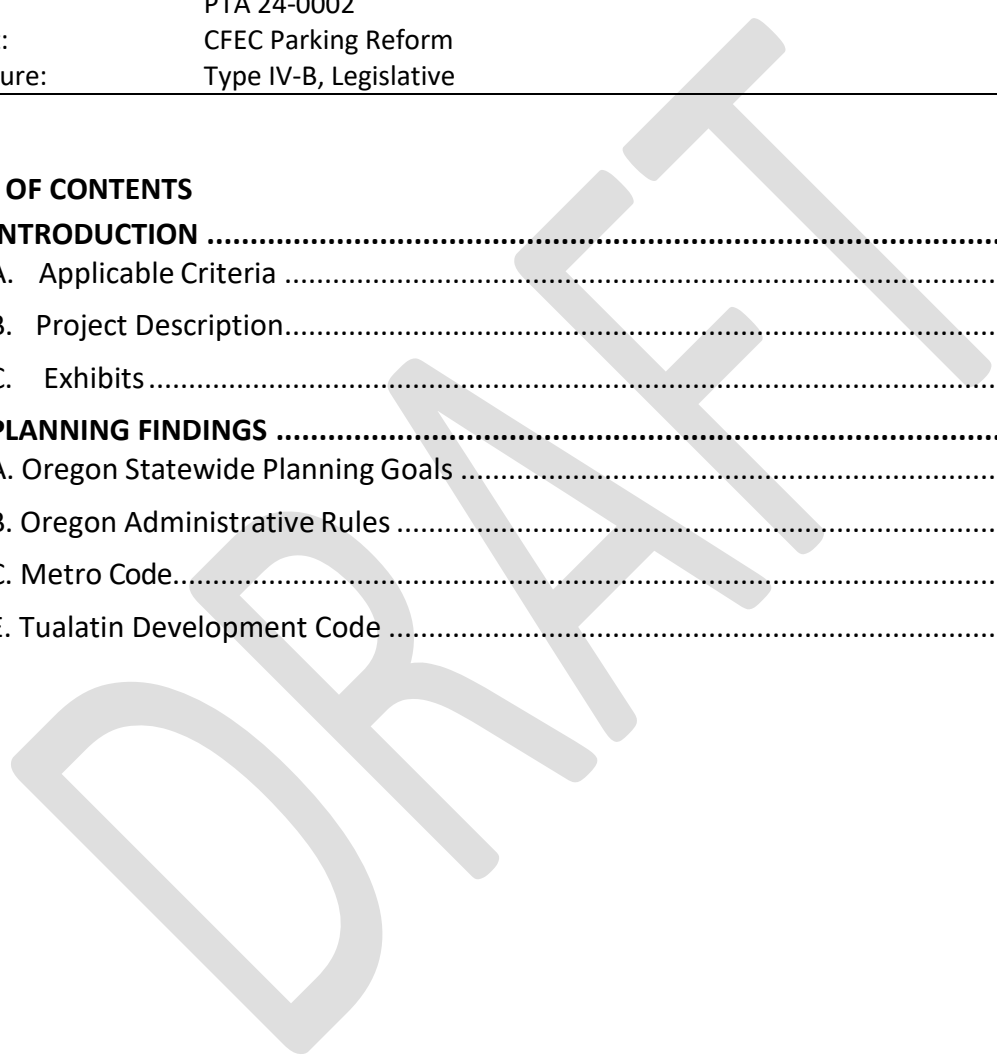
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I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Oregon Administrative Rules 660-012; Tualatin Comprehensive Plan Chapters 8 and 10; and Tualatin Development Code Chapters 32 and 33.

B. Project Description

The City of Tualatin proposes legislative amendments to the Tualatin Comprehensive Plan and Development Code (TDC) in order to comply with the mandatory Climate Friendly and Equitable Communities (CFEC) Rules adopted by the State of Oregon’s Land Conservation and Development Commission through OAR 660-012-0400. These rules are the result of Executive Order No.20-04 which directs state agencies to take action to reduce and regulate greenhouse gas emissions from transportation. While the CFEC mandates also require updates to our land use regulation and Transportation System Plan, this amendment is limited to DLCD’s implementation of parking reform.

The proposed amendments are limited to compliance with CFEC parking mandates to repeal minimum parking requirements and address parking lot design, pedestrian connectivity, tree canopy, electric vehicle readiness, and maximum parking requirements.

Table 1—Summary of proposed code amendments

CHAPTER	TITLE	PROPOSED AMENDMENT
31	General Provisions	<ul style="list-style-type: none"> Updates code definitions in support of CFEC rules. Interpretation application may be used to determine parking/bicycle parking quantity requirements for unlisted uses
33	Applications and Approval Criteria	<ul style="list-style-type: none"> Brings applicability and/or approval criteria around parking into compliance with the state rules.
34	Special Regulations	<ul style="list-style-type: none"> Brings special regulations into compliance with the state rules.
36	Subdivisions	<ul style="list-style-type: none"> Update amended code reference.
40	Low Density Residential (RL)	<ul style="list-style-type: none"> Removes mandatory garage requirement for manufactured homes
62	Manufacturing Park Zone	<ul style="list-style-type: none"> Remove reference of “ample employee parking” from purpose statement.
64	Manufacturing Business Park Zone	<ul style="list-style-type: none"> Remove reference of “ample employee parking” from purpose statement.
73A	Site Design Standards	<ul style="list-style-type: none"> Amended to provide additional pedestrian connectivity standards.

<p>73C</p>	<p>Parking Standards</p>	<ul style="list-style-type: none"> • Provides clearer purpose statement. • Adds description on how to measure parking lot area to align with state standard. • Amends parking lot design standards to comply with state rules. • Removes minimum parking requirements. • Amends maximum parking allowances to comply with state rules. • Adds description on how to measure tree canopy coverage to align with state standard. • Consolidates parking lot landscaping standards.
<p>73D</p>	<p>Waste and Recyclables Management Standards</p>	<ul style="list-style-type: none"> • Removes reference to minimum off-street parking requirement.
<p>73E</p>	<p>Central Design District</p>	<ul style="list-style-type: none"> • Update amended code reference.

C. Attachments

A. PTA 24-0002 Proposed CFEC Amendments

II. PLANNING FINDINGS

A. Oregon Statewide Planning Goals

State planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with state land use goals. Because the proposed code amendments have a limited scope, their impact to Statewide Planning Goals is limited to those goals addressed below.

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

The Department of Land Conservation and Development conducted a comprehensive public engagement process for the CFEC rulemaking project. This legislative amendment will bring the City’s development code into compliance with those administrative rules and the associated state law.

Additionally the amendments are subject to the public notification requirements specified in TDC 32.250. A notice will be published in the Tualatin Times the week of May 9, 2024. A minimum of two public hearings will be held. The first hearing before the Planning Commission will be held on April 17, 2024 and the second hearing will be held before the City Council on June 10, 2024. Any comments submitted by the community will be included in the City Council hearing packet. The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding:

The Department of Land Conservation and Development has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. And the Development Code provides a policy framework which service as the basis for all decisions and actions related to land use. The proposed text amendments to the Tualatin Development Code have been processed in accordance with these procedures. The proposed amendments conform to Goal 2.

B. Oregon Administrative Rules

660-012-0400

Parking Management

(1) OAR 660-012-0400 through OAR 660-012-0450 apply to:

(a) Cities within metropolitan areas; and

[...]

(2) Cities and counties shall adopt comprehensive plans and land use regulations that implement provisions of OAR 660-012-0405 through OAR 660-012-0415.

(3) Cities and counties shall remove parking mandates as directed under OAR 660-012-0420. In lieu of removing parking mandates, cities and counties may amend their comprehensive plans and land use regulations to implement the provisions of OAR 660-012-0425, OAR 660-012-0430, OAR 660-012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR 660-012-0450.

**660-012-0405
Parking Regulation Improvements**

**660-012-0410
Electric Vehicle Charging**

**660-012-0415
Parking Maximums and Evaluation in More Populous Communities**

Finding:

Executive Order No.20-04 directs state agencies to take action to reduce and regulate greenhouse gas emissions from transportation. In response, the Department of Land Conservation and Development adopted Climate Friendly and Equitable Communities rulemaking as OAR 660-12-0400 through 0450. On January 22, 2024, Tualatin’s City Council directed staff to remove parking mandates as directed in OAR 660-012-0400 and implement provisions found in OAR 660-012-0405, 0410, and 0415. The proposed code amendments comply with OAR 660-012-0405 through 415 by adopting parking lot design standards related to tree canopy provision, pedestrian connectivity, electric vehicle charging, and maximum parking allowances. The state administrative rule requirements are met.

**C. Metro Code
Regional Transportation Functional Plan
Title 4 – Regional Parking Management
3.08.410 Parking Management**

Cities and county parking regulations shall establish parking ratios, consistent with the following:

- (1) No minimum ratios higher than those shown on Table 3.08-3.**
- (2) No maximums ratios higher than those shown on Table 3.08-3 and illustrated in the Parking Maximum Map. If 20-minute peak hour transit service has become available to an area within a one-quarter mile walking distance for bus transit or one-half mile walking distance from a high capacity transit station, that area shall be added to Zone A.**

[...]

Finding:

The proposed amendments repeal parking minimums and therefore will not exceed the minimum ratios listed in Table 3.08-3. The proposal also ensures that parking maximums are no higher than those shown on Table 3.08-3. The proposed amendments are consistent with Title 4.

**E. Tualatin Development Code
Chapter 32: Procedures
TDC 32.010. - Purpose and Applicability.**

(2) Applicability of Review Procedures. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

(e) Type IV-B Procedure (Legislative Review). The Type IV-B procedure is used to review proposals to amend the Tualatin Comprehensive Plan, the City's land use regulations, and large-scale changes to the Comprehensive Plan or Plan Maps, and involve the creation, revision, or implementation of broad public policy. Type IV-B reviews are first considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Appeals of Type IV-B decisions are heard by the Land Use Board of Appeals (LUBA).

(3) Determination of Review Type. Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1—Applications Types and Review Procedures

Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/ Developer Mtg Required	Applicable Code Chapter
Plan Amendments						
• Legislative Map or Text Amendments	IV-B	CC	LUBA	No	No	TDC 33.070

* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

Finding:

The proposed application is a text amendment to the Tualatin Development Code. The proposed amendments are legislative in nature as they apply to broad areas of the City, as opposed to specific properties. The proposed application is being processed in accordance with the Type IV-B procedures. These criteria are met.

TDC 32.250. - Type IV-B (Legislative Decisions).

Type IV-B decisions are legislative land use decisions made by the City Council. Legislative land use proceedings include proposals to amend the Tualatin Comprehensive Plan and zoning maps, and involve the creation, revision, or implementation of broad public policy generally impacting more than

one property owner or a large number of individual properties. The City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178. In most cases a public hearing is required. However, no public hearing is required in a legislative land use proceeding if the purpose of the amendment is to conform to new requirements in state land use statutes, Statewide Land Use Planning Goals, or administrative rules of the Oregon Land Conservation and Development Commission implementing state land use statutes or Statewide Land Use Planning Goals, if the Oregon Department of Land Conservation and Development confirms in writing that the only effect of the proposed change is to conform the City's Comprehensive Plan or land use regulations to the new state requirements. The Council may, in its discretion, hold a public hearing although one is not required.

(1) *Submittal Requirements—Type IV-B.* Legislative land use proceedings may be initiated by the City Council or City staff.

(2) *Notice of Public Hearing—Type IV-B.* Hearings on Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

(a) *DLCD Pre-Adoption Notice.* The City Manager will notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) in accordance with the minimum number of days required by ORS Chapter 197.

[...]

(c) *Other Public Notice.* In addition to any other notice required, at least 14 calendar days before the scheduled City Council public hearing date, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies.

(i) Any affected governmental agency;

(ii) Any person who requests notice in writing;

(iii) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

(iv) Designated representatives of recognized Citizen Involvement Organizations;

(v) For an amendment which affects the transportation system, ODOT and Metro; and

(vi) For a plan amendment or land use regulation amendment that significantly impacts school capacity, the Tigard-Tualatin School District.

(d) At least 14 calendar days before the scheduled City Council public hearing date, public notice must be provided by publication in a newspaper of general circulation in the city.

(e) At least 14 calendar days before the scheduled City Council public hearing date, public notice must be posted in two public and conspicuous places within the City.

[...]

Finding:

As discussed in response to the previous criterion, the proposed amendments are legislative in nature and have been processed consistent with the Type IV-B requirements. The amendments will bring the city into compliance with the mandatory Climate Friendly and Equitable Communities (CFEC) Rules adopted by the State of Oregon's Land Conservation and Development Commission through OAR 660-012-0400. These rules are the result of Executive Order No.20-04 which directs state agencies to take action to reduce and regulate greenhouse gas emissions from transportation. City staff will follow the appropriate notification procedures including DLCD notice, agency notice, newspaper notice, and posted notice. These criterion are met.

(4) Conduct of the Hearing—Type IV-B. A Type IV-B land use hearing will follow the City's legislative hearing procedures. There can be pre-hearing contact between citizens and the decision makers on legislative matters. "Ex parte contact" is not a concern.

(5) Notice of Adoption and Effective Date of a Type IV-B Decision.

(a) Notice of Adoption must be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Manager. The City must also provide notice to all persons as required by other applicable laws.

(b) A Legislative Land Use decision, if approved, takes effect and becomes final as specified in the enacting ordinance or, if not approved, upon mailing of the Notice of Adoption to the applicant.

Finding:

The City Council public is scheduled for June 10, 2024 and will be conducted following legislative hearing procedures. If adopted, a notice of adoption will be mailed and effective consistent with the above provisions. These criteria can be met.

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(2) Applicability. [...] Legislative amendments may only be initiated by the City Council.

(3) Procedure Type.

(b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.

Finding:

The proposed amendments are legislative in nature, in that they apply broadly across the City. The application will be processed consistent with the Type IV-B Review requirements in accordance with Chapter 32, which include publishing a newspaper notice at least 14 days prior to the City Council hearing, sending notice to the state DLCD. These criteria will be satisfied.

(5) Approval Criteria.

(a) Granting the amendment is in the public interest.

Finding:

Executive Order No.20-04 directs state agencies to take action to reduce and regulate greenhouse gas emissions from transportation. In response, the Department of Land Conservation and Development adopted Climate Friendly and Equitable Communities rulemaking as OAR 660-12-0400 through 0450. On January 22, 2024, Tualatin's City Council directed staff to remove parking mandates and implement parking lot design standards related to tree canopy, pedestrian connectivity, electric vehicle charging, and maximum parking allowances. The CFEC rules also support a number of actions within Tualatin's Draft Climate Action Plan by reducing barriers to compact urban development (5.1.1), by encouraging an increase in tree canopy cover (5.2.1), and by establishing electric vehicle charging infrastructure requirements for new developments (6.1.1),

Additionally the amendments are subject to the public notification requirements specified in TDC 32.250. A notice will be published in the Tualatin Times the week of May 9, 2024. A minimum of two public hearings will be held. The first hearing before the Planning Commission will be held on April 17, 2024 and the second hearing will be held before the City Council on June 10, 2024. Any comments submitted by the community will be included in the City Council hearing packet. Therefore, granting the proposed amendments is in the public interest as represented by Tualatin's City Council. This criterion will be met.

(b) The public interest is best protected by granting the amendment at this time.

Finding:

The public interest is best protected by complying with state mandates to reduce greenhouse gas emissions from transportation. This criterion is met.

(c) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Finding:

The proposed amendments are in response to state rulemaking to reduce greenhouse emissions from transportation, and are in conformity with the following applicable objectives of the Tualatin Comprehensive Plan:

- *POLICY 1.1.1 Support community advisory committees to provide recommendations on planning matters.*
- *POLICY 2.2.2 Promote the protection and establishment of trees during the development process.*
- *POLICY 4.1.3 Encourage functional and attractive commercial development through standards for site design and landscaping.*

The Tualatin Planning Commission, which serves as an advisory committee will have an opportunity to provide a recommendation to City Council on April 17, 2024 in support of Policy 1.1.1. The amendments also implement parking lot design standards related to tree canopy in support of Policy 2.2.2 and pedestrian connectivity in support of Policy 4.1.3. Therefore, the proposed amendments are in conformity with the Tualatin Comprehensive Plan and this criterion is met.

(d) The following factors were consciously considered:

(i) The various characteristics of the areas in the City;

(ii) The suitability of the areas for particular land uses and improvements in the areas;

Finding:

The proposed amendments implement state rulemaking which include requirements for tree canopy, pedestrian connectivity, and electric vehicle charging for new developments. The amendments also repeal minimum parking requirements, while adjusting maximum parking

requirements for certain uses and at lesser ratios when a site is located near frequent transit. This provides greater flexibility for property owners to determine how much parking is required to support their development and ensures that more area is available for buildings and landscaping rather than occupied by unnecessary surface parking. This will encourage more destinations with closer proximity to one another, which in turn will support non-auto transportation options like walking and biking in commercial and employment areas. These criterion are met.

(iii) Trends in land improvement and development;

Finding:

The state mandates to remove minimum off-street parking requirements provide a developer increased flexibility to maximize building area and thereby providing higher-intensity development within Mixed Use, Commercial, and Employment areas. This provides more building space to accommodate housing, commercial businesses, civic uses, and jobs. The proposed amendments may also result in smaller surface parking lots, which means buildings and destinations will be located closer together; making walking trips more doable, attractive, and pleasant. Encouraging more destinations within close proximity to one another supports current trends in land improvement and development. This criterion is met.

(iv) Property values;

Finding:

The amendments remove minimum off-street parking requirements, which will encourage more efficient use of underdeveloped and vacant properties. Therefore, the proposed amendments support property values and the criterion is met.

(v) The needs of economic enterprises and the future development of the area; needed right- of-way and access for and to particular sites in the area;

Finding:

The proposed amendments will remove all minimum off-street parking requirements, which will encourage increased intensity of development within Mixed Use, Commercial, and Employment areas by allowing more building area to accommodate housing, commercial space, civic uses, and jobs, the proposed amendments support the needs of economic enterprise. The proposed amendments do not modify existing right-of-way and access standards. This criterion is met.

(vi) Natural resources of the City and the protection and conservation of said resources;

(vii) Prospective requirements for the development of natural resources in the City;

Finding:

The proposed amendments do not impact natural resource protection nor application of requirements to future development, which would fully apply to any new development. Therefore, this criterion is met.

(viii) The public need for healthful, safe, esthetic surroundings and conditions;

Finding:

The proposed amendments implement state rulemaking to reduce greenhouse gas emissions from transportation. In doing so, the amendments improve requirements for tree canopy and pedestrian connectivity for private development. The amendments also remove minimum off-street parking requirements, which provides flexibility for higher-intensity development with smaller surface parking lots. By allowing buildings and destinations to be located closer together and while requiring continuous tree canopy and pedestrian connections, walking trips will become more doable, attractive, and pleasant. Therefore, the amendments support the public need for healthful, safe, and esthetic surroundings. The criterion is met.

(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.

Finding:

The proposed amendments remove minimum off-street parking requirements for residential uses. While this provision may remove an obstacle to achieving maximum density, the amendment does not create a direct impact to residential capacity for school districts, and therefore this criterion is not applicable.

(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

Finding:

The proposed amendments comply with the mandatory Climate Friendly and Equitable Communities (CFEC) Rules adopted by the State of Oregon's Land Conservation and Development Commission through OAR 660-012-0400. These rules are the result of Executive Order No.20-04 which directs state agencies to take action to reduce and regulate greenhouse gas emissions from transportation. While the CFEC mandates also require updates to our land use regulation and Transportation System Plan, this amendment is limited to DLCD's implementation of parking reform.

The proposed amendments are limited to compliance with CFEC parking mandates and address parking lot design, pedestrian safety, connectivity, tree canopy, electric vehicle readiness, and maximum parking requirements. Discussion of State of Oregon Planning Goals and applicable Oregon Administrative Rules is found in Sections II-A and B of these findings and find consistency. This criterion is met.

(g) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth

Management Functional Plan.

Finding:

The proposed amendments do not impact the Metro Urban Growth Management Functional Plan; the proposal supports parking maximum consistent with Title 4 of the Regional Transportation Functional Plan as discussed in Section II-C of these findings. Therefore, these requirements were consciously considered. This criterion is met.

(h) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 10-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Finding:

The proposed text amendment will remove minimum off-street parking requirements citywide, set maximum parking requirements for multi-family, select commercial and retail uses, and for buildings over 65,000 square feet located in the town center or along frequent transit routes or rail stops, and include development standards for new surface parking lots.

The amendments do not propose changes to the functional classification of transportation facilities, nor the standards implementing the functional classification system. The proposed amendments also will not result in types or levels of travel or access that are inconsistent with adopted functional classifications. These factors were consciously considered but this criterion is not applicable.

(i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

[...]

Finding:

The proposed changes do not impact objectives and policies regarding the above referenced utilities. These factors were consciously considered but this criterion is not applicable.