

# *Tualatin*

## Climate-Friendly and Equitable Communities Rules Update

**Tualatin Planning Commission**

**March 16, 2023**



# Presentation Overview

- What is Climate Friendly and Equitable Communities (“CFEC”)?
- Reduced Parking Mandates in Effect
- Future Reduced Parking Mandates
- Impact to Transportation System Planning
- Potential Concerns for Tualatin
- Status of Litigation Against CFEC
- Questions?



# What is Climate Friendly and Equitable Communities (“CFEC”)?

- CFEC came out of Governor Brown’s Executive Order 20-04, issued on March 10, 2020
  - The Order establishes science-based reduction goals and directs state agencies to develop rules to help Oregon reduce and regulate greenhouse gas emissions.
  - Specific to state *transportation planning rules* and *land use regulations*, the Department of Land Conservation and Development (DLCD), initiated the Climate-Friendly and Equitable Communities rulemaking process to meet its directive.
  - Cities and counties in Oregon are required to have Comprehensive Plans and Development Codes that comply with state regulations, which will ultimately need to be updated to comply with these new and updated rules.

# Reduced Parking Mandates in Effect as of December 31, 2022 to Transportation Planning Rules

- **Reduced Parking Mandates** (0430 and 0440) go into effect **December 31, 2022**. Tualatin must update its development code by this date or apply the state rules directly:
  - One parking space maximum can be required per unit for new or redeveloped residential developments with more than one unit.
  - No minimum parking can be required for:
    - Residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;
    - Childcare 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.

# Reduced Parking Mandates Effective as of June 30, 2023

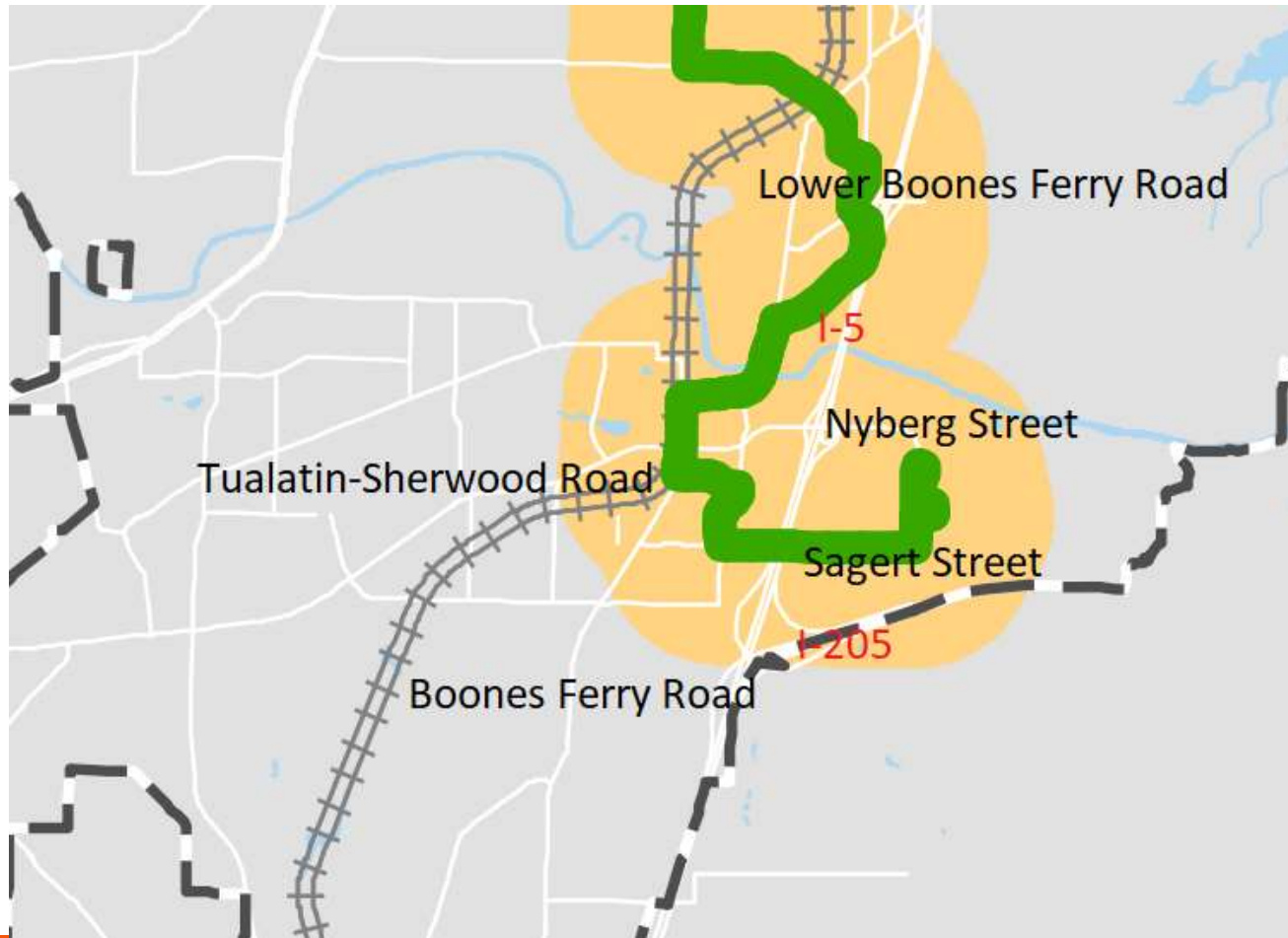
- **Reduced Parking in Climate Friendly Areas and High Transit Corridors** go into effect **June 30, 2023**. Tualatin must update its development code or adopt an alternative parking management approach by this date or apply the state parking maximum rules directly:
  - No minimum parking can be required for any new land use uses or redevelopment within Tualatin’s adopted Town Center boundary and within ½ mile of its “high frequency” transit lines; OR selection of an alternative parking management approach.
  - Preferential carpool/vanpool parking; bike parking; transit oriented development; installation of tree canopy or solar panels in parking lots over ¼ acre; and adoption of parking maximums near downtown areas and transit centers.
  - Installation of electric vehicle charging conduit in new private, commercial, mixed-use, and multifamily developments.

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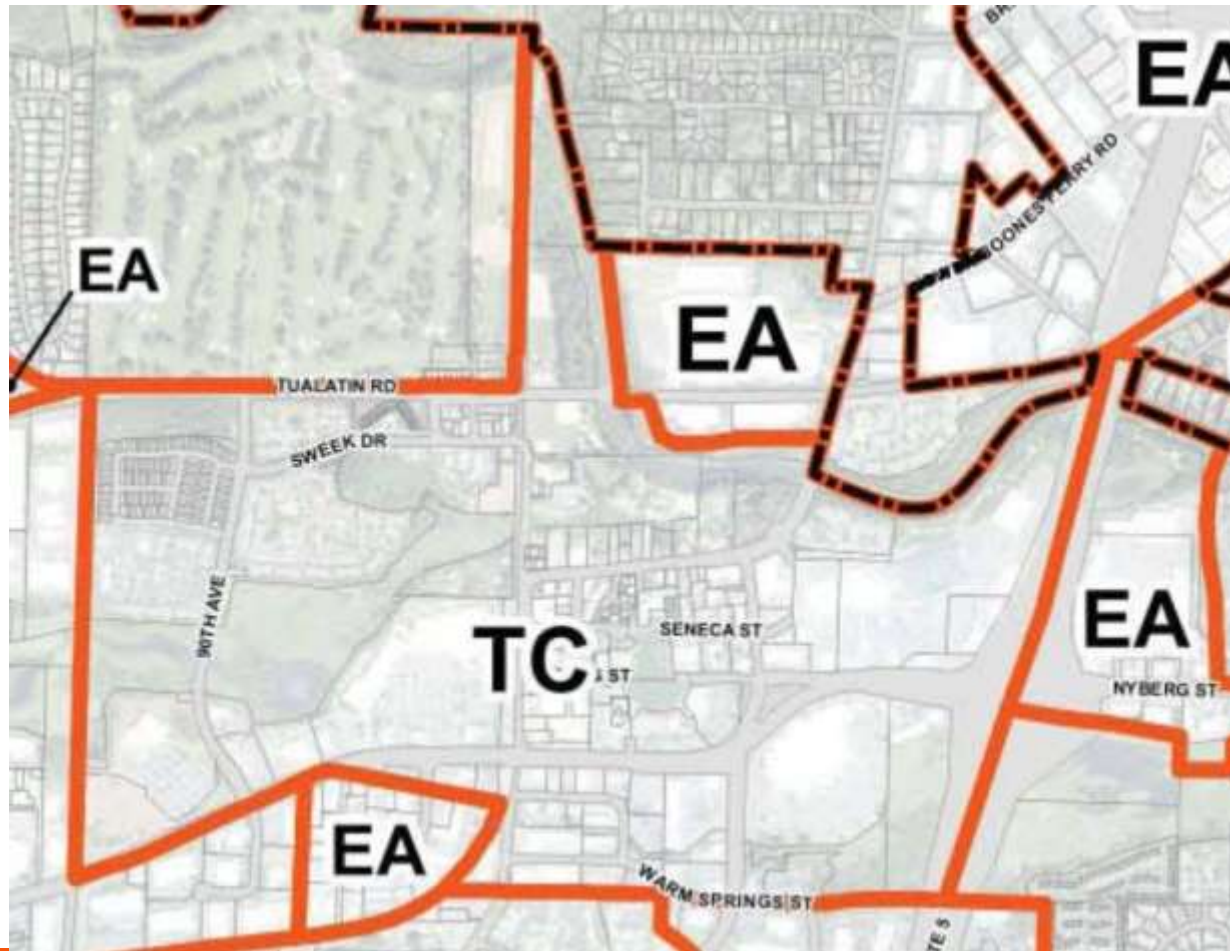
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# Areas in Tualatin within ½ Mile of a “High Frequency” Transit Line



# Tualatin's Adopted Town Center Boundary





# Transportation System Plan Changes

- **Transportation System Update Changes** take effect after December 31, 2022.
- Tualatin's future amendments to its Transportation System Plan (TSP) must identify for development, funding and construction only projects that are listed on its and Metro's financial constrained project (OAR 660-012-0180).
- Projects, including those that are on Tualatin's existing capital project list, must be re-justified to identify how they reduce per capita vehicle miles travelled (VMT).
- This may not be possible in some cases, potentially requiring removal of those projects from the financially constrained project list.
- Developers may construct projects, such as a traffic signal, that are listed on the unconstrained-project list; however, typically those projects built through development receive System Development Charge (SDC) credits to offset the cost of construction.
- If the project is not listed as constrained, it is unclear whether these projects will continue to be SDC eligible and thus whether they will continue to be built.

# Potential Concerns for Tualatin:

- The rules contain overly prescriptive limitations on local transportation projects which would add capacity to the transportation system, regardless of size of the project.
- The rules are structured to encourage elimination of any minimum parking requirement in the area of applicability or adoption of overly prescriptive alternatives, both of which may have new financial impact on new development or redevelopment, particularly on businesses.
- The rules lack sufficient clarity on how the proposed Transportation Planning Rules would be implemented by local jurisdictions.
- Cost of implementation of the rules (staff time and consultants).

# Status of Tualatin's Participation in Litigation Against CFEC

- On September 12, 2022, the Council approved Resolution 5644-22, agreeing to join several other cities (including Medford, Hillsboro, Happy Valley, Troutdale) in joint litigation against CFEC
- The litigation is currently before the Oregon Court of Appeals with a decision potentially this summer or fall.
- The coalition of cities is also pursuing legislative fixes with state legislators (HB 2659 and SB 580)

QUESTIONS?

