



# **PLANNING COMMISSION**

## **WEDNESDAY, DECEMBER 11, 2024**

### **WORK SESSION**

4. CFEC Parking (Pauly)(30 Minutes)



## PLANNING COMMISSION MEETING STAFF REPORT

<b>Meeting Date: December 11, 2024</b>		<b>Subject: CFEC Parking Compliance and Standards Reform</b>	
		<b>Staff Member:</b> Daniel Pauly, Planning Manager	
		<b>Department:</b> Community Development	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		<b>Comments:</b>	
<b>Staff Recommendation:</b> Provide requested input on upcoming CFEC Parking Compliance and Standards Reform.			
<b>Recommended Language for Motion:</b> N/A			
<b>Project / Issue Relates To:</b>			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable Required by State law	

### ISSUE BEFORE COMISSION

This work session will introduce the Climate Friendly and Equitable Communities (CFEC) Parking Compliance and Standards Reform project to the Planning Commission, which the Commission will be working on during 2025. The work session will cover (1) the drivers of the project and (2) the scope. The intent is to give the Commission space to explore the topic before maneuvering into project decision-making.

## **EXECUTIVE SUMMARY:**

The primary driver of the CFEC Parking Compliance and Standards Reform project is the State Climate Friendly and Equitable Communities (CFEC) Program. On March 10, 2022, Governor Kate Brown issued Executive Order 20-04, directing state agencies to reduce climate pollution. Executive Order 20-04 was in response to Oregon not meeting its climate pollution reduction goals, one of which was adopted in 2007 by state legislators to reduce the state's climate pollution by 75% by 2050. In response, the Oregon Land Use Conservation and Development Commission (LCDC) developed, and the State adopted, updates to Oregon's transportation and land use planning administrative rules (OARs). These new OARs and local government compliance with them are the core of the CFEC program.

Among the CFEC requirements is parking reform as laid out in OAR 660-012-0400 through 660-012-0450 (CFEC Parking Rules). Attachment 1 is a State handout summarizing the CFEC Parking Rules. Other CFEC requirements, such as those around transportation planning, will be subject to additional City projects in the coming years.

As explained in Attachment 1, the CFEC Parking rules aim to remove or substantially reform minimum parking requirements in local government codes based on the State's findings that minimum parking requirements over produce parking leading to, among other things, inefficient land use, less walkability, and more pollution from driving.

The CFEC Parking Rules have been challenged in court by various local governments. The City of Wilsonville was aware of the litigation but did not participate. In March 2024 the Oregon Court of Appeals largely rejected local governments' challenges to the rules (Court of Appeals Case Number A180037, CITY OF CORNELIUS et. al. vs DLCD, decision issued March 6, 2024). On August 8, 2024, the Oregon Supreme Court denied a petition to review, leaving the March Court of Appeals decision in place.

As has been the practice for State requirements with which the City must comply, the project will look at ways to best tailor the parking reforms to the Wilsonville context and community input and to leverage positive outcomes while complying with State law. This commitment to tailor to Wilsonville's context and find opportunities to continue to encourage quality and functional development is a second primary driver of the project. This is a similar approach as used in other State requirement projects such as the Middle Housing in Wilsonville project.

As shown in Attachment 1, the CFEC Parking Rules are broken into two phases, referred to by the State as "**Parking A**" and "**Parking B**".

**Parking A** are a set of rules already in effect superseding Wilsonville's Development Code, and the City has been applying them prior to the City Code being updated. Attachment 2 is a handout the City produced to help applicants, staff, decision makers, and other interested parties understand how the Parking A rules impact Wilsonville. Parking A rules limit minimum parking requirements for certain uses, particularly residential uses, and disallow requiring a

minimum amount of parking within  $\frac{3}{4}$  miles of transit rail stations (like the WES Station on Barber Street) and within  $\frac{1}{2}$  mile of the most frequent bus routes in the community (SMART Routes 4 and 2X). This latter transit proximity rule supersedes parking minimums in the Development Code for much of the City, including Frog Pond and Town Center. The only substantial areas of the City not covered by the transit proximity rule are Charbonneau, the western 2/3 of Villebois, and industrial areas in northwest Wilsonville (see map in Attachment 2).

For Parking A rules, the current project seeks to update the City's Development Code to be congruent with the rules already being applied. Staff notes, that while the City does not require a minimum amount of parking in the areas subject to the transit proximity rules, it is also not discouraging parking. Developments submitted under the rules have been considering market demand and the requirements of financing institutions lending on projects to determine how much parking to build.

Parking A rules also include a requirement for a certain amount of electric "EV Ready" parking spaces in new multi-family or mixed-use developments. These requirements are summarized in Attachment 3. Similar to other Parking A rules, this project will update the Development Code to be congruent with the rules already being applied.

**Parking B** rules require additional reform not yet completed by the City. This reform is the focus of the current project. The original deadline for compliance with Parking B was June 30, 2023, but the City previously requested and was granted an alternative date of June 30, 2025 for compliance. The granting of the alternative date took into account City staff capacity and alignment with the City's broader long-range work program. As described on Page 2 of Attachment 1, Parking B requires (1) the City to choose one of three options for parking reform related to minimum parking requirements and (2) institute design regulation improvements for parking areas such as tree canopy requirements.

Upcoming work sessions will first provide the Planning Commission with the needed information to make an informed recommendation about which of the three Parking B minimum parking requirement reform options to pursue. Once the option selection is confirmed by City Council, subsequent work sessions will review Development Code amendments that incorporate: (1) compliance with Parking A, (2) compliance with the selected Parking B minimum parking option, and (3) Parking B design regulation improvements.

As time and budget allows, the project team will also bring forward concepts for parking management strategies beyond the Development Code. However, certain parking management strategies will require work outside the scope of the current project.

***Discussion Question:***

- What questions does the Planning Commission have about the reasons (drivers), purpose, and scope of the CFEC Parking Compliance and Standards Reform project?

**EXPECTED RESULTS:**

Initial feedback and guidance on the upcoming CFEC Parking Compliance and Standards Reform project.

**TIMELINE:**

The Planning Commission and City Council will consider this over the coming months with final action required by June 30, 2025.

**CURRENT YEAR BUDGET IMPACTS:**

The consultant work on the project is funded by a \$20,000 grant from the Oregon Department of Land Conservation and Development (DLCD) with the City covering City staff time.

**COMMUNITY INVOLVEMENT PROCESS:**

Public work sessions will be held by the Planning Commission and City Council in addition to public hearings. An additional public event is planned for early 2025.

**POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:**

More efficient use of land and reduction of impacts on the climate.

**ALTERNATIVES:**

While alternatives are limited for compliance with some of the State rules, the City will explore available alternatives to best tailor the Development Code updates to Wilsonville's context.

**ATTACHMENTS:**

1. DLCD Parking Reform Summary (August 9, 2023)
2. City of Wilsonville Guide to Oregon Administrative Rules Superseding Parking Requirements in Wilsonville's Development Code (January 19, 2023)
3. City of Wilsonville Guide to Oregon Statute and Administrative Rules Requiring "Electric Vehicle Ready" Development (May 30, 2023)



# Parking Reform Summary

August 9, 2023

## Rules Implementing

OAR 660-012-0400 through 0450 (see also definitions in 0005 and deadlines and processes in 0012)

## Who do the rules apply to, and when is action needed?

The parking reforms apply to the 48 Oregon cities in Oregon's eight metropolitan areas (Albany, Bend, Corvallis, Eugene/Springfield, Grants Pass, Portland Metro, Rogue Valley, Salem/Keizer), and counties in these areas with more than 5,000 people inside the urban growth boundary but outside city limits with urban sewer and water services (Clackamas, Marion, Washington).

Some of the rules have been directly effective since January 1, 2023; others since March 31, 2023. Some rules require local action by June 30, 2023, or an alternative date approved by the department.

## Why reform costly parking mandates?

Parking mandates, also known as minimum parking requirements, are a one-size-fits-all approach that ends up hiding the costs of parking in other goods, from housing to business costs to wages. That means the costs of car ownership and use are subsidized, leading people to own more cars and drive more than they would if they were aware of the true costs. Providing 300 square-feet of parking lot for each car that wants a parking spot is a significant cost – in the thousands, and often tens of thousands, of dollars.

Because of the cookie-cutter approach of mandates, parking is often over-built, adding unnecessary costs, while pushing apart buildings and making areas less walkable. That means more driving, and more pollution.

A better approach, one that has been used by communities around the world for decades, is to let the free market provide parking where there is demand. Experience shows lenders usually require sufficient off-street parking, and developers will build it, especially when the on-street parking is properly managed.

## How do cities and counties amend their codes to meet the requirements in the rules?

The cleanest path to meet rules requirements is to update local zoning and development codes to meet the requirements in OAR 660-012-0405 through 0415, and repeal all parking mandates. The provisions of 0425 through 0450 do not apply to communities without parking mandates.

Many of the requirements in 0405 through 0415 may already be in city code, as some of those provisions have been required by the Transportation Planning Rules for many years.

If a community prefers to keep some mandates, the provisions in 0425 through 0450 reduce the mandates and the negative impacts of remaining mandates.

## Questions?

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**Parking A – Reform Near Transit; Certain Uses by December 31, 2022**

*Apply to development applications submitted after December 31, 2022 (amend code or directly apply these rules)*

**0430** Cannot mandate more than 1 space/unit for residential developments with more than 1 unit  
 No mandates for small units, affordable units, child care, facilities for people with disabilities, shelters

**0440** No parking mandates allowed within ¼ mile of rail stations or ½ mile of frequent transit corridors

**0410 Electric Vehicle Charging** \*due March 31, 2023

- New private multi-family residential or mixed-use developments install conduit to serve 40% of units

**Parking B – More Reform, Choose an Approach by June 30, 2023 or alternative date**

**0405 Parking Regulation Improvement**

- Preferential placement of carpool/vanpool parking
- Allow redevelopment of any portion of a parking lot for bike or transit uses
- Allow and encourage redevelopment of underused parking
- Allow and facilitate shared parking
- New parking of more than ½ acre must install 40% tree canopy OR solar panels OR fee-in-lieu
- New parking of more than ½ acre must have trees along driveways (or 30% tree coverage)
- Pedestrian connections through large parking lots
- Parking maximums in appropriate locations (in existing TPR)

**0415 Provisions Specific to More Populous Cities**

- Cities >25,000 in metro or >100,000 outside set certain parking maximums in specified areas (additional provisions for 200,000+ population cities, i.e. Portland, are not listed here)

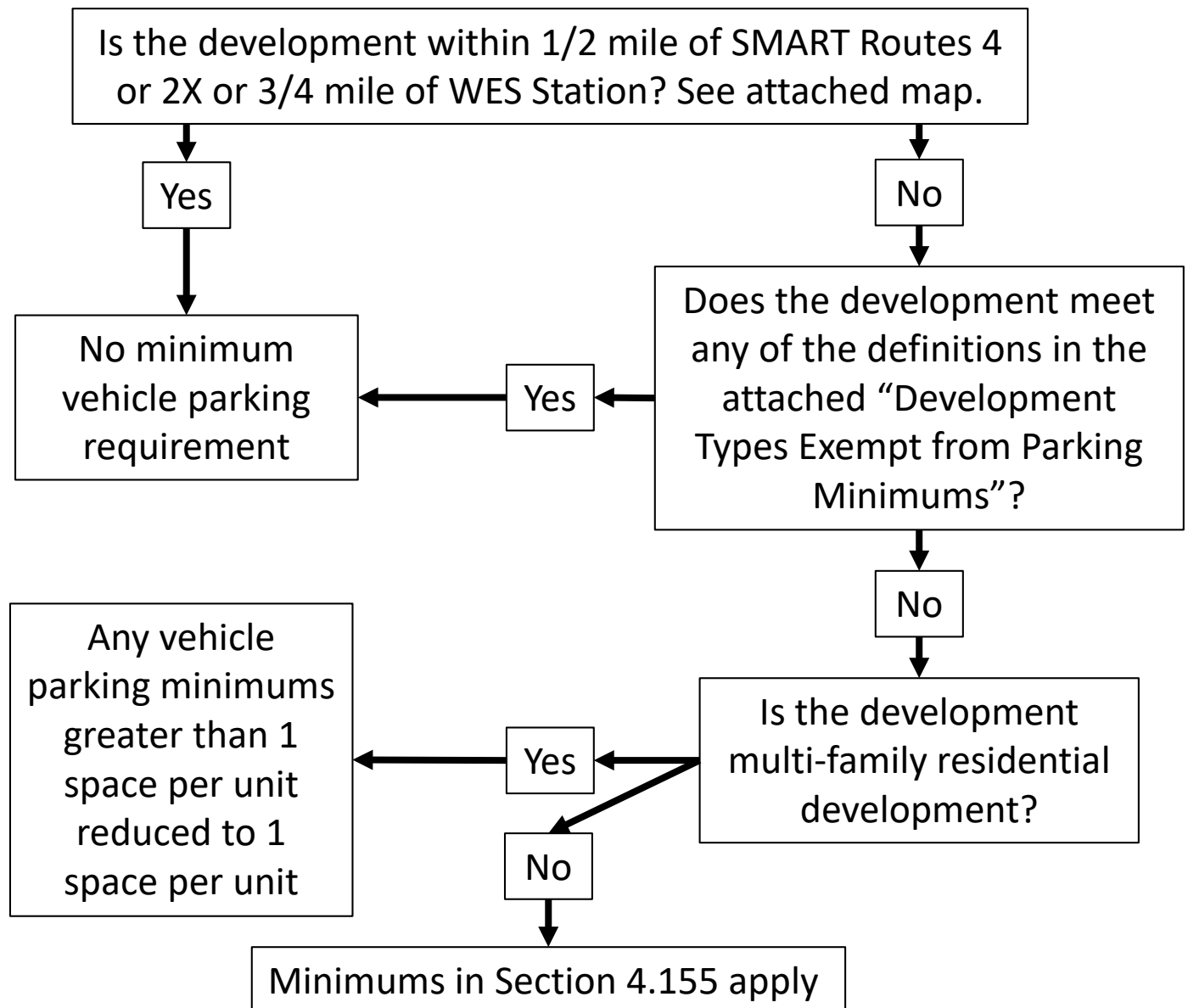
**0420-0450 Three options for parking reform**

Option 1 660-012-0420	Options 2 and 3 660-012-0425 through 0450	
Repeal parking mandates	Reduce parking burdens – 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.	
	Climate-friendly area parking – remove mandates in and near climate-friendly areas or adopt parking management policies; unbundle parking for multifamily units	
	Cities pop. 100,000+ adopt on-street parking prices for 5% of on-street parking spaces by September 30, 2023 and 10% of spaces by September 30, 2025	
No additional action needed	<b>Option 2</b> enact at least two of five policies	<b>Option 3</b> all of the below
	1. Unbundle parking for residential units 2. Unbundle leased commercial parking 3. Flexible commute benefit for businesses with more than 50 employees 4. Tax on parking lot revenue 5. No more than ½ parking space/unit mandated for multifamily development	No mandates for a variety of specific uses, small sites, 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 of climate-friendly areas, Metro 2040 centers.  Designate district to manage on-street residential parking, or unbundle parking multi-family.



# Guide to Oregon Administrative Rules Superseding Parking Requirements in Wilsonville's Development Code

Pursuant to OAR 660-012-0430 and OAR 660-012-0440 certain State rules take precedence over any conflicting parking standards in Wilsonville's Development Code beginning January 1, 2023. In particular, a number of the vehicle parking minimums reflected in Table 5 of Section 4.155 are superseded. Use the following flow chart to determine what parking standards to apply.

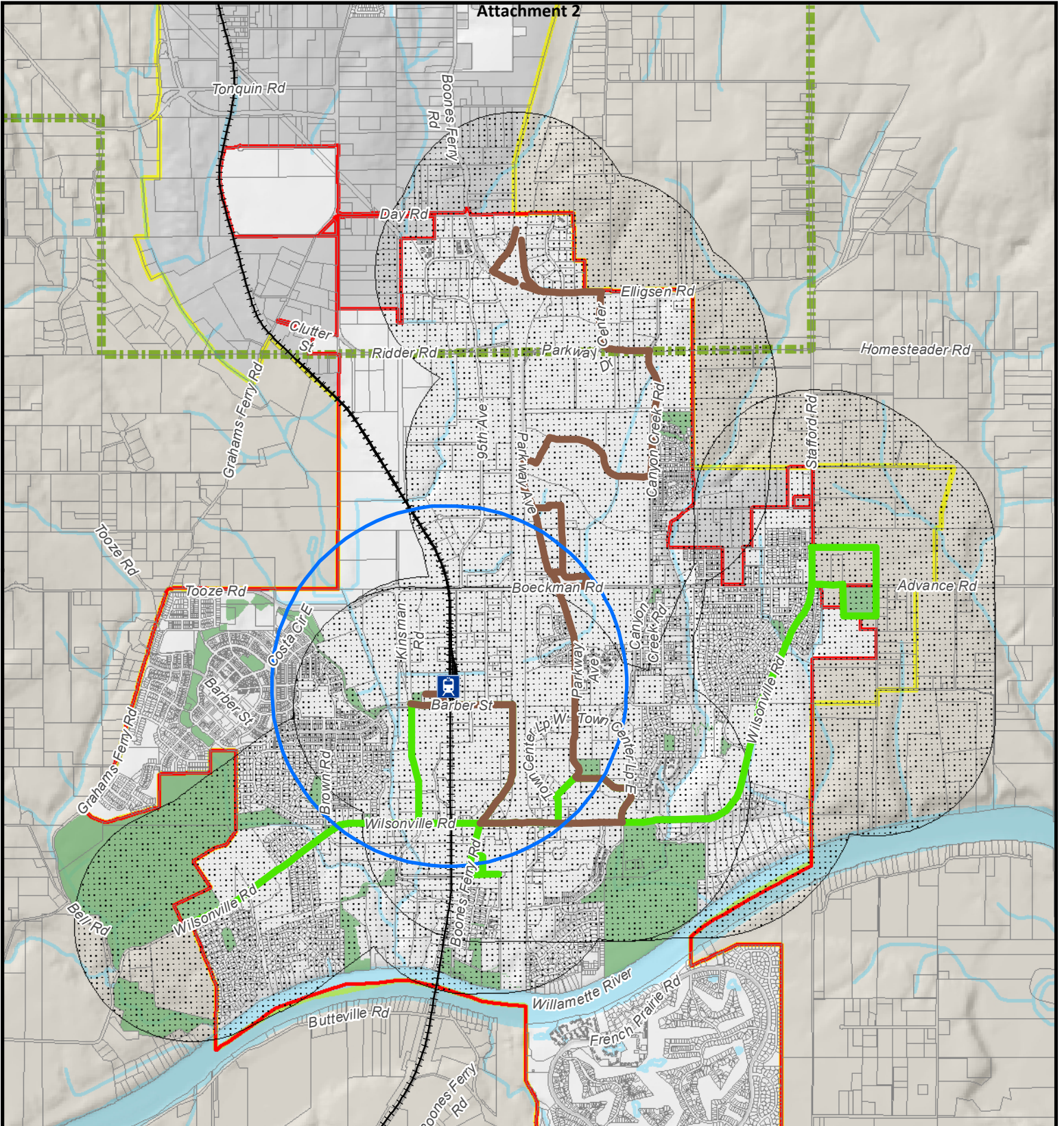




# Development Types Exempt from Parking Minimums Under OAR 660-012-0430

An Attachment to “Guide to Oregon Administrative Rules Superseding Parking Requirements in Wilsonville’s Development Code”

- 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.
- Child care facility. Definition in ORS 329A.250: any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name. Exemptions apply. See exemption list in ORS 329A.250 (5) (a)-(d).
- Single-room occupancy housing.
- Residential units smaller than 750 square feet. Note: Accessory Dwelling Units (ADUs) have no parking required in Wilsonville’s Development Code.
- Affordable housing. Summary of definition in OAR 660-039-0010 (see OAR for full definition): housing affordable to households making 80% or less of median income without assistance, except for spaces in manufactured dwelling parks where income is 100% or less of median income.
- Publicly supported housing. Summary of definition in as defined in ORS 456.250 (see ORS 456.250 (6) for full definition): multi-family housing receiving benefits from government assistance including HUD, Department of Agriculture. Does not include units for which developer received only fee waiver as part of development, or receives only Section 8 housing vouchers or similar.
- Emergency and transitional shelters for people experiencing homelessness.
- Domestic violence shelters.



The City of Wilsonville, Oregon  
Clackamas and Washington Counties

**Areas exempt from vehicle parking minimums pursuant to OAR 660-012-0440**



- WES Stop + 3/4 Mile
- Wilsonville City Limits
- SMART 4 & 2X + 1/2 Mile
- ~ County Boundary
- ~ SMART Route 2X
- UGB
- ~ SMART Route 4



1/6/2023

**0 0.25** Miles

Planning Commission Meeting - December 11, 2024  
CEFC Parking



## Guide to Oregon Statute and Administrative Rules Requiring “Electric Vehicle Ready” Development

House Bill 2180 (2021) ORS 455.417 “HB 2180” requires, effective July 1, 2022, certain new development to provide electrical service capacity for electric vehicles to at least 20% of parking spaces. Providing electrical service capacity includes providing: (A) **necessary electrical service** or designating adequate space for necessary electrical services **and** (B) a **conduit system** from provided or planned electrical service to the required percentage of parking spaces.

OAR 660-012-0410(1) and OAR 660-012-0012(5) “CFEC Rules” require, effective March 31, 2023, the 20% required by HB 2180 be doubled to 40% for new multi-family and mixed use development. Note the statutory 20% requirement is in the Building Code, but the added CFEC Rules 20% is not. It is enforced during land use review.

### What Percent of “Electric Vehicle Ready” Spaces is Required for A New Development?

#### HB 2180 (20% of spaces)

- Private commercial and industrial parking areas

#### CFEC Rules (40% of spaces)

- Multi-family buildings with 5 or more units
- Mixed-use commercial/residential buildings (5+ units)

#### Not Required (0% of spaces)

- Other residential buildings
- Public buildings and parking areas

#### Resources:

- [ODOT Transportation Electrification](#)
- [ODOT Community Charging Rebates Program](#)
- [Oregon Department of Land Conservation and Development Implementation Guidance](#)