

**RECOMMENDATION AND FINDINGS
OF THE PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**



SECTION I. APPLICATION SUMMARY

CASE NAME: PARKING REFORM COMPLIANCE PROJECT

CASE NO.: Development Code Amendment (DCA) DCA2022-00005

PROPOSAL: The City of Tigard proposes legislative amendments to the Tigard Community Development Code (TCDC) to remove minimum parking requirements in order to comply with the Climate Friendly and Equitable Communities Rules (OAR 660-012-0400).

The proposed text amendments are included in **Attachment 1**, and summarized below in Section IV of this report:

APPLICANT: City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

ZONES: Citywide

LOCATION: Citywide

**APPLICABLE
REVIEW**

CRITERIA: Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning); Oregon Administrative Rules 660-012-0400; Comprehensive Plan Goals 1.1.2, 2.1.1, 2.1.2, 2.1.3, 2.1.24; and Tigard Development Code Chapters 18.710 and 18.790.

SECTION II. PLANING COMMISSION RECOMMENDATION

The Planning Commission recommends the City Council adopt the proposed amendments, to include technical edits provided by Vice President Jackson, and with any alterations as determined appropriate by the City Council through the public hearing process.

SECTION III. BACKGROUND INFORMATION AND PROJECT SUMMARY

The Parking Reform Compliance project will bring the City of Tigard into compliance with the provisions of the Climate Friendly and Equitable Communities (CFEC) rules adopted by the State of Oregon's Land Conservation and Development Commission on July 25, 2022.

These rules were developed in consultation with a broad group of stakeholders including city staff, over the course of two years. The rulemaking process began after Governor Kate Brown issued Executive Order 20-04 in the spring of 2020, directing state agencies to reduce greenhouse gas emissions across the state. As part of this order, the Department of Land Conservation and Development was charged with updating the state's Transportation Planning Rule and other administrative rules to reduce the emissions caused by transportation and land use patterns.

Currently, the transportation sector accounts for more than a quarter of greenhouse gas (GHG) emissions nationwide, and more than 40 percent of emission in Oregon. Despite the efforts to reduce the carbon impact of the state's transportation system over the past two decades, emissions have grown annually.

The CFEC rules are intended to start the state down the road of addressing the climate emergency and issues of equity. They are focused on two primary areas of reform.

The first, and by far the most expansive, is an overhaul of the way that long-range transportation planning is conducted, and the types of projects that should be prioritized in that planning.

The second area of reform, though smaller in scope, is no less important to meeting the state's GHG reduction targets. This area is related to land use planning for vehicle parking. Most development codes across the country mandate off-street parking for uses and development. One of the issues is that the standards for these parking mandates are based on flawed or outdated analyses of actual parking need.

An increasing number of cities of all sizes across the country are recognizing the impact of these mandates on their climate goals and urban form and removing all parking requirements from their development codes. This does not eliminate parking, just a government mandate for parking. Multiple case studies have shown that the market is well-suited to provide the parking that is appropriate to development without mandates. The City of Tigard has its own case study for this outcome in the Tigard Triangle, where the Lean Code adopted in 2017 removed all minimum parking requirements. Since that time, development in the Triangle has continued apace, with adequate parking provided.

The state's requirements related to parking are one of the most time-constrained elements of the new administrative rules. These mandated parking reforms are required to be adopted in two phases—one by December 31, 2022, and the other by June 30, 2023.

In September, the Community Development team briefed the Planning Commission and the City Council on the rules and their requirements related to parking reform.

Under the rules, the City has three options for meeting the requirements for parking reform.

1. Remove all minimum parking requirements.
2. Remove minimum parking requirements in certain geographies and for certain uses.
3. Remove minimum parking requirements in certain geographies and adopt parking programs.

An analysis by the Community Development team found that Option 2 would require the removal of minimum parking requirements in 62 percent of the city, including all the mixed-use zones, most of the Industrial zones, and all but a small section of the General Commercial zone. The portion of the city where minimum parking requirements could be applied would be almost exclusively residential areas. However, even within these areas, certain minimum parking requirements could not be applied to a variety of housing types.

Option 3 would require extensive administrative investment to create and manage ongoing parking reform programs.

The Community Development team has confidence that removing minimum parking requirements will have no significant long-term impact on the provision of parking based on the precedents in other communities. Moreover, maintaining minimum parking requirements runs counter to the city's stated vision and goals centered on climate change, health, and walkability.

Therefore, the recommendation to Planning Commission and City Council was to pursue Option 1. Planning Commission concurred with a unanimous vote at their November 7 hearing. At a previous briefing, a majority of City Council members also directed staff to develop code amendments to effectuate this option.

Summary of Code Changes

The code changes associated with this project are minimal. They are focused almost exclusively on excising language related to minimum parking requirements from the development code. There are a few changes in the omnibus that address issues with the mobile home parks chapter and fix an issue in a table.

Chapter 18.410 Off-Street Parking and Loading

This chapter was updated to remove all standards related to minimum parking requirements. In addition, it was restructured to better organize the standards, and a new purpose statement was written to reflect the updated goals and vision of the chapter and allow for better findings to adjustments to the standards.

Division 18.200 Residential Development Standards
Division 18.300 Residential Development Standards
Division 18.600 Plan Districts

The chapters in these divisions were updated to remove references to minimum parking requirements and correct references to Chapter 18.410. Chapter 18.260 was updated to remove requirements that are better handled through nuisance code enforcement or that were not clear and objective.

Chapter 18.710 Land Use Applications

A table was updated to remove an instance where an ADU application type was erroneously not removed in the previous Housing Compliance project.

Chapter 18.765 Modifications

This chapter was updated to remove references to modifications for minimum parking requirements.

SECTION IV. APPLICABLE CRITERIA, FINDINGS, AND CONCLUSIONS

STATEWIDE PLANNING GOALS AND GUIDELINES

State planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with the state land use goals. Because the proposed code amendments have a limited scope and the text amendments address only some of the topics in the Statewide Planning Goals, only applicable statewide goals are addressed below.

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

FINDING: The Department of Land Conservation and Development conducted a comprehensive public engagement process for the CFEC rulemaking project. This project brings the city’s development code into compliance with those administrative rules and the associated state law.

Notice was sent to affected government agencies by email on October 5, 2022.

The notice requirements set forth in Section 18.710.110 (Type IV Procedures) were met. A notice was published in the Tigard Times newspaper on October 20, 2022. Two public hearings were held one before the Planning Commission on November 7 and one before the City Council on December 13, at which an opportunity for public input is provided. This goal is satisfied.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework.

FINDING: The Department of Land Conservation and Development (DLCD) has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process and standards to review changes to the Tigard Development Code in compliance with the Comprehensive Plan and other applicable state requirements. As discussed within this report, the applicable Development Code process and standards have been applied to the proposed amendment, and the intent of these amendments are to meet the requirements of state law, administrative rules, and the Statewide Planning Goals. This goal is satisfied.

CONCLUSION: Based on the findings above and the related findings below, the Planning Commission concludes the proposed code amendments are consistent with applicable Statewide Planning Goals.

OREGON ADMINISTRATIVE RULES CHAPTER 660 DIVISION 12

The new rules in Section 400 of this division require that “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”

FINDING: The code amendments proposed remove all minimum parking requirements from the City of Tigard’s Community Development Code as required by OAR 660-012-0400. This Administrative Rule is satisfied.

CONCLUSION: Based on the findings above and the related findings below, the Planning Commission concludes that the proposed code amendments are consistent with the applicable Oregon Administrative Rules.

TIGARD COMPREHENSIVE PLAN

State planning regulations require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals and consistent with their adopted comprehensive plan goals and policies. Because the development code amendments have a limited scope and the text amendments address only some of the topics in the Tigard Comprehensive Plan, only applicable comprehensive plan goals and associated policies are addressed below.

Comprehensive Plan Goal 1: Citizen Involvement

Policy 1.1.2: The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.

FINDING: The Department of Land Conservation and Development conducted a comprehensive public engagement process for the CFEC rulemaking project. This project brings the city's development code into compliance with those administrative rules and the associated state law.

Notice was sent to affected government agencies by email on October 5, 2022.

The notice requirements set forth in Section 18.710.110 (Type IV Procedures) were met. A notice was published in the Tigard Times newspaper on October 20, 2022. Two public hearings were held one before the Planning Commission on November 7 and one before the City Council on December 13, at which an opportunity for public input is provided. This goal is satisfied.

Comprehensive Plan Goal 2: Land Use Planning

Policy 2.1.1: The City's land use program shall establish a clear policy direction, comply with state and regional requirements, and serve its citizens' own interests.

FINDING: The proposed text amendments to the development code comply with all state and regional requirements, as the previous findings indicate. The proposed amendments provide clarification to ambiguous, redundant, and contradictory language in the development code. The proposed amendments also establish a clear policy direction for the approval of housing types. This policy is satisfied.

Comprehensive Plan Goal 2: Land Use Planning

Policy 2.1.2: The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.

FINDING: As demonstrated in this staff report, the proposed amendments to the Tigard Development Code are consistent with the Tigard Comprehensive Plan. This policy is satisfied.

Policy 2.1.3: The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.

FINDING: Copies of the proposed text amendments were sent to affected agencies and each agency was invited

to comment on the proposal, as required by Section 18.710.110 (Type IV Procedures) and discussed in Section V of this report. Comments submitted by affected agencies have been incorporated into this report and the proposed amendments. This policy is satisfied.

Policy 2.1.24: The City shall establish design standards to promote quality urban development and to enhance the community’s value, livability, and attractiveness.

FINDING: The proposed amendments further the City’s goal to increase health and walkability. Standards for street-facing facades ensure that the pedestrian realm remains attractive and that parking structures do not present blank walls to the street. The proposed standards ensure that the City’s goals and the state requirements are simultaneously met. This policy is satisfied.

CONCLUSION: Based on the findings above, the Planning Commission concludes that the proposed code text amendments are consistent with applicable provisions of the Tigard Comprehensive Plan.

APPLICABLE PROVISIONS OF THE TIGARD DEVELOPMENT CODE

Section 18.790: Zoning Map and Text Amendments

18.790.020 Legislative Amendments

A. Approval process. A legislative amendment application is processed through a Legislative procedure, as provided in Section 18.710.110.

FINDING: The proposed amendments are legislative in nature. Therefore, the amendment will be reviewed under the Type IV legislative procedure as set forth in Section 18.710.110. This procedure requires public hearings by both the Planning Commission and City Council. Public hearings were conducted on November 7, 2022, and December 13, 2022. This criterion is met.

B. A recommendation or a decision for a legislative amendment application may be based on consideration of the applicable legal requirements. They may, but do not necessarily include: Oregon Revised Statutes, Oregon Administrative Rules, one or more Statewide Planning Goals, Metro’s Urban Growth Management Functional Plan and any other regional plans.

FINDING: Findings and conclusions are provided throughout Section IV above, for the applicable listed factors on which the recommendation by the Commission and the decision by the Council shall be based. This standard is satisfied.

CONCLUSION: Based on the findings above, the Planning Commission concludes that the proposed amendments are consistent with applicable provisions of the Tigard Development Code.

SUMMARY

CONCLUSION: As shown in the findings above, the Planning Commission concludes that the proposed amendments are consistent with the applicable Statewide Planning Goals; applicable Oregon Administrative Rules; applicable Tigard Comprehensive Plan goals and policies, and the applicable provisions of the City’s implementing ordinances.

SECTION V. AGENCY COMMENTS

City of Portland, City of Beaverton, City of Durham, City of Lake Oswego, City of Tualatin, City of King City, Washington County, TVF&R, METRO, DLCD, DEQ, CWS, and OR Dept. of Aviation were notified of the proposed code text amendments and to date, have not provided any comments.

The Department of Land Conservation and Development submitted written comments. Those comments are included in Attachment 2.

SECTION VI. PUBLIC COMMENTS

No public comments have been received to date.

ATTACHMENTS:

Attachments:

1. Draft Text Amendments
2. Agency Comments



PREPARED BY: Schuyler Warren
Senior Planner

November 21, 2022
DATE



APPROVED BY: Tom McGuire
Assistant Community Development Director

November 21, 2022
DATE



APPROVED BY: Yi-Kang Hu
Planning Commission President

November 21, 2022
DATE