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# Memorandum



**To:** Aquilla Hurd-Ravich & Pete Walter, City of Oregon City

**CC:** Evan Manvel, DLCD

**From:** Brian Davis, AICP

**Date:** March 1, 2025

**Re:** Oregon City Conceptual Approach to CFEC Compliance

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## Introduction

This memo summarizes Oregon's new administrative rules (OAR) pertaining to parking that were recently enacted as part of the Climate Friendly and Equitable Communities (CFEC) program and examines the nature and extent of code updates that Oregon City will need to implement to comply with the new rules.

The parking-related rules (OAR 660-12-0400 through -0450) generally aim to reduce the amount of unnecessary parking built due to minimum requirements, and to reduce impacts of new parking to the extent possible. There are three broad paths to compliance allowed within the rules ("options," per DLCD's terminology).

- Option 1 is to repeal mandates entirely;
- Options 2 and 3 are to enact either a smaller subset of more significant reforms (Option 2) or a larger subset of less significant reforms (Option 3).

Additionally, there are several requirements regarding newly developed or redeveloped parking specified by OARs 660-012-0405 (Parking Regulation Improvements) and 660-012-0410 (Electric Vehicle Charging) that necessitate updates to Oregon City's code, and additional rules regulations addressing the maximum amount of parking that can be developed specified by OAR 660-012-0415.

This memo discusses the preferred avenue to compliance for Oregon City. This avenue was developed beginning with an initial code audit conducted in 2023 by Jet Planning, and refined through ongoing analysis and outreach conducted by Studio Davis and the City in tandem. The recommendations herein discuss and consider feedback received through an extensive outreach process that included presentations to the various boards and commissions serving Oregon City as well as a public workshop that included in-person and online elements.

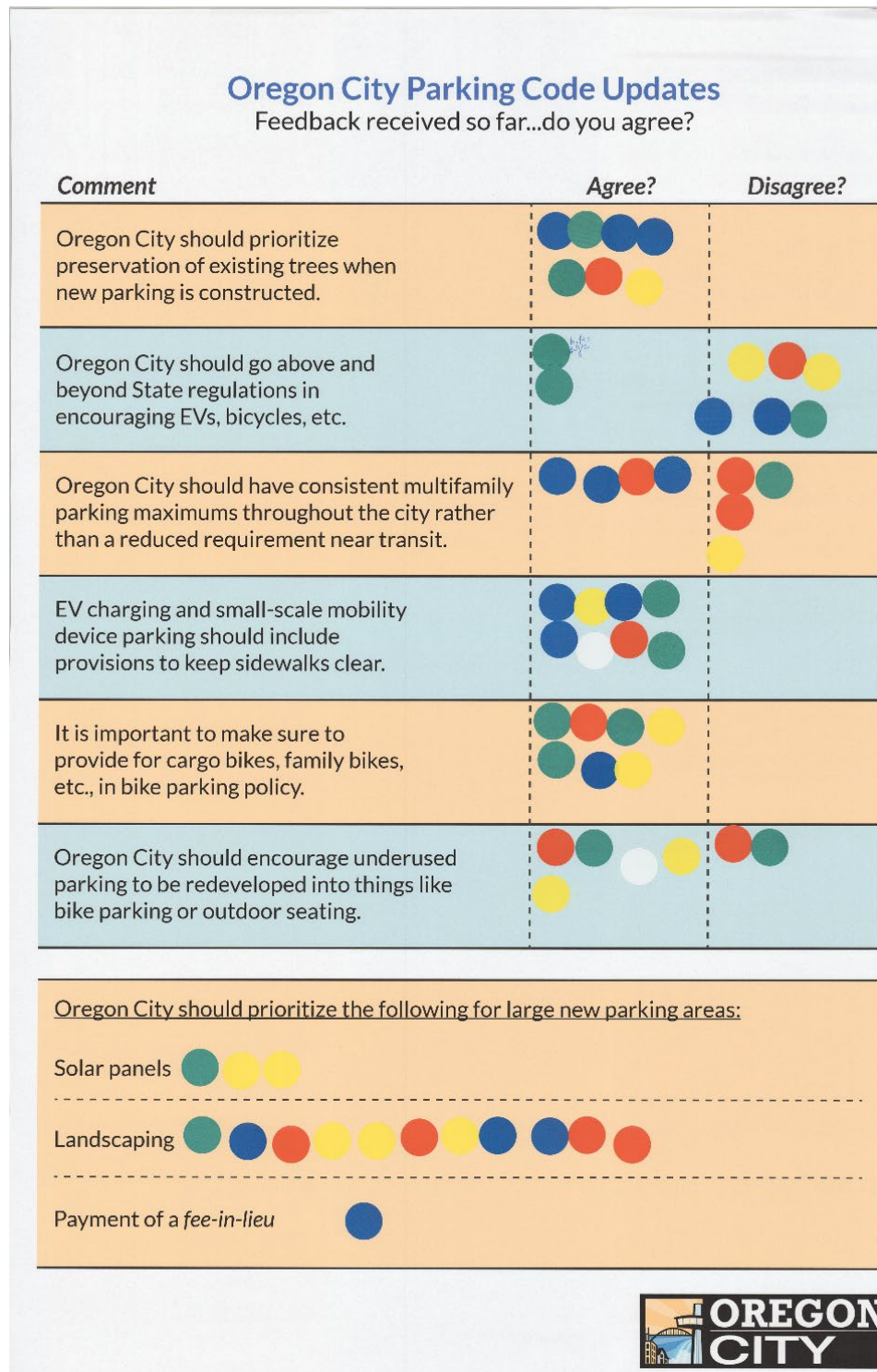
## Engagement & Outreach

The approach to compliance detailed below was developed through a robust and inclusive outreach process that sought to obtain feedback from the gamut of Oregon City residents, employees, and community leaders.

The initial round of engagement prior to October 2024 was conducted directly by the City. In late 2024, an ad-hoc CFEC Committee was formed to advise the project team on implementing the necessary changes. From the City's initial engagement, Option 3 emerged as the preferred compliance alternative. The CFEC Committee supported this alternative and established the general framework for compliance.

While many elements of Option 3 are prescriptive, there are several areas where Oregon City has some discretion regarding how to meet requirements. The project team sought feedback on these areas through subsequent engagement efforts with the CFEC Committee and other standing committees during January and February, 2025, including with a public open house held on February 10, 2025. For the Open House, the project team created a number of materials to solicit feedback, including creation of a poster that summarized the feedback received to date. That poster is shown below in Figure 1, and represents a good synopsis of feedback received, showing both the key points from the various commissions as well as the workshop's participants' dots indicating agreement or disagreement.

Again, many of the requirements Oregon City needs to update are strictly prescribed by the CFEC rules. However, the engagement process generated detailed and thoughtful feedback on a number of areas where the City does have latitude. To the extent possible, that feedback has been incorporated into the recommended updates described below.



**Figure 1:** Poster from the *dot exercise* conducted for the public workshop, showing points of feedback received prior to the workshop and agreement or disagreement indicated by workshop attendees

## Preferred Approach and Necessary Code Changes

Early in the engagement processes, it became evident that there was a lack of political support for Option 1. Further, both city staff and board/commission members expressed concerns about the implementation of unbundled parking, which is required by Option 2. Option 3 thus emerged as the preferred option, particularly given the fact that Oregon City already manages parking with meters and permits, which is a key requirement of Option 3. The conceptual approach detailed below presents a path to compliance following Option 3.

### Parking Management (OAR 660-012-0400)

OAR 660-012-0400 establishes that Oregon City is required to comply with the parking-related CFEC regulations (OAR 660-012-0400 through -0450) and details the parameters of the three compliance options described above. The rule indicates that in lieu of removing parking requirements per OAR 660-012-0420, Oregon City can instead implement the provisions of OAR 660-012-0425, -0430 -0435, -0440, -0445, and -0450.

No code changes are directly required to meet this rule.

### Parking Regulation Improvements (OAR 660-012-0405)

New requirements under rule -0405 address any new parking that is developed or redeveloped, and fall under eight broad categories. These are cited below along with code updates needed to meet these rules.

#### **Preferential placement of carpool/vanpool parking (660-012-0405(1)(a))**

OCMC 17.52.030(E) currently requires preferential parking for carpools/vanpools for many developments. Generally Oregon City's requirements meet or exceed those from the new OAR, which is limited in applicability to only "designated employee areas." However, the threshold for applicability for these new parking areas is 50 spaces, so OCMC will need to be slightly updated to meet this. The easiest path to compliance will be to update the applicability statement of OCMC 17.52.030(E) to read:

"New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential, and new hospitals, government offices, group homes, nursing and retirement homes, schools, *designated employee parking areas*, and transit park-and-ride facilities with fifty or more parking spaces..."

Per feedback from DLCD, this code may be confusing in its present form, particularly after adding an additional use, so the City should consider rewriting this as a bullet-pointed list.

#### **Allow redevelopment of a portion of a parking lot for bike or transit uses (660-012-0405(1)(b))**

The current code does not contemplate redevelopment of parking for bike or transit uses. New language will need to be added to the code to allow for this.

#### **Allow and encourage redevelopment of underused parking (660-012-0405(2))**

Likewise, the current code does not currently address potential redevelopment of underused parking, so language will need to be added to allow for this possibility. Note that the City can still require review for new or expanded uses or structures. Potential language for this regulation that could address both this rule and the previous one based upon implementation guidance follows. The City also may want add a definition of “underused parking” to 17.04 to provide clarity; a potential definition largely consistent with best practices might be, “parking lots or facilities that are below 50% of capacity most or all of the time.”

“(A) Purpose. To minimize the opportunity cost of parking by encouraging other beneficial uses to take its place, especially in situations where parking is underused.

(B) Property owners may choose to redevelop underused off-street parking, pursuant to OCMC 17.52.

(C) Redevelopment of existing off-street parking areas as a bicycle-oriented or transit-oriented facility including bicycle parking, bus stops and pullouts, bus shelters and park and ride stations, and similar facilities is encouraged.”

#### **Allow and facilitate shared parking (660-012-0405(3))**

Shared parking is currently addressed within OCMC 17.52.20(B)(3) as a permissible path to meet parking requirements. This can be kept as-is for the area where parking requirements will be retained. However, more general language will be needed establishing the permissibility of shared parking. Potential language follows.

“Parking facilities for two or more uses, structures, or parcels of land may be shared, provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.”

#### **Tree canopy, solar, or fee-in-lieu, for parking more than ½ acre (660-012-0405(4)(a))**

This is perhaps the most impactful requirement of Rule -0405, as this requirement will shape what those areas look like and their impact to the overall sense of place. Accordingly, there was a significant amount of discussion on this topic during the outreach process.

The rule indicates that Oregon City must require at least one, or any combination, of the following:

- A) Require installation of solar panels capable of generating 0.5 kilowatts per new parking space;
- B) Require a fee-in-lieu payment of \$1,500 per new parking space to be invested in a city, county, or state fund dedicated to renewable energy development; or
- C) Require a tree canopy covering 40% of the parking lot.

Oregon City currently has detailed parking lot landscaping requirements via OCMC 17.52.060, although no tree canopy coverage percentage is specified. Oregon City’s code otherwise meets or exceeds requirements, and is largely consistent with implementation guidance.

During the outreach process participants generally indicated support for landscaping, and a plurality felt that there should also be a solar option for parking lot landscaping, which Oregon City does not currently allow for. This could be added as an option via the following clause within (or adjacent to) 17.52.060:

“Developments adding off-street parking areas of one-half acre (21,780 square feet) or more, must provide a tree canopy covering at least 40 percent of the new parking lot area at maturity, but no later than 15 years after planting, consistent with requirements of OCMC 17.52.060.”

“If it is infeasible to meet the 40% tree canopy requirement due to site constraints, installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space can instead be provided. Panels may be located anywhere on the property, subject to OCMC standards.”

Note that a fee-in-lieu program was not widely supported during the outreach process and it is unclear how such a program would be administered, so this is not recommended here.

#### **New parking more than ½ acre must have trees along driveways or 30% coverage (660-012-0405(4)(b))**

As above, Oregon City currently has fairly robust landscaping requirements and can meet the letter of this rule via fairly modest adjustments to existing language specifying that 30% coverage is needed.

The 30% perimeter coverage requirement is met *prima facie* if the overall 40% tree canopy requirement from the previous section is met. Otherwise, 30% tree coverage is required along the perimeter while meeting the previous requirement via the solar option.

#### **Pedestrian connections through large parking lots (660-012-0405(4)(c))**

OCMC 17.052.060 discusses pedestrian safety and walkways within parking lots and includes several requirements. Further design criteria are specified by OCMC 17.62.050(c).

DLCD's Implementation Guidance details what safe pedestrian connections should consist of and allows for discretion in the case of site-specific conditions outside of the applicant's control. Based upon this, Oregon City should add the following design requirements to 17.62.050(c) to fully comply with this requirement.

- Pedestrian crossings at intersections with drive aisles and other driveways should be demarcated, preferably by a raised surface that slows vehicular travel, or by different surface materials.
- Crossings demarcated only by striping are discouraged in that they have not been demonstrated to be safe or effective for pedestrian protection.
- The pedestrian facilities should be illuminated to at least the same level as the on-site driveways and public right-of-way.
- Pedestrian facilities from building entrances to the public right-of-way, ADA spaces, and transit stops shall be as direct as possible.



- Driveway crossings should be minimized, and the placement of buildings and their entrances should minimize pedestrian travel distances where possible.

### **Parking maximums in appropriate locations (660-012-0405(5))**

This rule, intentionally worded very loosely, requires implementation of parking maximums in “appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.” Since Oregon City currently has citywide parking maximums, it currently meets this requirement with no further adjustments, although some of the specific maximums will need to be adjusted to come into compliance with OAR 660-012-0415, described below.

### **Electric Vehicle Charging (OAR 660-012-0410)**

Rule -0410 calls for new private multi-family residential or mixed-use developments with five or more residential dwelling units to install conduits to serve 40% of vehicle parking spaces.

Currently, Oregon City’s code doesn’t address EV charging, so language to meet this requirement will be needed. A potential way to do this would be to add the following language (or similar) to code.

“*Electrical Service Capacity*. Electrical service capacity, as defined in OCMC 17.04.345, must be provided to new off-street parking spaces subject to the following standards. Variance requests to these standards are prohibited.

- a. Non-residential development and residential or mixed use developments with less than five dwelling units must provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site.
- b. Residential or mixed-use development with five or more dwelling units must provide electrical service capacity to a minimum of 40 percent of all off-street vehicle parking spaces on site.”

The definition of *Electrical Service Capacity* can then be added as OCMC 17.04.345 -350. Per implementation guidance, potential language is:

“Electrical service capacity” means:

- (a) Building electrical service, sized for the anticipated load of electric vehicle charging stations, that has overcurrent devices necessary for electric vehicle charging stations or has adequate space to add the overcurrent devices;
- (b) Designated space within a building to add electrical service with capacity for electric vehicle charging stations; **or**
- (c) A designated location on building property, in or adjacent to a landscaped area, for installing remote service for electric vehicle charging stations; **and**
- (d) A conduit system installed from building electrical service, or from the dedicated spaces or locations described in subparagraph (A) of this paragraph, to parking

spaces that can support, at a minimum, electrical wiring for installation of level 2 electric vehicle charging stations and, if the conduit is for future installation of electric vehicle charging stations, that labels both ends of the conduit to mark the conduit as provided for future electric vehicle charging stations.

“Electric vehicle charging station” means a device or facility for delivering electricity for motor vehicles that use electricity for propulsion.

“Level 2 electric vehicle charging station” means an electric vehicle charging station that uses 240V AC electricity for charging an EV.

### Parking Maximums (OAR 660-012-0415)

Cities with 25,000 people or more within the Portland metro area are subject to rule -0415(1), which requires implementation of certain maximum parking requirements within the transit corridors and Climate Friendly areas listed in OAR 660-012-0440. With a population of approximately 40,000, Oregon City is subject to this rule.

As discussed above, Oregon City currently has maximum requirements specified for several uses via OCMC Table 17.52.020. With the exception of multifamily housing, these requirements meet those of the new rule. Thus, Oregon City will need to amend the multifamily maximum in Table 17.52.020 to be 1.2 off-street parking spaces per studio unit and two off-street parking spaces per non-studio residential unit.

Note that a topic that was discussed at length during the outreach process was whether to implement this change only within the required areas (likely through an additional table and/or code section), or to amend Table 17.52.020 to apply these new maximums citywide. There was broad consensus that the latter represented the more sensible path.

### Reducing the Burden of Parking Mandates (OAR 660-012-0425)

This section is mostly prescriptive, but will require several updates to OCMC 17.52.020, likely within an expanded subsection C, which addresses reductions to parking minimums. Most requirements below can be met with straightforward updates to 17.52.020, however DLCDD did not produce model code or implementation guidance for this subsection.

Table 1: Requirements of OAR 660-012-0425 and necessary updates to meet them

Requirement	Needed Update
Garages and carports may not be required for residential developments.	Oregon City is in compliance per OCMC 17.52.010 – Applicability, but this section does not exception does not expressly mention triplex or 4-plexes. Oregon City may want to add these for clarity.



Garage parking spaces shall count towards off-street parking mandates.	Add section specifying this to OCMC 17.52.020.
Provision of shared parking shall be allowed to meet parking mandates.	Oregon City is in compliance. No change needed.
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 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.	To wit, none of these requirements are currently contemplated in code. This requirement can likely be added verbatim as a subsection of 17.52.020.
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.	Add section specifying this to OCMC 17.52.020.
Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space in a development.	Add section specifying this to OCMC 17.52.020, including requirement that these spaces be signed or marked appropriately.
Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development.	Add section specifying this to OCMC 17.52.020.
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.	Add section specifying this to OCMC 17.52.020.

Note that reductions above must be cumulative and not capped. This should be specified by code as well.

### Reduction of Parking Mandates for Development Types (OAR 660-012-0430)

This rule requires the following:

- Oregon City 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.

- No requirements are allowed for the following uses:
  - 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 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.

Oregon City does not appear to require parking for the nonresidential uses listed above. The simplest path to compliance with this option would be to add language exempting “residential developments with more than one unit on a single Lot of Record as defined by 17.04.695, residential units less than 750 square feet, single-room occupancy housing, affordable housing per OAR 660-039-0010, and publicly supported housing as defined in ORS 456.250.”

Note that implementation guidance indicates that communities should be sure to conform with parking mandate limits in OAR 660-046 for traditional “missing middle” housing including duplexes, triplexes, quadplexes, townhouses and cottage clusters. In some cases those rules set tighter limits on mandates than those in OAR 660-012; the smaller allowance applies in those situations.”

### **Parking Reform in Climate-Friendly Areas (OAR 660-012-0435)**

This rule applies to the downtown Oregon City Metro Region 2040 center and requires Oregon City to either eliminate minimum parking requirements at all sites within one-quarter mile of the center, or reduce significantly reduce parking requirements within this area in addition to implementing a parking benefit district.

As discussed below, Oregon City is already required to remove parking requirements within one-half mile of the corridor served by Tri-Met Bus Line 33. This overlaps with the Climate Friendly Area nearly entirely, so the preferred approach here is to include this area in the section of the city without parking minimums (described below), meeting the requirement.

### Parking Reform near Transit Corridors (OAR 660-012-0440)

This rule disallows Oregon City from requiring parking within one-half mile of the Tri-Met Bus Line 33 Corridor, which meets the definitions for service and frequency under any scenario. This corridor comprises a significant portion of Oregon City. The City's map showing the exempt area under this rule (and the previous one) is shown in Figure 2.

Since the City has already identified the exempt areas vis GIS, the most straightforward way for Oregon City to meet this requirement would be to establish an area with no parking mandates in code and include and reference the official map. This is the approach used recently by the City of Sherwood. The code language used, adapted for Oregon City, follows.

“Per OAR 660-012-0440, no off-street parking is required for developments on a lot or parcel that includes lands within one-half (1/2) mile of a frequent transit corridor. Per OAR 660-012-0435, no off-street parking is required within the Oregon City Regional Center and one-quarter mile of the area. These areas are identified by the CFEC *Parking Delineated Area Map*.”

In creating/adopting this map, there is an important consideration. As described below, one of the requirements of OAR 660-012-0445 is to include areas “within one-half mile pedestrian travel of climate-friendly areas” as exempt from parking mandates. Oregon City does not currently have a climate-friendly area, so this provision does not apply under existing conditions. However DLCD has indicated that they intend to ask LCDC to add Metro centers to this provision during the next rulemaking process. If the Commission concurs, this will provision would then apply to downtown Oregon City. The map shown in Figure 2 includes a half-mile buffer around the Regional Center in addition to the half-mile buffer around Line 33, and thus would be in compliance with this rule if officially adopted as the *CFEC Parking Delineated Area Map*.

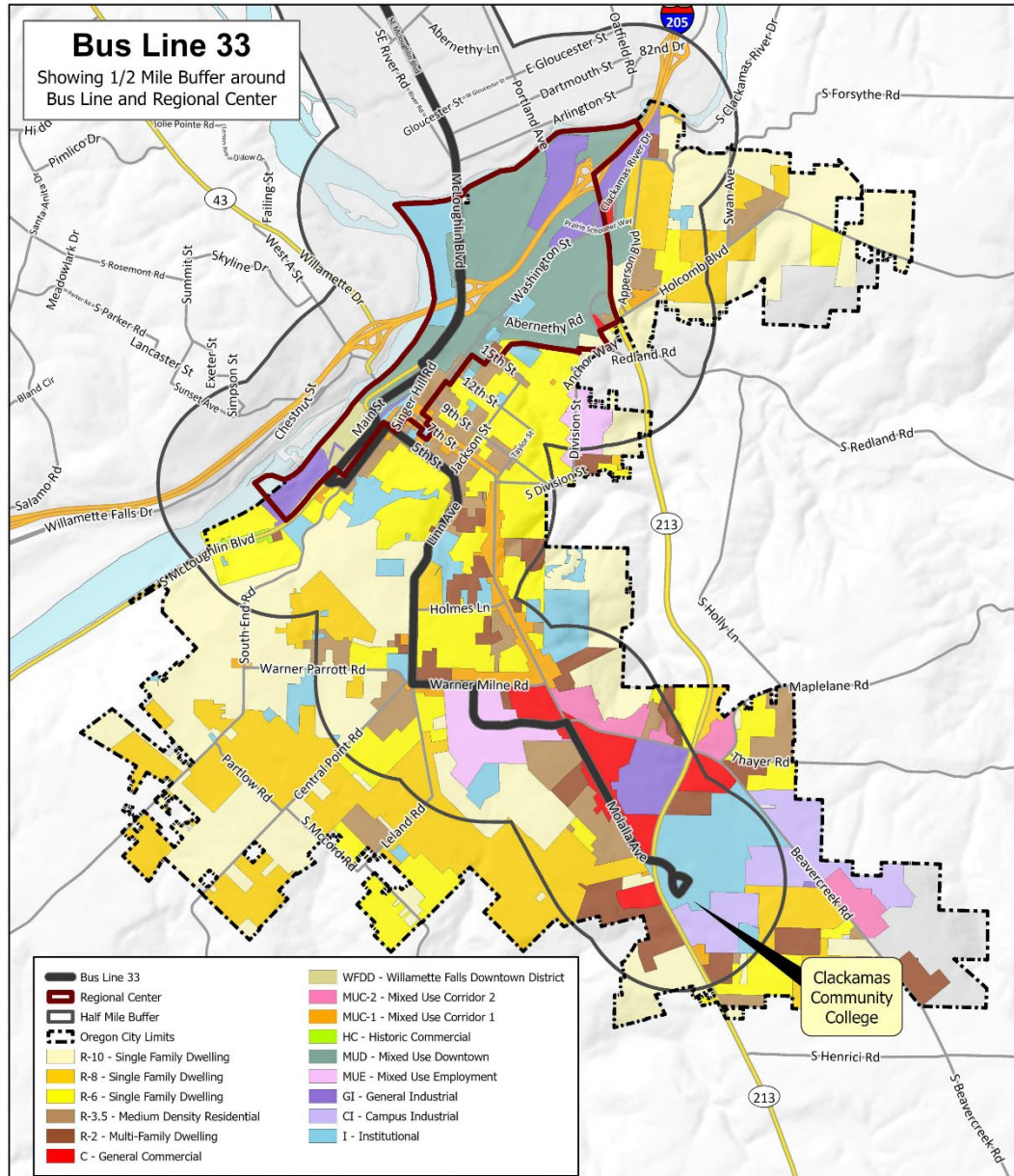


Figure 2: Areas within Oregon City that are disallowed from requiring parking per OAR 660-012-0435, -0440, and -0445

### Parking Management Alternative Approaches (OAR 660-012-0445)

This rule essentially distinguishes between Options 2 and 3, allowing cities to either follow subsection 1(a) (Option 2) or subsection 1(b) (Option 3). By electing Option 3, Oregon City must adopt 14 separate measures leading to a “reduced parking management approach.” These are detailed below along with needed code changes (if any) to apply.

As above, most requirements below can be met with straightforward updates to 17.52.020, likely with additional notes below Table 17.52.022; however as Oregon City is the first city to elect this option, no model or precedent code exists.

Table 2: Requirements and updates to meet OAR 660-012-0445(b)

Requirement	Needed Update
No parking mandates within one-half mile pedestrian travel of climate-friendly areas	No action required now, as Oregon City does not include a climate-friendly area. However, Metro centers may be included in this provision in the future. See above for considerations related to mapping this area.
No parking mandates for mixed-use development	Add section exempting these developments to OCMC 17.52.020. Strike note 1 below Table 17.52.020.
No parking mandates for group quarters	Add section exempting these uses to OCMC 17.52.020.
No parking mandates for studio apartments, one-bedroom apartments and condominiums	Include new row in table 17.52.020 for these uses, with no minimum and maximums per - 0415. Add definition to 17.04 for studio apartment: "A studio apartment is an apartment consisting of a single large room serving as bedroom and living room, with a separate bathroom."
No parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years.	Add section exempting these developments to OCMC 17.52.020, requiring registration of a building as vacant two years prior to the waiving of parking mandates.
No requirements to provide additional parking for change of use or redevelopment where at least 50 percent of the building floor area is retained.	Add section exempting these developments to OCMC 17.52.020.
No parking mandates for expansion of existing businesses by less than 30 percent of a building footprint	Add section exempting these developments to OCMC 17.52.020. Revise note #5 as needed.
No parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or identified as a	Add section exempting these developments to OCMC 17.52.020.

designated or contributing structure on a local inventory of historic resources or buildings	
No parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space	Add section exempting these developments to OCMC 17.52.020.
No parking mandates for developments built under the Oregon Residential Reach Code	Add section exempting these developments to OCMC 17.52.020. Add definition to 17.04 for Oregon Residential Reach Code: “The Oregon Residential Reach Code is a statewide optional energy construction standard approved by the Building Codes Division. It is separate from the state building code and applicable at the designer’s and contractor’s discretion.”
No parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system	Add section exempting these developments to OCMC 17.52.020.
No parking mandates for schools	Revise Table 17.52.020 to show that the minimum requirement is zero for these uses.
No parking mandates for bars and taverns	Ensure that it is clear “restaurant” uses in Table 17.52.020 do not apply here.
Implementation of a pricing mechanism	Oregon City is in compliance. No change needed.

## Bicycle Parking Requirements (OAR 660-012-0630)

Lastly, several new requirements regarding bicycle parking are introduced via Rule -0630. These fall under four categories, summarized below.

### Minimum bicycle parking requirements for certain uses (660-012-630(2))

OCMC 17.52.040 Table A specifies bicycle parking requirements, and includes a minimum requirement for all uses specified by this rule. The code is currently in compliance and no changes are needed here.

### Covered bicycle parking required for multifamily and mixed-use residential (660-012-630(3))

In addition to requiring some minimum number of parking spaces above, this rule stipulates that cities must require at least 0.5 stalls per unit in covered bicycle parking for residential uses. While Oregon City requires 50% of bike parking stalls to be covered, because it only requires one stall per



10 units it does not meet the letter of this rule. The easiest way to meet the requirement would be to change the covered parking requirement in the first row of Table A to the numerical requirement rather than a percentage, updating the header as needed.

**Bike parking must meet certain standards regarding security and accessibility (660-012-630(3))**

The design standards specified by OCMC 17.52.040(C) are fairly robust and adequately address most of the requirements regarding the size of spaces, accessibility, and location. It is recommended that the City add language to OCMC 17.52.040(C)(2) to indicate the spaces should also be “well lit.” This rule also includes a stipulation that spaces must be included to “accommodate large bicycles, including family and cargo bicycles.” Oregon City’s design standards are likely adequate to ensure that these bicycles are accommodated at most or all bike spaces.

**Provide parking for bikes and other “small-scale mobility devices” at key destinations (660-012-630(4))**

Oregon City already requires parking at the key destinations specified by 660-012-360. The other requirements here do not necessitate code updates as part of this process; however the City may need to consider bike and small-scale mobility device parking during its upcoming TSP update.

## Conclusion and next steps

Based upon the approach specified above and the code language described herein, Studio Davis will work with the City to produce a formal set of code language ready for adoption.

If you have any questions or would like additional information, please do not hesitate to contact us.