



CITY OF BEAVERTON  
Planning Division  
Community Development Department  
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## STAFF REPORT

**Report date:** February 22, 2023

**Application/project name:** Parking Policy and Code Project

**Application Numbers:** TA2023-0001

**Proposal:** The City of Beaverton proposes to amend the Beaverton Development Code to comply with new state rules on Climate-Friendly and Equitable Communities. Proposed code amendments include updating parking tables to remove minimum vehicle parking requirements citywide and adding language to comply with state requirements regarding the maximum number of parking spaces allowed on a site, electric vehicle charging infrastructure, and parking lot design.

**Proposal location:** Citywide

**Applicant:** City of Beaverton

**Approval Criteria:** Development Code Section 40.85.15.

**Recommendation:** Staff recommend the Planning Commission review the proposal, take public testimony, deliberate on the proposal, and make a recommendation to City Council.

**Hearing information:** 6:30 p.m. March 1, 2023, at City Hall, 12725 SW Millikan Way

**Notice: Public hearings are held remotely** and can be viewed at the following link: <https://www.beavertonoregon.gov/291/Agendas-Minutes>

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# Background

In response to an executive order by former Gov. Kate Brown, the Oregon Department of Land Conservation and Development adopted the Climate-Friendly and Equitable Communities Rules in 2022 that amend existing Oregon Administrative Rules (OAR), affecting local jurisdictions' compliance with the statewide planning goals. In particular, the OAR known as the Transportation Planning Rule, which requires local jurisdictions to balance land use and transportation planning, was significantly amended. The amended rules require that Beaverton and other cities update development rules regarding parking. Because these are state requirements, the City of Beaverton must change its Development Code to address the state rules by June 30, 2023.

## Proposed Development Code Amendments

The proposed Development Code amendments are attached in **Exhibit 1**. A summary of the major changes is below.

- Citywide, the proposed amendments includes rules that:
  - Remove all minimum off-street parking requirements for private property in the city (Section 60.30.10 and other locations throughout the code).
  - Require developers who build new apartments buildings with five or more apartments to provide electric vehicle charging capacity to 40 percent of parking spaces on the property. This is so electric vehicle charging stations can be provided in the future (Section 60.30.15).
  - Require developments that add more than one-quarter acre of surface parking to provide street trees and sidewalks along driveways (Section 60.05.20).
  - Direct developments that add more than one-quarter acre of surface parking to have or add one of the following on the site: solar panels, a “green” public building, or a tree canopy that shades at least half of the parking lot (Section 60.30.15).
  - Allow for shared bicycle parking (Section 40.55.15.2.C.5).
- Near MAX and WES passenger rail stations and along frequent bus corridors (examples include Tualatin Valley Highway west of Downtown and Hall Boulevard south of Downtown), the proposed amendments adjust rules that limit the maximum number of parking spaces allowed on properties to further limit the maximum number of parking spaces on properties). The city already has maximum limits on the number of parking spaces allowed on properties depending on the land uses on the property, but the state rules require some of those to be lowered. Parking tucked under buildings, underground parking, and spaces in parking structures would not count toward the maximum limit. (See Section 60.30.10). New state limits include:
  - A maximum of 1.2 off-street automobile parking spaces per studio unit (a home, usually an apartment, that has the kitchen, living room, and bedroom in one space).

- A maximum of 2 off-street automobile parking spaces per home that is not a studio.
- A maximum of 5 spaces per 1,000 square feet of floor space for the following commercial and retail uses listed in Sections 20.05.20, 20.10.20, 20.15.20, 20.20.20, and 70.15.20, regardless of the use categories listed in Table 60.30.10.5.A:
  - Animal Care;
  - Care uses, except for Residential Care Facilities;
  - Financial Institutions;
  - Marijuana uses, except Marijuana Processing;
  - Meeting Facilities; Office;
  - Retail, except for Eating and Drinking Establishments;
  - Rental Business;
  - Personal Service Business;
  - Service Business/Professional Services;
  - Vehicles, except Major Automotive Service, Minor Automotive Service, Heavy Equipment Sales, Sales or Lease, Trailer, Recreational Vehicle or Boat Storage, Trailer Sales or Repair, and Vehicle Storage Yard.
- On lots with more than 65,000 square feet of floor area, the maximum surface parking area cannot exceed the floor area in the building. (Floor area is the total square footage of space under the roof and inside the walls in a building. It usually does not include indoor parking and loading areas except in the Residential Mixed A, Residential Mixed B, and Residential Mixed C zones where it does include garages.)
- Parking maximums cannot exceed 150 percent of the minimum off-street automobile parking rules as of January 1, 2020 (Section 60.30.10).

### **Differences Between the Draft Code and the Proposed Code**

While there were no major changes made between the Draft Code presented to Planning Commission on January 11, 2023, and the Proposed Code (Exhibit 1), some minor changes include:

- In Sections 40.20.15 and 40.23.15, language was removed that said that parking maximums shall not be exceeded. Including this language Design Review 1 and Downtown Design Review 1 but not in the Design Review 2 or Downtown Design Review 2 applications may cause confusion by implying that an applicant can exceed maximum parking in Design Review 2 or Downtown Design Review 2.
- The Parking Determination application that was renamed to “Bicycle Parking Determination” was changed back to its original name to account for determining both minimum bicycle parking requirements as well as maximum vehicle parking

requirements (Section 40.55). This is necessary when minimum bicycle parking requirements or maximum vehicle parking requirements are not listed for a certain use.

- In a couple places, the word “must” was replaced with “shall” to use clearer and more consistent language (Section 40.80.15.5 and 60.30.15).
- Some missed references to required vehicle parking were removed (Sections 40.80.10.2.C, 40.80.10.3.C, and 60.30.10).
- Some references to applications and updated application names were corrected (Section 50.55.15.2.C.H and Section 60.30.10.3).
- Language in Section 60.05.20 Circulation and Parking Design Standards and Section 60.30.15 Off-Street Parking Lot Design is updated to use more clear and objective language.
- In 60.30.05, previous proposed deletions have been removed regarding how many off-street parking spaces can be used for the Open Air Beaverton Program. This is a policy change and is not subject to the Climate-Friendly and Equitable Communities rules.
- Some added language was reorganized within Section 60.30.10 relating to the Climate-Friendly and Equitable Communities parking maximums. Some of this language was moved from being a footnote in Table 60.30.10.5.A to 60.30.10.2. Instead of just referencing the Oregon Administrative Rules (OARs), there is now more information as to what is included in the OARs.
- In Table 60.30.10.A, a mistake was corrected that changed parking maximums for “Triplex or Quadplex in RMA, RMB, or RMC Zone” to 2. It has been changed back to “N/A.”
- The proposed Studio definition is updated to clarify it applies only to multi-dwellings, not to middle housing. This is consistent with the OAR requirements regarding parking requirements for multi-units with five or more (Chapter 90).

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Exhibit 1. Proposed Development Code Amendments

Exhibit 2. Public Comment

- 2.1 Email from Peter Linsky
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- 2.3 Email from Tim Q
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- 2.8 Email from Michael and Joanne Love
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- 2.10 Email from Manetta Andrew

## **Tables**

Table 1. Projected Future Need for New Housing Units (2035)

# TA2023-0001

## ANALYSIS AND FINDINGS FOR TEXT AMENDMENT

**Recommendation:** Based on the facts and findings presented below, staff recommends the Planning Commission review the proposal, take public testimony, deliberate on the proposal, and make a recommendation to City Council.

### Section 40.85.05 Purpose

The purpose of a text amendment application is to provide a mechanism for legislative amendments to the Development Code. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in the law. This Section is carried out by the approval criteria listed herein.

### Section 40.85.15.1.C Approval Criteria

Section 40.85.15.1.C of the Development Code specifies that in order to approve a text amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all the criteria specified in Section 40.85.15.1.C.1-7 are satisfied.

#### Section 40.85.15.1.C.1

**Approval Criterion:** The proposal satisfies the threshold requirements for a Text Amendment application.

##### FINDING:

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is any change to the Development Code, excluding changes to the zoning map. TA2023-0001 proposes to make changes to the Development Code, as shown in Exhibit 1.

**Conclusion:** Therefore, staff finds the amendment meets the criterion for approval.

#### Section 40.85.15.1.C.2

**Approval Criterion:** All City application fees related to the application under consideration by the decision making authority have been submitted.

##### FINDING:

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a city-initiated application are not required where the application fee

would be paid from the City's General Fund. The Planning Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required.

**Conclusion:** Staff find that criterion 40.85.15.1.C.2 is not applicable.

## **Section 40.85.15.1.C.3**

**Approval Criterion:** The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

### **FINDING:**

#### **Title 1: Housing Capacity.**

Title 1 requires a city or county maintain or increase its housing capacity (except as provided in section 3.07.120) per the Regional Framework Plan which calls for a compact urban form and a "fair share" approach to meeting housing needs.

The proposed amendment does not include changes to minimum or maximum density requirements. The proposed changes include removing parking minimums citywide and applying new limits on parking maximums in areas near frequent transit. The elimination of parking minimums and restrictions on maximums will increase housing capacity on sites that may otherwise be confined by parking requirements.

#### **Title 6: Centers, Corridors, Station Communities and Main Streets.**

Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

No changes are proposed to the established boundaries of Centers, Corridors, or Station Communities. The proposal includes removing all vehicular parking minimums and limiting the maximum number of parking spaces on properties near MAX and WES passenger rail stations as well as along frequent bus corridors, which have some overlap with the mapped Centers, Corridors and Station Communities. The elimination of parking minimums, coupled with parking maximums around frequent transit and mixed-use zones will encourage more pedestrian-friendly and transit-supportive development by freeing up land that may have otherwise been used for vehicular parking.

#### **Title 8: Compliance Procedures.**

Title 8 ensures all cities and counties are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented and sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements. Section 3.07.820 Review by the Chief Operating Officer, the



Functional Plan states that: “(a) A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to the COO at least 35 days prior to the first evidentiary hearing on the amendment. The COO may request, and if so the city or county shall submit, an analysis of compliance of the amendment with the functional plan. If the COO submits comments on the proposed amendment to the city or county, the comment shall include analysis and conclusions on compliance and a recommendation with specific revisions to the proposed amendment, if any, that would bring it into compliance with the functional plan. The COO shall send a copy of comment to those persons who have requested a copy.”

The city provided notice to Metro on January 24, 2023, meeting the requirement to provide notice at least 35 days prior to the first evidentiary hearing on the amendment. The city received no comments from Metro.

**Conclusion:** Therefore, staff finds the amendment meets the criterion for approval regarding Section 40.85.15.1.C.3.

## **Section 40.85.15.1.C.4**

**Approval Criterion:** The proposed text amendment is consistent with the City's Comprehensive Plan.

### **FINDING:**

#### **Chapter 3: Land Use Element.**

##### **Goal 3.1.1 Encourage development and land use patterns that support a variety of transportation options**

**Policy d)** Apply land use designations and development regulations that support high-density development near transit and services, in order to provide greater opportunities to live, work, and meet daily needs near transit.

The proposed amendments would remove all minimum off-street parking requirements for all uses on all lots. Removing those requirements would mean more flexibility for property owners to decide how much parking to provide on their property. Because parking often takes up significant space on a site and can be expensive to build, the removal of the minimum requirements means development regulations throughout the city will support more development and support high-density development where that is allowed. The additional building space allowed by this change will provide more opportunities to live, work, and meet people's daily needs near transit. The proposed amendments also reduce maximum parking limits in some cases, which will ensure land is available for buildings rather than occupied by excessive surface parking.

The combination preventing excess surface parking and allowing additional development also will mean more destinations and more destinations close together (rather than

separated by large parking lots), which will support the goal of encouraging non-auto transportation options, such as walking and biking.

**Policy e)** Encourage increased intensity of development within Mixed Use, Commercial, and Employment areas that are located within a half-mile of high capacity transit stops or stations, such as MAX and WES.

The proposed amendments would remove all minimum off-street parking requirements for all uses on all lots, which will mean more flexibility for property owners to decide how much parking to provide on their property. This encourages additional development intensity in Mixed Use, Commercial, and Employment areas near transit because it leaves more room for buildings on a site. Parking often takes up significant space on a site and can be expensive to build. With the proposed amendments, property owners can choose to provide less parking, which will make new buildings more physically and financially feasible. This would support more development and support high-density development where that is allowed. The additional building space allowed by this change will provide more opportunities to live, work, and meet people's daily needs near transit.

**Policy j)** Encourage use of structured, underground, and/or tuckunder parking for commercial, office, and multifamily development.

The proposed amendments exempt structured, underground, and tuck-under parking from maximum parking requirements, which will allow and encourage developments to incorporate those parking types in development while still leaving room on the site for other uses, such as commercial and office space and apartments.

### **Goal 3.2.1 Provide for thoughtful and strategic infill and redevelopment**

**Policy f)** On underutilized property and excess parking areas, provide opportunities for interim uses, such as community gardens and food carts, that are appropriate for each plan designation.

Removing minimum off-street parking requirements on all lots in the city, which the proposed amendments would accomplish, means areas that are not used as parking spaces can be used for other uses that are allowed in the city, including food carts and community gardens. Removing minimum off-street parking requirements also will remove obstacles to other development, including new or expanded buildings that can hold housing, jobs or other uses.

### **Goal 3.3.1 Promote sustainable development, resilience, and resource protection**

**Policy a)** Use land effectively in urban areas to relieve development pressure in rural areas and help protect farms, forests and natural resources.

The proposed amendments would remove all minimum off-street parking requirements throughout the city, which will make developments more physically and financially

feasible because building parking can be expensive and take up room on lots. If more buildings can be built in the urban areas inside the urban growth boundary, that reduces pressure to expand the urban growth boundary into areas with existing farms, forests, and natural resources.

### **Goal 3.6.1 Support pedestrian-oriented mixed use areas**

**Policy a)** Provide for a mix of commercial, residential, employment, and civic uses at relatively high densities to create vibrant, walkable areas where many activities can be accomplished on foot or by bike or transit.

The proposed amendments remove all minimum off-street parking requirements and reduce some maximum off-street parking limits, which will ensure more flexibility and more room on sites to develop higher-density development. By allowing more buildings to accommodate housing, commercial space, civic uses, and jobs, the proposed amendments will support more vibrant areas.

The proposed amendments also could result in fewer and smaller surface parking lots, which will mean buildings and destinations can be closer together, making walking trips more doable, attractive, and pleasant.

In addition, the proposed amendments require features that support pedestrians and make the environment more pleasant for pedestrians, including requiring developments with large surface parking lots to install trees along the driveways to provide shade and sidewalks along driveways to facilitate pedestrian movement and requiring significant tree canopy as one option to comply with the code for sites with large parking lots.

### **Goal 3.6.2 Downtown Regional Center: Create and strengthen a vibrant downtown and central area for Beaverton**

**Policy d)** Encourage higher intensity development near MAX and WES stations, creating mixed-use station communities that locate housing, jobs, and services near transit.

The proposed amendments remove all minimum off-street parking requirements and reduce some maximum off-street parking limits, which will ensure more flexibility and more room on the site to develop higher-density development. By allowing more buildings to accommodate housing, commercial space, civic uses, and jobs, the proposed amendments will support more vibrant areas.

The proposed amendments also could result in fewer and smaller surface parking lots, which will mean buildings and destinations can be closer together, making walking trips more doable, attractive, and pleasant.

**Policy e)** Ensure that redevelopment intensifies land use, with less land dedicated to surface parking and more land occupied by multistory buildings along walkable streets.

The proposed amendments remove all minimum off-street parking requirements and reduce some maximum off-street parking limits, which will ensure more flexibility and more room on the site to develop higher density and multi-story development. By allowing more buildings to accommodate housing, commercial space, civic uses, and jobs, the proposed amendments will support more vibrant areas.

The proposed amendments also could result in fewer and smaller surface parking lots, which will mean buildings and destinations can be closer together, making walking trips more doable, attractive, and pleasant.

**Goal 3.6.4 Station Communities: Encourage development and redevelopment around light rail stations that leverages proximity to light rail as an amenity for urban living/working and supports a variety of transportation modes**

**Policy a)** Encourage vertical mixed use development that provides for street-level retail while accommodating housing or office uses above, to support businesses that rely on foot traffic.

**Policy b)** Incorporate high-density residential development, particularly within a half-mile walking distance of the light rail station, to provide the highest accessibility to light rail to the greatest number of households.

**Policy d)** Limit surface parking to encourage compact development and reduce the space between buildings to support walking between destinations.

For a), b), and d): The proposed amendments remove all minimum off-street parking requirements and reduce some maximum off-street parking limits, which will ensure more flexibility and more room on the site to develop higher-density development. By allowing more buildings to accommodate housing, commercial space, civic uses, and jobs, the proposed amendments will support more vibrant areas. Reducing minimum off-street parking requirements also makes street-level retail with uses above easier because:

- Removing minimum parking requirements would allow property owner to choose to provide zero parking or less parking than now required, which could reduce the need for driveways and parking lots that are located at the back of the sidewalk.
- Mixed-use buildings with upper-floor uses can sometimes be difficult to physically work on the site if minimum off-street parking requirements result in significant off-street parking because that parking takes up surface space and the site might not contain enough surface space to meet the minimum off-street parking requirement. Alternatively, the minimum parking requirement might necessitate expensive underground parking or structured parking that makes a project financially infeasible. Removing minimum off-street parking requirements would

make these buildings more feasible because property owners could choose to provide no on-site parking or less parking than the code now requires.

The proposed amendments also could result in fewer and smaller surface parking lots, which will mean buildings and destinations can be closer together, making walking trips more doable, attractive, and pleasant.

In addition, the proposed amendments require features that support pedestrians and make the environment more pleasant for pedestrians, including requiring developments with large surface parking lots to install trees along the driveways to provide shade and sidewalks along driveways to facilitate pedestrian movement and requiring significant tree canopy as one option to comply with the code for sites with large parking lots.

**Goal 3.6.5 Mixed Use Corridor: Promote a mix of residential and commercial uses that complement and serve adjacent neighborhoods in a pedestrian friendly environment**

**Policy d)** Maintain or increase residential densities in order to provide more households within walking distance of Mixed Use Corridor businesses by allowing zone changes, infill and redevelopment that maintains or increases residential density.

**Policy f)** Encourage tuck-under and structured parking and reliance on on-street parking wherever available and appropriate to reduce the amount of land dedicated to parking and make the distances between destinations shorter and more walkable.

The proposed amendments exempt structured, underground and tuck-under parking from maximum parking requirements, which will allow and encourage developments to incorporate those parking types in development while still leaving room on the site for other uses, such as commercial and office space and apartments.

The proposed amendments also would remove all minimum off-street parking requirements and reduce some maximum off-street parking limits, which would reduce the amount of land dedicated to parking and allow more room on the site for development, including needed housing and commercial uses. Reducing the amount of land dedicated to parking also means buildings and destinations can be closer together, making walking a more attractive, interesting, and pleasant option.

**Goal 3.7.1 Enhanced Commercial Centers and Corridors**

**Policy a.iv)** Over time, new development and redevelopment should improve accessibility and comfort for non-auto modes, including ... Providing a more visually engaging and appealing street frontage through the addition of buildings adjacent to the street, enhanced landscaping, more pedestrian scale signage, etc.

The proposed amendments remove all minimum off-street vehicle parking requirements and reduce some maximum off-street parking limits, which would reduce the amount of

land dedicated to parking and allow more room on the site for development, including needed housing and commercial uses. Reducing the amount of land dedicated to parking also means buildings and destinations can be closer together and more space can be dedicated towards landscaping, which will provide a more visually engaging and appealing street frontage, improve accessibility, and make non-auto modes, such as walking, more accessible, comfortable, and interesting. The proposed amendments also in some cases require additional trees on sites, such as trees along driveways or to create tree canopy that covers parking lots.

## **Chapter 4: Housing**

### **Goal 4.1.1 Provide an adequate supply of housing to meet future needs**

**Policy a)** Use available land within the city efficiently, encouraging new residential development to take advantage of allowed maximum densities where appropriate.

The proposed amendments remove all minimum off-street parking requirements. Off-street parking requirements are frequently an obstacle to achieving maximum density on sites because parking spaces, drive aisles, and associated landscaping take up a lot of room on the site. This is often in the 350 square feet to 400 square feet per parking space range (considering landscaping and maneuvering areas as well as parking stalls). Removing minimum off-street parking requirements would allow a property owner to choose to provide less or no off-street parking, leaving more room for buildings and housing so development on the site would be able to reach the maximum density allowed in the Development Code.

### **Goal 4.5.1: Ensure that Beaverton continues to be one of the most livable communities in the region**

**Policy j)** Review and reconsider minimum parking standards for new multi-dwelling development.

The proposed amendments remove all minimum off-street parking requirements, which will make more housing developments physically and financially feasible. Given the region, Washington County, and Beaverton are short on housing, making housing more feasible will increase livability by increasing housing supply to address the demand.

## **Chapter 6: Transportation.**

**6.2.4. Goal: An efficient transportation system that reduces the percentage of trips by single occupant vehicles, reduces the number and length of trips, limits congestion, and improves air quality.**

**Policy b)** Support and implement trip reduction strategies developed regionally, including employment, tourist, and recreational trip reduction programs.

**Policy c)** Limit the provision of parking to meet regional and State standards.

For policy b) and c): According to the State of Oregon Department of Land Conservation and Development, a 2021 study determined that a household's decision about the number of cars owned and the share of trips made by car are affected by the availability of parking, which means that too much parking could actually generate more automobile trips. The study citation is: "Millard-Ball, Adam & West, Jeremy & Rezaei, Nazanin & Desai, Garima. (2021). What do residential lotteries show us about transportation choices?. Urban Studies." Basically, households adapt car ownership and whether they choose to drive, walk, bike, or use transit based on the availability of parking and access to other modes of travel. The proposed amendments eliminate minimum off-street parking requirements and reduce some maximum off-street parking limits, which in at least some situations could help reduce automobile trips and would definitely limit the provision of parking to meet regional and state standards. Specifically regarding state standards, the proposed amendments are Beaverton's way to comply with Climate Friendly and Equitable Communities administrative rules from the State of Oregon.

## **Chapter 7: Natural, Cultural, Historic, Scenic, Energy, and Groundwater Resources**

### **7.5.2 Goal: Increased use of solar energy and other renewable energy resources in new development in the City.**

**Policy a)** Assist in the conservation of energy by promoting more efficient transportation modes and land use patterns.

The proposed amendments would increase the use of solar energy by requiring developments that add more than one-quarter acre of surface parking to a lot to include one of the following on the site: solar panels, a sustainable public building, or a tree canopy that shades at least half of the parking lot (Section 60.30.15).

In addition, the proposed amendments would remove minimum off-street parking requirements, which will make more intense development more physically and financially feasible overall but especially in areas zoned for high-density development. These areas are most often found near transit, which means the people who live and work in those developments will have the option to use transit for many trips, which is more space-efficient and often more energy efficient than private automobile travel.

**Conclusion:** Therefore, staff finds the amendment meets the criterion for approval regarding Section 40.85.15.1.C.4.

## **Section 40.85.15.1.C.5**

**Approval Criterion:** The proposed text amendment is consistent with other provisions within the City's Development Code.

## FINDING

The proposed text amendment removes minimum off-street parking requirements for all zoning districts citywide. New development or modification of an existing site would require design review and requirements of the Beaverton Development Code would be required to be met.

**Conclusion:** Therefore, staff finds the amendment meets the criterion for approval regarding Section 40.85.15.1.C.5.

## Section 40.85.15.1.C.6

**Approval Criterion:** The proposed amendment is consistent with all applicable City ordinances.

## FINDING

The proposed text amendment will require an amendment to the Beaverton Code regarding operation of Open Air Beaverton. The required change is in Section 7.06.065 Parking Lot Permit Standards, which references Figure 60.30.10 (the Regional Center Parking Districts Map) in the Development Code, which is proposed to be deleted. The amendment would require changing the reference to refer instead to the zoning districts included in the map. It is not a policy change because the deleted map and the zoning districts cover the same geography. A future amendment process to update the Beaverton Code will be done separately from this text amendment to ensure consistency between the Beaverton Development Code and the Beaverton Code.

The proposed text amendment will not affect any other applicable city ordinance requirements and regulations.

**Conclusion:** Therefore, staff finds the amendment meets the criterion for approval regarding Section 40.85.15.1.C.6.

## Section 40.85.15.1.C.7

**Approval Criterion:** Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

## FINDING

There are no other applications or documents related to the request that would require further City approval.

**Conclusion:** Therefore, staff finds the amendment meets the criterion for approval regarding Section 40.85.15.1.C.7.



# Metro Regional Transportation Functional Plan

## Title 4: Regional Parking Management

Title 4 requires cities and county parking regulations to establish parking ratios, provided the minimum ratios are not higher than those shown in Table 3.08-3 and the maximum ratios are not higher than those shown in Table 3.08-3 and illustrated in the Parking Maximum Map.

### FINDING

The proposed amendment includes removing all parking minimums; therefore, the minimum ratios will not exceed those shown in Table 3.08-3 of Metro's Regional Transportation Functional Plan. Proposed parking maximums are not higher than the parking maximums illustrated in Table 3.08-3, and in some cases are more restrictive (permitting even fewer parking spaces) than allowed in Table 3.08-3, such as with the Hotel/Motel (Rooming, Boarding, or Lodging Houses), which has no parking maximum in Table 3.08-3 but is proposed to have a parking maximum of 1.25 in Zone A and 1.5 in Zone B. Title 4 also requires that parking lots more than 3 acres in size provide street-like features, including curbs, sidewalks, and street trees or planting strips. The existing code standards already include requirements for curbs and walkways through parking lots as well as landscape islands. Furthermore, the proposed text requires that trees and sidewalks be located along driveways for surface parking lots greater than one-quarter acre in size.

**Conclusion:** Therefore, staff finds the proposed amendment is consistent with Title 4 of the Regional Transportation Functional Plan.

## Statewide Planning Goals

### Goal 1: Citizen Involvement

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

### FINDING

Consistent with Statewide Planning Goal 1 and Development Code Section 50.50, public notice was provided on January 24, 2023, at least 35 days before the first evidentiary hearing, to Neighborhood Association Committee chairs, the chairs of relevant Washington County Community Participation Organizations, the Chair of the Beaverton Committee for Community Involvement, the Department of Land Conservation and Development, Metro and the Washington County Department of Land Use and Transportation. The notice provided the required information in Development Code Section 50.50.4. A Measure 56 notice was provided to affected property owners on February 8, 2023, between 20 and 40 days before the hearing. In addition, a notice was

published in the Beaverton Valley Times newspaper at least 10 days before the Planning Commission's initial hearing and the staff report was published at least seven days before the initial Planning Commission hearing. At the public hearing, the Planning Commission will consider written comments and oral testimony before making a recommendation to City Council.

Staff also conducted public engagement and provided opportunities for community members to be involved throughout the entire planning process. Engagement activities included:

- Creation of a project website with information about the project and engagement opportunities
- Creation of a project listserv so people can subscribe to project updates
- Meetings with the Beaverton Committee for Community Involvement (BCCI), Traffic Commission, and Climate Action Task Force.
- Article in the Your City newsletter that goes to every household in Beaverton (expected to be sent in March)
- Email to the project notification list and various stakeholder groups with updates about the project and information on how to provide feedback
- Added functionality to project website to allow public comments to be submitted online
- Work sessions with the Planning Commission on October 12, 2022, and January 1, 2023
- Work sessions with the City Council on September 20, 2022, and November 1, 2022

**Conclusion:** Therefore, staff finds that the city has provided adequate notice and opportunity for public involvement consistent with Goal 1.

## Goal 2: Land Use Planning

**Goal text:** 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

Consistent with Statewide Planning Goal 2, the City of Beaverton maintains an adopted Comprehensive Plan with a Land Use Element. Chapter 3 of the Beaverton Comprehensive Plan outlines goals and policies for land management within the City. Additionally, the City of Beaverton maintains an adopted Development Code which implements the goals and policies of the Comprehensive Plan. The above narrative demonstrates how the proposed amendment is consistent with the applicable goals and policies of the Land Use Element in Beaverton's Comprehensive Plan. The Text

Amendment application will be processed in accordance with the requirements of the Beaverton Development Code.

**Conclusion:** Therefore, staff finds the proposed amendment is consistent with Statewide Planning Goal 2.

## Goal 10: Housing

**Goal text:** Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

### FINDING

Beaverton’s Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the 20-year period ending in 2035. This was true both for the current Beaverton city limits as well as the city limits plus the assumed urban service area, which is an area where it is assumed Beaverton will provide governance in the future. The state Department of Land Conservation and Development (DLCD) found it to be consistent with the requirements of Statewide Planning Goal 10. See Table 1 for the number of housing units projected to be needed.

**Table 1: Projected Future Need for New Housing Units (2035)**

	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	2,107	7,999

Source: Beaverton Housing Needs Analysis (part of the city’s Housing Strategies Report) Figure 5.3 and Figure 10.3. <https://content.civicplus.com/api/assets/369e03ca-f639-4ac5-bbf8-79c987e554e1>. Accessed February 6, 2023.

Based on the findings in Beaverton’s Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city’s Buildable Lands Inventory and Housing Needs Analysis, Beaverton updated its Comprehensive Plan’s Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals.

The proposed text amendment removes minimum off-street vehicle parking requirements in all zoning districts citywide, which will make more housing developments physically and financially feasible. Removing minimum off-street parking requirements would allow a property owner to choose to provide less or no off-street parking, allowing

for more flexibility of housing location, type, and density. The proposed amendment will not reduce the city's housing capacity or the Buildable Lands Inventory.

**Conclusion:** Therefore, staff finds the proposed amendment is consistent with Statewide Planning Goal 10.

## Goal 12: Transportation

**Goal text:** To provide and encourage a safe, convenient and economic transportation system.

### FINDING

OAR 660-012-000 through 660-012-0920, referred to as the Transportation Planning Rule (TPR), provide guidance on compliance with Statewide Planning Goal 12. A Transportation System Plan (TSP) adopted pursuant to OAR Division 12 fulfills the requirements for public facilities planning required under Oregon Revised Statutes 197.712(2)(e), Goal 11, and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume IV of the Beaverton's Comprehensive Plan contains the City's adopted TSP.

The Transportation Planning Rule states that amendments to a local jurisdiction's adopted Comprehensive Plans, zoning maps, and zoning ordinances that "significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g., level of service, volume to capacity ration, etc.) of the facility."

A "significant effect" can result from:

- A change to functional classification or the standards implementing a functional classification system; or
- Changes to planned land uses that would result in types or levels of travel or access that are inconsistent with adopted functional classifications; or
- Changes that would degrade performance so that it doesn't meet performance standards or further degrade performance for a facility that is already projected not to meet performance standards.

The TPR requires a two-step analysis for proposed amendments to the City's Comprehensive Plan and/or land use regulations. (1) The first step is to determine whether the proposed amendment significantly affects an existing or planned transportation facility. If the proposed amendment does not significantly affect the transportation network, then no further analysis is needed and compliance with Goal 12 is satisfied. If a proposed amendment does significantly affect the surrounding transportation network, then the City must (2) determine what mitigation is required to off-set the impacts to the transportation network brought on by the proposed amendments or demonstrate that the expected impact resulting from the proposed

amendment meets the approval criteria for one of several exceptions allowed under OAR 660-012-0060.

The proposed text amendment will remove minimum off-street parking requirements citywide. The proposed amendment also includes new limits on the maximum number of parking spaces for applicable land uses in select areas of the city, as well as new site development standards for surface parking lots.

The proposed amendment does not propose changes to the functional classification of an existing or planned transportation facility. The proposed amendment does not propose changes to the standards implementing a functional classification system. The City's adopted TSP ensures there is sufficient capacity for the anticipated growth and land uses based on the existing zoning code and Comprehensive Plan.

The proposed amendment will not result in types or levels of travel or access that are inconsistent with adopted functional classifications. The proposed amendment will also not amend any of the allowed land uses in the City's adopted zoning ordinance that would alter the amount of traffic projected to be generated by the planned land uses, and thus would not degrade performance so that it doesn't meet performance standards or further degrade performance for a facility that is already projected not to meet performance standards.

Staff find that the proposed amendment to the Beaverton Development Code does not significantly affect the existing and planned transportation facilities as defined in subsection (1) of OAR 660-012-0060.

**Conclusion:** Therefore, staff find that the proposed text amendment does not create a significant impact on the City's existing and future transportation network, and thus the proposed text amendment is consistent with Statewide Planning Goal 12.

## Oregon Administrative Rules: Climate-Friendly and Equitable Communities Rules

### **OAR 660-012-0400: Parking Management**

OAR 660-012-0400 says: "Cities and counties shall adopt comprehensive plans and land use regulations that implement provisions of OAR 660-012-0405 through OAR 660-012-0415." Cities shall also "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 proposed amendments remove all “parking mandates,” which means the proposed amendments satisfy OAR 660-012-0400(3). The state defines “parking mandates” as “requirements to include a minimum number of off-street parking spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential development.” The proposed amendments remove all requirements for a minimum number of off-street parking spaces. The city’s Development Code also does not require a fee in lieu of providing parking for residential development. Consistent with 660-012-0420(1), that means the City of Beaverton also is exempt from OAR 660-012-0425 through OAR 660-012-450.

Findings for OAR 660-012-0400(2), which requires the city to comply with OAR 660-012-0405 through OAR 660-012-0415 are found below.

**Conclusion:** Therefore, staff find that the proposed text amendment complies with OAR 660-012-0400.

## OAR 660-012-0405: Parking Regulation Improvements

Under OAR 660-012-0405(1), cities shall adopt land use regulations that:

- (a) Designate employee parking areas in new development shall provide preferential parking for carpools and vanpools.
- (b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and
- (c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

## FINDING

Beaverton’s existing code provisions require designation of carpool and vanpool parking in Section 60.30.10.13. The standards require the spaces be the closest employee motor vehicle parking spaces to the building entrance normally used by employees, except for spaces designated for people with disabilities.

Beaverton’s existing development rules also allow property owners to use parking areas that are not required by the Development Code for any other allowed use, which would include all the uses listed in (1)(b) above.

Regarding (c), the proposed amendments would remove all minimum off-street parking requirements, so it is not possible for property owners to go below existing mandated minimum parking supply because there will no longer be any minimum parking supply. Even so, some Development Code, Fire Code, and Building Code provisions where

parking exists will require emergency access to be maintained. Beaverton's existing Development Code also has existing loading requirements that are not being modified.

Under OAR 660-012-0405(2), the state administrative rules call on cities to adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses.

## FINDING

The proposed amendment will remove all minimum off-street parking requirements for all uses on all lots in the city. The existing Development Code allows a wide range of land uses on sites, so property owners will be able to choose to convert existing parking areas to other uses. In some cases, the existing Development Code has minimum floor-area ratio requirements that require new development to reach a certain expected development intensity, which also will encourage the conversion of existing parking areas to other uses.

Under OAR 660-012-0405(3), cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

## FINDING

The proposed amendments would allow shared bicycle parking. Shared motor vehicle parking would no longer be necessary because the proposed amendments will remove all minimum off-street parking requirements for all uses in the city. Property owners may still share their non-required parking, but they will not need permission from the city.

Under OAR 660-012-0405(4), cities and counties shall adopt land use regulations for any new development that includes more than one-quarter acre of surface parking on a lot or parcel as provided below:

- (a) Developments must provide one of the following:
  - A. Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space on the property. Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay \$1,500 per parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;
  - B. Actions to comply with OAR 330-135-0010; or
  - C. Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting.
- (b) Developments must provide street trees along driveways but are not required to provide them along drive aisles; and
- (c) Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.

- (d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.
- (e) In providing trees under subsections (a), (b) and (c), the following standards shall be met. The tree spacing and species planted must be designed to maintain a continuous canopy. Local codes must provide clear and objective standards to achieve such a canopy. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.

## FINDING

The proposed amendments in Section 60.30.15, with new parking areas greater than one-quarter acre, require solar panels, public buildings with green technology, or tree canopy that covers 50 percent of the parking lot at maturity consistent with the administrative rules.

The proposed amendments in Section 60.05.20.5.E requires trees and sidewalks along driveways when new development occurs.

Section 60.05.20.8 in the existing Beaverton Development Code requires driveways that connect public street and private streets with parking areas to be designed consistent with streets standards, including having raised curbs and sidewalks on at least one side. The proposed amendments in Section 60.05.20.5.E also require sidewalks along driveways. The Development Code also requires buildings to be oriented toward major pedestrian routes and have direct pedestrian connection to front doors.

The city's existing Development Code already requires landscape plans for projects where applicants have to meet landscape standards, and the proposed amendments in Section 60.30.15.10 require applicants to develop plans in coordination with the local electric utility.

The proposed amendments in 60.30.15 also require tree spacing to maintain a continuous canopy and meet ANSI 2021 American National Standards Institute A300 standards.

Under OAR 660-012-0405(5), Cities shall also establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.



## FINDING

Beaverton's existing Development Code, consistent with the Metro Urban Growth Management Functional Plan, has for years contained off-street parking maximums in the areas identified in 660-012-0405(5). The proposed amendments refine those maximums and adjust them down in some situations consistent with 660-012-0415.

**Conclusion:** Therefore, staff find that the proposed text amendment complies with OAR 660-012-0405.

## OAR 660-012-0410: Electric Vehicle Charging

Under OAR 660-012-0410, cities within metropolitan areas shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code. Cities shall require the provision of electrical service capacity for new multifamily residential buildings with five or more residential dwelling units and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units to accommodate 40 percent of all vehicle parking spaces.

## FINDING

The proposed amendments in Section 60.30.15.9 require electric vehicle charging infrastructure with new all-residential or mixed-use buildings with five or more units to provide sufficient electrical service capacity as defined in ORS 455.417 to accommodate no less than 40 percent of vehicle parking spaces serving residential uses on site.

**Conclusion:** Therefore, staff find that the proposed text amendment complies with OAR 660-012-0410.

## OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities

Under OAR 660-012-0415(1), cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the urban growth boundary, and cities with populations over 25,000 within the Portland Metropolitan Area, shall set parking maximums in climate-friendly areas and in regional centers and town centers, designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map. Those cities and counties shall also set parking maximums on lots or parcels within the transit corridors and rail stop areas listed in OAR 660-012-0440. This includes:

- (a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit and two off-street parking spaces per non-studio residential unit in a multi-unit development in climate-friendly areas and within one-half mile walking distance of priority transit corridors. These maximums shall include visitor parking;

- (b) Parking maximums shall be no higher than five spaces per 1,000 square feet of floor space for all commercial and retail uses other than automobile sales and repair, eating and drinking establishments, and entertainment and commercial recreation uses;
- (c) For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area than the floor area of the building;
- (d) In setting parking maximums, cities and counties shall consider setting maximums equal to or less than 150 percent of parking mandates in their adopted land use regulations in effect as of January 1, 2020. A city or county that sets a higher parking maximum must adopt findings for doing so. In no case shall the city or county exceed the limits in subsections (a) through (c) in climate-friendly areas and for developments on parcels or lots within one-half mile of transit corridors and three-quarters mile of rail transit stops listed in OAR 660-012-0440; and
- (e) Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures may be exempted from the calculations in this section.

Under OAR 660-012-0415(2) Cities with populations over 200,000 shall meet additional requirements.

## FINDING

The proposed amendments in Section 60.30.10 address parking maximums for:

- Studio residential units (60.30.10.2.A)
- Commercial and retail uses other than the exemptions specifically mentioned in state administrative rules. (Section 60.30.10.2.B). Specifically:
  - Animal Care;
  - Care, except for Residential Care Facilities;
  - Financial Institutions;
  - Marijuana uses, except Marijuana Processing;
  - Meeting Facilities;
  - Office;
  - Retail, except for Eating and Drinking Establishments;
  - Rental Business;
  - Personal Service Business;
  - Service Business/Professional Services;
  - Vehicles, except Major Automotive Service, Minor Automotive Service, Heavy Equipment Sales, Sales or Lease, Trailer, Recreational Vehicle or Boat Storage, Trailer Sales or Repair, and Vehicle Storage Yard.
- Lots with total building floor area exceeding 65,000 square feet. (Section 60.30.10.2.C)

- Other situations where the parking maximums might have exceeded 150 percent of what the minimum off-street parking requirement was on January 1, 2020. (Section 60.30.10.2.D).

In addition, the proposed amendments exempt underground parking, parking structures, and tuck-under parking from parking maximums. (Section 60.30.10.1.).

OAR 660-012-0415(2) applies to jurisdictions over 200,000. Beaverton's population is just less than 100,000, so these rules do not apply to Beaverton.

**Conclusion:** Therefore, staff find that the proposed text amendment complies with OAR 660-012-0415.

## **OAR 660-012-0420: Exemption for Communities without Parking Mandates**

OAR 660-012-0420 states that, "Cities and counties that adopt land use regulations that do not include parking mandates are exempt from OAR 660-012-0425 through OAR 660-012-0450."

### **FINDING**

The proposed text amendment proposes to remove parking mandates in all zoning districts in the Development Code. Therefore, OAR 660-012-0425 through OAR 660-012-0450 do not apply.

**Conclusion:** Therefore, staff find that the proposed text amendment complies with OAR 660-012-0420.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, staff offers the following recommendation for the conduct of the public hearing for TA2023-0001 Parking Policy and Code Project:

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Consider the public testimony and the facts and findings presented in the February 22, 2023, staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of text amendment application TA2023-0001 Parking Policy and Code Project Text Amendment to City Council with proposed language as written in Exhibit 1.