# Implementation Guidance OAR 660-012-0630

# **Bicycle Parking**



Department of Land Conservation & Development

The Department of Land Conservation and Development (DLCD) and Land Conservation and Development (LCDC) developed the Climate-Friendly and Equitable Communities program to support communities taking action to meet Oregon's climate pollution reduction targets, while providing more housing and transportation choices and improving equity in land use outcomes. Part of that program was an update to Oregon's Transportation Planning Rules (Oregon Administrative Rules 660-012), including bicycle parking rules.

DLCD is providing this resource as part of our technical assistance program. Please see our web site for more information or to sign up for notices:

www.oregon.gov/lcd/CL/Pages/CFEC

## **Background**

Bicycling provides numerous benefits including reducing climate pollution, boosting health, saving money, improving equity, and making communities more livable. People bicycle more often when they have convenient and safe places to park their bicycle while working, dining, shopping, or spending time at home.

Bicycle parking requirements have been a part of the Transportation Planning Rules for many years. The updated rules expand on the previous requirements to encourage communities in metro areas to plan for and have development regulations that require an appropriate amount of safe and convenient bicycle parking, as well as facilities for shared bicycles and micromobility devices.

#### About this document

This document provides guidance from the Department of Land Conservation and Development. This guidance is intended to assist in the interpretation of an administrative rule but does not itself have the force of rule. This document includes recommendations that may not need to be followed to be consistent with the adopted rule.

This document was published on January 10, 2024. This is version 1.0 of this document. The latest version of this document is available online:

www.oregon.gov/lcd/CL/Documents/BicycleParking.pdf

# Application and deadline for action

Compliance with the bicycle parking rules throughout a jurisdiction is **required at the time of a major transportation system plan update**. OAR 660-012-0630 compliance is part of the Land Use Requirements of OAR 660-012-0330 (specifically OAR 660-012-0330(4)(g)). OAR 660-012-0012(4)(e) requires compliance with OAR 660-012-0330:

Cities and counties shall adopt land use regulations to meet the requirements of OAR 660-012-0330 no later than the date of adoption of a major transportation system plan update as provided in OAR 660-012-0105.

The timeline for when a jurisdiction must complete a major transportation system update varies. OAR 660-012-0012(4)(a) requires:

Cities outside the Portland Metropolitan Area with a population over 5,000 in the urban area, and counties outside the Portland Metropolitan Area with an unincorporated population over 5,000 in the urban area, must adopt a major transportation system plan update as provided in OAR 660-012-0105 by December 31, 2029.

Adoption of major transportation system plan updates within the Portland Metropolitan Area is governed by OAR 660-012-0140.

For jurisdictions required to adopt climate-friendly areas, compliance with the bicycle parking rules within climate-friendly areas is **required upon adoption of climate-friendly area zoning**. OAR 660-012-0315(6) requires:

Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and clearly identify the climate-friendly areas in their comprehensive plan maps, comprehensive plans, zoning maps, or zoning codes; indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements and findings for the plan, code, or map amendment shall include the following[...].

The land use requirements within OAR 660-012-0320(7) specify:

Local governments shall adopt policies and development regulations in climate-friendly areas that implement the following: [...]

(d) The applicable bicycle parking requirements as provided in OAR 660-012-0630.

Compliance with OAR 660-012-0315 is required by **December 31, 2024**, per OAR 660-012-0012(4)(c):

A city or county that is subject to the requirements of OAR 660-012-0310 shall adopt land use requirements for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-0315 by December 31, 2024.

Jurisdictions may apply for an alternative date for this deadline, as explained in other guidance.

#### What the bicycle parking rules require

Section (1) is a general requirement that the jurisdiction plan and adopt appropriate requirements for the parking of bicycles and small-scale mobility devices.

The rules in OAR 660-012-0630 do not distinguish between long-term (generally overnight) or short-term (generally visitor) bicycle parking spaces. Where rules specify bicycle parking be required for certain uses, compliance can be established with short-term and/or long-term parking. Rules related to bicycle parking location and design are applicable to required bicycle parking whether it is short-term or long-term parking.

The bicycle parking design rules apply to new development as well as to changes of use and redevelopment. Development applications where existing uses or structures will be retained may involve nonconforming situations. Application of the bicycle parking regulations in these instances should be handled pursuant to the jurisdiction's rules governing nonconforming situations.

## Uses where bicycle parking is required

Section (2) establishes the uses for which bicycle parking must be required. This rule is similar to the older TPR requirement in OAR 660-012-0045(3)(a)<sup>1</sup>. Many jurisdictions will have adopted regulations compliant with this rule as part of past TSP updates.

- (2) Cities and counties shall require bicycle parking for the following uses:
- (a) All new multi-unit development or mixed-use development of five residential units or more as provided in section (3);

This is the only use for which a quantity is specified by these rules (discussed further below). Multi-unit housing is defined in OAR 660-012-0005(27).

- (b) All new retail development;
- (c) All new office and institutional developments;

Jurisdictions must require bicycle parking for these uses. The rules do not specify the required quantity. The model code and resources listed below provide examples for consideration by jurisdictions that don't already have quantity requirements for these uses or that want to reevaluate their existing regulations.

(d) All major transit stops, and any park-and-ride lots that require land use approval; and

Major transit stops are defined in OAR 660-012-0005(21)(a). The phrase "that require land use approval" indicates local governments are not obligated to mandate bicycle parking for less formal park-and-ride facilities, such as shared parking agreements for an existing parking lot. The rule does not specify the minimum quantity of bicycle parking spaces that must be provided.

(e) Any land use where off-street motor vehicle parking is required.

For jurisdictions that have not repealed car parking mandates per OAR 660-012-0400, this rule requires bicycle parking for all uses listed in the parking table of the development code. Like subsections (b), (c) and (d), a quantity requirement is not specified in this rule. Jurisdictions that require car parking for residential developments with four or fewer dwellings need to require bicycle parking for those uses. Department staff suggest space within a garage, storage area, or the unit itself can count toward meeting the bicycle parking requirement if it is convenient to access and has adequate dimensions to store a bicycle.

<sup>&</sup>lt;sup>1</sup> (3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. [...] (a) Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots; Bicycle Parking Guidance

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For any use where bicycle parking is required under subsections (b), (c), (d), or (e), jurisdictions may offer a process to adjust or vary the required amount of bicycle parking as part of a land use review process. See below for guidance about this topic regarding residential uses in subsection (a).

#### Quantity requirement for multi-unit developments

Section (3) establishes a parking requirement of 0.5 spaces per unit for multi-unit and mixed-use development. Per OAR 660-012-0630(2)(a), jurisdictions must require this for new multi-unit development or mixed-use development with five or more residential units.

As of July 2023, 30 cities and three counties within metropolitan areas subject to CFEC rules already had parking bicycle parking quantity requirements that meet or exceed this rule.

- (3) Cities and counties shall require a minimum of one-half of a covered bicycle parking space per unit for multi-unit and mixed-use residential uses. Cities and counties may:
  - (a) Allow for reductions or exemptions to the minimum parking requirement based on development-specific considerations; and
  - (b) Exempt or reduce the minimum parking requirement for certain types of residential uses that are likely to have less future demand for bicycle parking.

It is important to note this rule requires covered spaces. This is a bicycle parking design requirement for multi-unit and mixed-use residential development that applies in addition to the design requirements in section (4). A covered space must have overhead protection that shelters parked bicycles from precipitation. Additional covering or enclosure along the sides of a parking area is encouraged to protect the bicycles from precipitation during strong winds.

Subsection (a) allows reductions to required bicycle parking through a land use application, such as a variance or adjustment. Reduction or exemption requests are intended to be evaluated based on factors specific to a development or its site that would it impracticable to meet the development standard.

Subsection (b) allows a jurisdiction to codify uses that should either be exempt from bicycle parking requirements or have a ratio lower than specified in this rule. These are intended to be exemptions or reductions listed in the development code, rather than an exemption or reduction requiring approval through a discretionary review process. The Department expects there would be very few types of housing for which a codified exemption or reduction to the 0.5 spaces per unit requirement is warranted.

Subsections (a) and (b) are included to authorize variance or alteration of a development standard established in administrative rule, and jurisdictions are not required to enact them.

# Bicycle parking design standards

Section (4) establishes design standards for *required* bicycle parking. Note that these standards apply only to required bicycle parking. Additional bicycle parking or storage on a site need not conform to these standards. These design standards are also not intended to apply to bicycle parking provided for temporary uses or special events.

(4) Cities and counties shall adopt development regulations requiring all required bicycle parking provided must:

- (a) Either allow ways to lock at least two points on a bicycle, or be within a lockable space only available to authorized users;
- (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from stairs, other parked bicycles, walls, or other obstructions;
- (c) Be in a location that is convenient and well-lit; and
- (d) Include bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

These standards should be implemented with the overall intent to encourage bicycle travel by making bicycle parking easy and safe. They are not prescriptive regarding specific design standards for location, illumination, or dimensional requirements for spacing and maneuvering aisles. Development codes generally will comply if they have regulations that cover the design elements described in this rule.

Jurisdictions are encouraged to review the materials listed in the "Example Development Codes and Bicycle Parking Resource Guides" section of this guidance. Residents and developers should be engaged as part of the land use amendments process about what standards would be best suited for the community. Ongoing feedback from residents and developers should also be solicited to inform future revisions to the adopted regulations.

For multi-unit residential development, there are different approaches to whether space within a dwelling unit can count toward meeting required bicycle parking. DLCD recommends in-unit spaces can count as required bicycle parking if the unit is conveniently accessed from the street (*i.e.* does not require using stairs or a non-bicycle-friendly elevator) and has adequate space to maneuver and store a bicycle.

Space within a garage or adequately sized ground-level storage area is also appropriate to count toward meeting required bicycle parking. As a reminder, section (3) requires the required bicycle parking spaces for multi-unit and mixed-use residential development to be covered (spaces beyond the minimum need not be).

The parking demands for larger bicycles is an evolving topic. Department staff recommend bicycle parking regulations include dimensional standards for large bicycle parking spaces and standards for maneuvering areas serving those spaces. The regulations should also set a numeric standard for the quantity of large bicycle parking spaces. This may take the form of a certain percentage of total bicycle parking spaces, or establish thresholds (*e.g.*, at least two large bicycle spaces for 10-25 required bicycle parking spaces). It may be appropriate to have quantity requirements that vary by land use types as well (*e.g.*, multi-unit residential or grocery stores will have higher demand compared to industrial or manufacturing uses).

#### Clear and Objective Standards

ORS 197.307 requires housing regulations to be clear and objective. Jurisdictions may have an approval process that includes discretionary or subjective standards or criteria if they also provide an alternate approval path with clear and objective standards. In adopting code amendments to implement the rules in OAR 660-012-0630, jurisdictions will need to write regulations applicable to housing development that meet the clear and objective requirement.

The Department recognizes it can be challenging to craft regulations in this manner for the bicycle parking design rules. Department staff are available to consult and review proposed code amendments for compliance with clear and objective requirements.

Regulation of development other than housing is not subject to the clear and objective standards requirement.

# Providing bicycle parking and other small-scale mobility devices

(5) Cities and counties shall provide for public bicycle parking and allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

#### Where this rule applies:

- Climate-friendly areas these are areas adopted by jurisdictions outside of the Portland Metropolitan Area pursuant to OAR 660-012-0300. Jurisdictions have a deadline to adopt CFAs by December 31,2024.
- Metro Region 2040 Centers these apply instead of CFAs and occur only within the Portland Metropolitan area. Jurisdictions have adopted local boundaries to implement these center designations.
- Key destinations these destinations are described in OAR 660-012-0360 and are identified through a TSP Update.

The first part of this section underscores the importance of bicycle parking in the areas listed above. This can take the form of bicycle parking in the public right-of-way (street furniture, bike corrals), and for public uses (parks, government buildings). The intent is that public bicycle parking should be readily available in these areas and for these uses, and that publicly available spaces are needed to supplement the off-street supply. It is not expected that this be part of the development code. Instead, policies and plans for the right-of-way and facilities plans for public buildings and spaces should allow and encourage installation of bicycle parking.

"...allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices" addresses multiple topics. First, the jurisdiction must allow parking and ancillary facilities for shared bicycles and other small-scale micromobilty devices. At a minimum, this means the jurisdiction cannot outright prohibit enterprises that provide shared bicycles, scooters, or other similar devices. The presence of the devices and their related docking and charging must be permissible within the areas specified by this rule. This does not prevent the jurisdiction from requiring a franchise or operating agreement for companies that provide these devices, or from requiring a review process for placement of structures in the right-of-way and utility work.

Second, the "provide for" clause is more nuanced. It does not obligate the jurisdiction itself to provide these shared mobility devices. Compliance with this portion of the rule should be read to encourage local governments to support these services as they are able, including entering into partnerships when opportunities arise. Policies within a TSP are an appropriate way to enact this part of the rule.

# Example development codes and bicycle parking resource guides

The following are resources jurisdictions can review as they draft or reevaluate their bicycle parking regulations. The development codes referenced below contain clear and comprehensive bicycle parking regulations, but may not necessarily be fully compliant with all rules in OAR 660-012-0630.

#### Resources from Oregon:

- City of Portland
  - o Zoning Code Overview of Bicycle Parking <a href="https://www.portland.gov/bds/zoning-land-use/zoning-code-overview/bicycle-parking">https://www.portland.gov/bds/zoning-land-use/zoning-code-overview/bicycle-parking</a>
  - Title 33, Parking and Loading https://www.portland.gov/sites/default/files/code/266-parking 2.pdf
- City of Eugene <a href="https://eugene.municipal.codes/EC/9.6100">https://eugene.municipal.codes/EC/9.6100</a>
- City of Bend https://bend.municipal.codes/BDC/3.3.600
- City of Beaverton
  - Quantity requirements, Development Code Chapter 60.30 <a href="https://online.encodeplus.com/regs/beaverton-or/doc-viewer.aspx?secid=160">https://online.encodeplus.com/regs/beaverton-or/doc-viewer.aspx?secid=160</a>
  - Design standards, Engineering Design Manual, Section 340
     <a href="https://content.civicplus.com/api/assets/ba9beb29-d29f-4186-a2aa-32fed43d0043">https://content.civicplus.com/api/assets/ba9beb29-d29f-4186-a2aa-32fed43d0043</a>
- TGM Model Development Code, 3.5.040, Bicycle Parking, page 3-69 https://www.oregon.gov/lcd/TGM/Documents/ModelCode/ART3 OMC ed3.1.pdf

#### General bicycle parking guidance:

- Association of Pedestrian and Bicycle Professionals (APBP)
  - o "Essentials of Bike Parking: Selecting and Installing Bike Parking that Works (2015)", <a href="https://www.apbp.org/assets/docs/EssentialsofBikeParking\_FINA.pdf">https://www.apbp.org/assets/docs/EssentialsofBikeParking\_FINA.pdf</a>.
  - o "Bicycle Parking Guidelines, 2nd Edition (2010)" (purchase required, available at <a href="https://www.apbp.org/Publications">https://www.apbp.org/Publications</a>)
- ChangeLab Solutions, Model Bicycle Parking Ordinances, includes links to model ordinances on a national level, and from Illinois and California https://www.changelabsolutions.org/product/making-place-bicycles
- League of American Bicyclists <a href="https://bikeleague.org/bike-parking-resources/">https://bikeleague.org/bike-parking-resources/</a>

#### Contact

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#### **Disclaimer**

This document aims to provide more details about the rules, and how the department intends to administer the rules. Nothing in this document should be construed as Oregon Administrative Rules. A current copy of the adopted Transportation Planning Rules should be acquired from the Oregon Secretary of State and used to fulfill planning requirements.

# Rule language: <u>OAR 660-012-0630</u>

#### Bicycle Parking

- (1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle and other small-scale mobility devices.
- (2) Cities and counties shall require bicycle parking for the following uses:
  - (a) All new multi-unit development or mixed-use development of five residential units or more as provided in section (3);
  - (b) All new retail development;
  - (c) All new office and institutional developments;
  - (d) All major transit stops, and any park-and-ride lots that require land use approval; and
  - (e) Any land use where off-street motor vehicle parking is mandated.
- (3) Cities and counties shall require a minimum of one-half of a covered bicycle parking space per unit for multi-unit and mixed-use residential uses. Cities and counties may:
  - (a) Allow for reductions or exemptions to the minimum parking requirement based on development-specific considerations; and
  - (b) Exempt or reduce the minimum parking requirement for certain types of residential uses that are likely to have less future demand for bicycle parking.
- (4) Cities and counties shall adopt development regulations requiring all required bicycle parking provided must:
  - (a) Either allow ways to lock at least two points on a bicycle, or be within a lockable space only available to authorized users;
  - (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from stairs, other parked bicycles, walls, or other obstructions;
  - (c) Be in a location that is convenient and well-lit; and
  - (d) Include bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.
- (5) Cities and counties shall provide for public bicycle parking and allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.