Cornelius
Oregon's Family Town

Hillsboro
OREGON

September 15, 2023

Land Conservation and Development Commission
635 Capitol Street NE Suite 150
Salem, OR 97301
Sent via email to: DLCD.CFEC@dlcd.oregon.gov

RE: Written Testimony on Climate Friendly and Equitable Communities Rulemaking Draft Released on September 8, 2023

Dear Commissioners:

Thank you for the opportunity to reopen the discussion regarding the Climate-Friendly and Equitable Communities (CFEC) modifications to Oregon Administrative Rule 660-012. As shared previously, our two cities support the goals and objectives of CFEC. We hope this letter and attachment help guide the Land Conservation and Development Commission (LCDC) to learn what areas of the rule need improvement so we all can move forward with implementations of the CFEC rules. This letter will focus on the parking reform portion of the rule, and other comments and proposed changes to the rule are included in an attachment.

Before this letter focuses on the parking reform aspect of the rule, our two cities continue to have concerns that CFEC conflicts with the intent of House Bill 2001 (2023), implementation of the Oregon Housing Needs Analysis (OHNA), and Governor Kotek's objective to build 36,000 housing units per year. These two efforts need to be aligned so that cities are not implementing CFEC while OHNA rulemaking is ongoing. Improving the parking reform aspect of the rule is important as discussed in this letter; however, we restate our concern and urge the Department of Land Conservation and Development (DLCD) to recognize that the entire CFEC regulatory scheme is interrelated in such a way that surgical fixes will not address holistic implementation concerns. It is possible to achieve greater housing production and to grow communities in a climate friendly way, but DLCD continues to push in a direction that jeopardizes both of those shared priorities.

**PARKING REFORM MANAGEMENT PLAN**

Cities and counties were informed by DLCD staff during the Rules Advisory Committee and Technical Advisory Committee meetings that parking reform portions of the current rule (OAR 660-012-0420 to OAR 660-012-0450) were not open by LCDC for revisions. Not reopening this part of the rule is disappointing because this part of the rule has a significant impact on underserved populations, eliminates public engagement, creates public safety issues, and increases financial costs to cities and counties.

To be clear, our two cities are not opposing parking reform or trying to continue a 'business as usual' approach to mandates. We do support the efforts by LCDC and DLCD, but we strongly feel that parking reform needs to be done at the local level instead of being prescribed by the State of Oregon. We suggest the rules provide local jurisdictions the opportunity to do a 'Parking Reform Management Plan'

as another option. A Parking Reform Management Plan would allow local jurisdictions to engage with their community on how parking reform should be handled within their community. By this approach, a Parking Reform Management Plan better achieves CFEC objectives of enhancing community engagement. More importantly, it also acknowledges the context and layout of a city since every city is different, and can mitigate negative impacts on people and neighborhoods who have the most limited alternatives and resources.

Our two cities drafted how LCDC could insert a Parking Reform Management Plan into rule. A date is placed to ensure that cities and counties will do the plan. Sections 2 and 3 ensure that cities and counties implement specified amounts of areas in the plan. Smaller areas are listed for lower populated cities since these cities tend to have smaller budgets. This language could be inserted into OAR 660-012-0445 as an alternative approach.

Parking Reform Management Plan shall include the following:
(1) A Parking Reform Management Plan adopted by December 31, 2027 that engages communities on parking reform within the city or county to reduce the reliance on motor vehicles. The Parking Reform Management Plan identifies the type of parking treatments at areas within the city or county and how the city or county will finance those parking treatments. The type of parking treatments may include the following:
(a) Unbundle parking;
(b) Metered on-street or off-street public parking;
(c) Shared or lease parking requirements between institutional, commercial, recreational, or office uses that function on separate tax lots;
(d) Reduction or elimination of parking mandates; or
(e) Other type of parking treatments that reduces the reliance on motor vehicles.
(2) The Parking Reform Management Plan must cover Climate Friendly Areas or an area designated as a central city, regional center, or town center in the Portland Metro 2040 Regional Growth Concept:
(3) The Parking Reform Management Plan must cover the following surface area within cities and urban unincorporated portion of counties outside of a Climate Friendly Areas or an area designated as a central city, regional center, or town center in the Portland Metro 2040 Regional Growth Concept:
(a) 0% for current population under 20,000 residents;
(b) 10% for current population over 20,000 residents;
(c) 20% for current population over 40,000 residents;
(d) 30% for current population over 60,000 residents;
(e) 40% for current population over 80,000 residents; or
(f) 50% for current population over 100,000 residents.

OAR 660-012-0435(2) will also need to be modified to recognize Parking Reform Management Plans.

*(2) Cities and counties shall adopt land use regulations addressing parking mandates in climate-friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land use regulations addressing parking mandates in regional centers and town centers designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map. In each such area, cities and counties shall either:*
*(a) Remove all parking mandates within the area and on parcels in its jurisdiction that include land within one-quarter mile distance of those areas; or*
*(b) Manage parking by:*

*(A) Adopting a parking benefit district with paid on-street parking and some revenues dedicated to public improvements in the area;*
*(B) Adopting land use amendments to require no more than one-half off-street parking space per dwelling unit in the area; and*
*(C) Adopting land use regulations without parking mandates for commercial developments; or*
*(c) The city or county provide in their Parking Reform Management Plan how parking reforms will be implemented in regional centers and town centers designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map.*

Our two cities have concerns there may be only an aspirational (no parking mandate) approach being heard in these conversations at the expense of the practical experience of communities. The rest of this letter goes into more detail on how a flat 'no parking mandate' as prescribed by CFEC impacts communities:

1.) Equity and underserved populations;
2.) Public engagement;
3.) Financial costs for cities and counties; and
4.) Public safety issues.

**1.) Impacts to Equity and Underserved Populations**

*A. People with Disabilities*

The adoption of the proposed changes to OAR 660-012 in 2022 transformed the ways on how cities and counties can require parking for people with disabilities. The current adopted rule only allows cities and counties to require a maximum of one off-street parking space for a person with disabilities, in the event that a developer chooses to provide no off-street parking. This modification to OAR 660-012 significantly reduced the amount of off-street parking cities and counties previously could require for people with disabilities. Prior to the adoption of the rules in 2022, cities and counties could mandate off-street parking and utilize Oregon Revised Statute 447.233 to set the minimum number of parking spaces required for people with disabilities based on the parking spaces provided. If the minimum number of parking spaces for people with disabilities were occupied with motor vehicles, other parking spaces provided on the site can fulfill the accessibility needs.

The currently adopted rule now relies on the developer instead of the cities or counties to provide more than one off-street parking for people with disabilities. Providing a maximum of one off-street parking space for a person with disabilities creates significant accessibility challenges. Only one motor vehicle for a person with disabilities could access the site in areas where there is no on-street parking is provided. This is the case in a number of communities on the outskirts of metropolitan regions that have not fully converted rural roads to urban roads. Even when on-street parking is provided, people with disabilities still run into the following challenges:

- Long distance from the on-street parking space to the building entrance that is greater than the maximum of a 200-foot distance from an off-street parking space designated for person with disabilities space as listed in OAR 660-012-0425(2)(d);
- The availability of the on-street parking spaces designated for people with disabilities from other land uses in the general area; and
- The disruptive, and sometimes unsafe, prospect of persons with disabilities to utilize an on-street parking especially in areas with large motor vehicle traffic.

Senior-living facilities, housing for people with disabilities, physical rehabilitation centers, medical offices, hospitals, institutions, religious facilities, and general commercial are some of the examples of land uses where more than one off-street parking space is frequently needed for people with disabilities. Cities and counties should be able to address these needs. Our two cities request LCDC to make the following changes to the "Parking Mandates" definition in OAR 660-012-0005 as shown underline:

"Parking mandates" means requirements to include a carport, garage, or minimum number of off-street parking spaces with development, or redevelopment, alterations, changes of use, or, for residential development, a fee-in-lieu of providing parking. <u>It does not include requirements for parking spaces under the Americans with Disabilities Act or ORS 447.233, nor does it include parking spaces that local government finds are necessary to serve persons with disabilities, or will primarily serve persons with disabilities, regardless of whether the parking spaces will comply with ORS 447.233."</u>

*B. Low- and moderate-income renters and homeowners*

OAR 660-012-0430 requires no parking mandates for affordable housing. We understand providing affordable housing is a priority to our State and our cities, but we do have equity concerns if the State of Oregon provides a strict "no parking mandate" on affordable housing. Table 1 shows the motor vehicle trip rates from Institute of Transportation Engineers (ITE) *Trip Generation Manual 11th Edition* for affordable housing dwelling units. Off-street parking not being provided on affordable housing creates an equity issue for people with lower incomes not being treated fairly with people who live in multi-family housing that have similar motor vehicle trip rates according to the ITE *Trip Generation Manual 11th Edition*. It may also create difficulty for the homeowner to sell the affordable housing unit that has no off-street parking when that homeowner is ready to relocate. That LCDC continues to allow this rule suggests that the State of Oregon believes that if a person is low income that the person does not own a motor vehicle. This is a patently inequitable stance. Affordable housing should be removed from OAR 660-012-0430 where the local jurisdictions can determine the appropriate amount of off-street parking needed.

Table 1: Motor Vehicle Trips per Affordable Housing Dwelling Units

| Setting | Weekday | AM Peak Hour | PM Peak Hour |
|---|---|---|---|
| Center City Core | 3.74 | 0.43 | 0.30 |
| Dense Multi-Use Urban | 3.83 | 0.50 | 0.36 |
| General Urban/Suburban | 4.81 | 0.50 | 0.46 |

*C. People of Color*

53% of City of Cornelius residents identify as Hispanic or Latino. The city is ranked with the third highest proportion of Latino residents in all of Oregon after Woodburn and Hermiston. To place this in perspective, 10% of City of Portland residents identify as Hispanic or Latino.

The total assessed value of real property in Cornelius was just over $861 million in FY2022. On a per capita basis, this is much lower than other cities in the region. Due to rising costs, the City's projected revenue stream is trending downward in the near term, even without significant

increases in staff, facilities, or services. Projections show general fund expenses eclipsing revenues in less than five years.

As the 2018 Coalition of Communities of Color *Leading with Race* report established, there is a direct correlation between race and poverty. By negatively impacting livability in a community that has a comparatively high rate of poverty, placing more burdens on those for whom life is already the most challenging, the CFEC rules will have the effect opposite of what is intended – reducing burdens on people of color.

The rules much consider that our cities have a higher rate of multiple family generations living under one roof. These households tend to be people of color and tend to have, by necessity, more cars. Requiring a no parking mandate or limiting the number of parking spaces mandated will have further impact on these families. OAR 660-012-0430(2) should be deleted or the number of maximum number of parking spaces per unit in residential developments with more than one dwelling unit on a single legally-established property needs to increase beyond one.

**2.) Impacts to Public Engagement**

CFEC calls for more public engagement in which our two cities support. However, the rule is very prescriptive which puts our cities in a situation during the public engagement to say, "Thank you for your input, but LCDC has prescribed this approach for your community." At a time where there is a call to approach questions of public interest with an open-mind, setting a prescribed method without considering context and local needs achieves the opposite and creates mistrust and frustration in the community.

Setting a fourth option to allow cities and counties to develop Parking Reform Management Plans allows an opportunity for more collaboration with the community to address parking reform approaches based on the context of the district and neighborhoods. City staff can better engage and explain the various parking reform option tools. We believe that community members will be more receptive to this approach than having an unfunded mandate of the current three parking reform options in the rule.

The City of Hillsboro put the three current parking reform options on Engage Hillsboro, a feedback forum the City of Hillsboro provides to the community. Some people responded confused with the proposed parking reform options. Some people responded in support of the 'no parking mandate'. Most of the respondents did not support any of the parking reform options. To broaden DLCD and LCDC on input from the general public, we provided a bulleted list of concerns from the City of Hillsboro community regarding the 'no parking mandate':

- Distrust of the developer to provide adequate number of parking spaces.
- Desire to hold developers accountable if the developer does not provide the appropriate number of parking spaces.
- Safety hazards that illegal on-street parking will cause for pedestrians.
- Concerns of lack of accessibility for people with disabilities.
- Concerns of impacts to the mobility of seniors.
- Congestion concerns of people driving around looking for on-street parking spaces.
- Safety concerns of people fighting for on-street parking spaces.
- Placing burdens on low-income households by not providing off-street parking.

- Concern parking will be a rich person's privilege.
- The walking distance from on-street parking to destination.
- Observations of current sites with insufficient off-street parking where tenant motor vehicles occupy all the on-street parking.
- Observed lack of availability of on-street parking near transit routes.
- Illegal on-street parking creates difficulty getting in and out of local roads.
- On-street parking blocking trash pick-up.
- Lack of off-street parking leaves women feeling unsafe at night.
- Interim off-street parking is needed for construction worker motor vehicles to avoid illegal parking.
- There are families that have multi-generational homes that need more off-street parking.
- Concerns of parking costs to the city.
- Questions why the options are limited to just the three options.
- Public view that the parking reform is an unfunded mandate by the State of Oregon.
- 1/2 mile is too far for the average person to walk to transit.
- Not supportive of multi-family buildings having only 1/2 space per unit.
- If parking mandates are not broken why fix it.
- Residents will spend more time idling cars affecting air quality trying to find on-street parking.

The City of Cornelius recently had a land use application for a zone change where the city received several concerns from the public that the applicant would not provide off-street parking where the surrounding streets are rural roads with open ditches on both sides. The City of Cornelius is not allowed to mandate off-street parking due to OAR 660-012-0440, a rule that applies to 90% of the city.

Our two cities have not obtained the reasoning that supports a sweeping no parking mandate along transit corridors as listed in OAR 660-012-0440. We acknowledge the research demonstrating lower parking needs near transit corridors and higher transit use. We do not, however, agree with the conclusion that no one drives a motor vehicle if a residence or a business is adjacent to a transit corridor.

The Regional Transportation Functional Plan includes a policy that requires cities and counties within Metro's boundary to have a reduction on parking mandates along transit corridors. ITE research also further supports a reduction of parking and motor vehicle use near transit corridors. Since no evidence has been provided that supports a theory that no one drives a motor vehicle within a certain distance of a transit corridor, OAR 660-012-0440 should be modified to the following:

*OAR 660-012-0440*
*Parking Reform Near Transit Corridors*
*(1) This rule applies to cities and counties that:*
*(a) Are within a metropolitan area; and*
*(b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.*
*(2) Cities and counties ~~may not require~~ shall reduce parking space~~s~~ requirements for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops.*
*(3) Cities and counties ~~may not enforce~~ shall reduce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors, including:*
*(a) Priority transit corridors designated under OAR 660-012-0710;*

*(b) Corridors with bus service arriving with a scheduled frequency of at least four times an hour during peak service; ~~and~~or*
*(c) Corridors with the most frequent transit route or routes in the community if the scheduled frequency is at least once per hour during peak service.*
*(4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.*

These changes to OAR 660-012-0440 should also be done for the following reasons:

- Bus routes are not fixed where there is a risk that the bus route could be relocated or the transit provider reduces the service.
- The policy does not consider the corridor context such as the City of Cornelius example where all the streets are former rural roads that have stormwater ditches on both sides.
- Cities that grew linear along highway corridors, such as the City of Cornelius, are forced by OAR 660-012-0440 to choose only the no parking mandate option.

As listed in the public comments, there is a distrust from the public on developers. Our two cities have been told by DLCD staff the "no parking mandate" option as listed in OAR 660-012-0420(1) will work because we can "trust the market". If we trust the market, we would not be in a climate crisis. A lot of our rules, such as the Clean Air Act, were put into place because the market found it to be cheaper to cut corners. It is not clear that developers will put the needs of underserved populations, public safety, and financial impacts to local jurisdictions over financial gain. Some regulation and some requirements are a necessary check against the profit motivation of the market, in support of broader public interests, most notably safety.

**3. ) Increase Financial Costs on to Cities and Counties**

Our two cities have not seen DLCD provide a quantifiable financial impact assessment on cities and counties due to the proposed parking reform portions of the rule. The revenue of ticketing within the City of Hillsboro does not come anywhere near replenishing the cost of enforcement that includes full time employees, soft costs, vehicle costs, and court costs. We hear similar stories from other cities that parking revenue does not begin to cover the cost of enforcement.

The City of Hillsboro's Code Compliance and Public Works Departments receive over 2,100 parking complaints in a year. Establishing no parking mandates will increase the number of parking complaints our cities receive, impacting staff time and cost. Adding staff capacity to handle these parking complaints is a significant challenge for both cities.

Ultimately, the parking reform portion of the rule presents the notion that three parking reform options are provided to cities and counties, but these options are not equal in any meaningful sense. They are disparate in both their impacts on a community and the resources they require of a local government to implement. Most cities and counties end up having to choose the "no parking mandate" option since it is the least cumbersome and costly to implement.

**4.) Impacts Public Safety**

The off-street parking mandate is a public safety standard. A city or county needs to be able to set these standards based on the context/setting location, land use of the development, and proximity to transit.

Our cities have observed and received public complaints on the following safety hazards due to the lack of off-street parking:

- Illegally parked motor vehicles on the street blocking residential driveways or emergency accesses;
- Illegally parked motor vehicles on the street impeding sight distance of people walking or oncoming motor vehicles;
- Illegally parked motor vehicles preventing accessibility to a fire hydrant or zones;
- Illegally parked motor vehicles preventing accessibility to utility substations;
- Illegally parked motor vehicles on sidewalks, bicycle lanes, or curb extensions;
- Illegally parked motor vehicles on the street preventing emergency vehicles from driving on the street;
- Not enough off-street parking on a site where the overflow motor vehicle queue extends onto the public right-of-way increasing crash risks on the public right-of-way; and
- People driving around looking for an on-street parking increasing greenhouse gas emissions and increasing the risk for a crash.

OAR 660-012-0430 requires no parking mandates for daycare facilities. We understand providing daycare facilities is a priority to our State and our cities, but we do have safety concerns if the State of Oregon provides a strict "no parking mandate" on daycare facilities.

Most parents in the State of Oregon drive their children to daycare facilities. This fact is supported by ITE *Trip Generation Manual 11th Edition*. Table 2 shows the motor vehicle trip rates from ITE *Trip Generation Manual 11th Edition* for the number of students that attend a daycare. Some of these facilities require parents to enter the facility to drop off or pick up a child where a parent will need to park. We recommend daycare facilities to be removed from OAR 660-012-0430 based on the safety concern that insufficient off-street parking for the site may cause an overflow motor vehicle queue extending onto the public right-of-way increasing crash risks of the public right-of-way.

Table 2: Motor Vehicle Trips per Daycare Student

| Setting | Weekday | AM Peak Hour | PM Peak Hour |
|---|---|---|---|
| General Urban/Suburban | 4.09 | 0.78 | 0.79 |

Overall, cities and counties need to determine themselves on how to implement parking reform since every city and county is different. The State of Oregon requiring a "no parking mandate" will reduce one of the tools cities and counties can use to reduce transportation related crashes.

**In Conclusion**

The parking reform and other rules create a feeling that DLCD and LCDC believe these policies can be applied anywhere. In providing examples of implementation of similar policies, DLCD staff appear to be focusing on older major cities (e.g., Seattle and Minneapolis) based on the examples shared in electronic messages and meetings. These larger and older cities already have the density, transit infrastructure, and resources to accommodate these policies. DLCD's examples do not consider suburbs, smaller, poorer cities, and communities transitioning from rural to urban. DLCD also has not provided any metric that demonstrates that CFEC actions occurring immediately, such as parking reforms, will reduce greenhouse gas emissions. A context sensitivity transitional approach with funding resources is needed to achieve the goals and objectives of these rules.

Please reopen the parking reform portion of the rules to add 'Parking Reform Management Plan' as a fourth option.

Sincerely,

Robby Hammond
City Manager for Hillsboro

Peter Brandom
City Manager for Cornelius

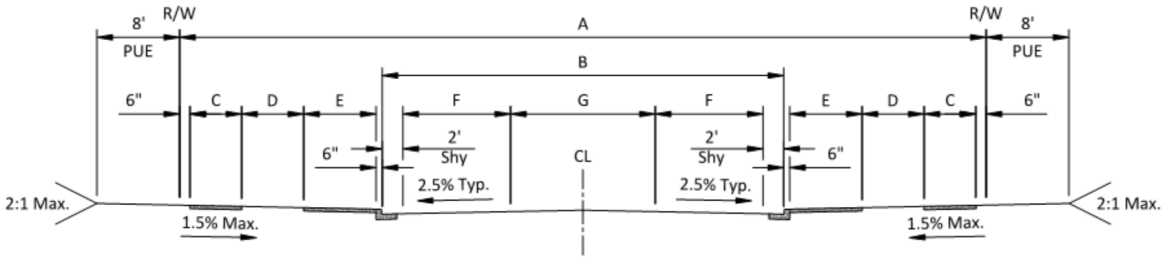
**Exhibit 1: Non-Parking Reform Comments from City of Cornelius and City of Hillsboro**

OAR 660-012-0005(47)

The proposed edits to the definition of 'separated or protected bicycle facilities' appears to no longer preclude the City of Hillsboro's bicycle facility standard of a cycle track as shown in Figure E1. DLCD and LCDC do not have the engineering background, license, and authority to assign roadway standards. If a definition is needed for 'separated or protected bicycle facilities', the CFEC rules should use the Federal Highway Administration's definition for consistency:

> *A separated bike lane is an exclusive facility for bicyclists that Is located within or directly adjacent to the roadway and that is physically separated from motor vehicle traffic with a vertical element. Separated bike lanes are differentiated from standard and buffered bike lanes by the vertical element. They are differentiated from shared use paths (and sidepaths) by their more proximate relationship to the adjacent roadway and the fact that they are bike-only facilities. Separated bike lanes are also sometimes called "cycle track" or "protected bike lanes"*

**Figure 210.1 - Arterial Road Section**




| Number of Lanes | Right-of-Way (A) | Paved Width (B) | Sidewalk Width (C) | Landscape Strip Width (D) | Raised Cycle Track Width (E)* | Travel Lane Width (F) | Center Turn Lane (G) |
|---|---|---|---|---|---|---|---|
| 2 | 66' | 28' | 5' | 6' | 7' | 12' | - |
| 3 | 80' | 42' | 5' | 6' | 7' | 12' | 14' |
| 5 | 104' | 66' | 5' | 6' | 7' | 12' | 14' |
| 7 | 130' | 90' | 6' | 6' | 7' | 12' | 14' |

*For raised cycle track standards and criteria, see Subsection 230.10.C.

Figure E1: City of Hillsboro Design and Construction Standards

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OAR 660-012-0100(3)

For cities and counties in the Metro region, the base and horizon year should be based on the Regional Transportation Plan adopted model at the time of the Transportation System Plan (TSP) update for available models from Metro to the local jurisdictions and modeling consistency purposes.

*(3) Cities and counties shall determine the base and horizon years of a transportation system plan as follows:*
*(a) The base year is the present or past year which is used for the development of plan elements. The base year shall be the year of adoption of a major update to the Transportation System Update, or no earlier than five years prior <u>for cities and counties outside of Metro</u>.*

*(b) The horizon year is the future year for which the plan contains potential projects and shall be at least twenty years from the year of adoption of a major update to the transportation system plan for cities and counties outside of Metro.*
*(c) The base and horizon years be based on the adopted Regional Transportation Plan base and horizon years for cities and counties within Metro.*

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OAR 660-012-0210

DLCD staff notified cities and counties at the CFEC Rules Advisory Committee meetings to change the effective date of OAR 660-012-0210 to December 31, 2027 to better understand the effects this rule has on cities and counties. Our staff attended multiple meetings with DLCD staff where we observed a need to understand whether this section of rule impacts the State of Oregon's housing and employment goals. Our two cities support this delay.

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OAR 660-012-0215(2)

OAR 660-012-0905 and 660-012-0910 do not apply to jurisdictions in the Portland Metropolitan Area since Metro has an approved regional scenario plan. OAR 660-012-0900 requires regular reporting, but Metro is expected to handle this reporting for the entire region. The proposed edits clarify that jurisdictions in the Portland Metropolitan Area will need to show how the performance standard supports meeting the targets for performance measures based on the approved regional scenario plan.

*Cities and counties shall adopt transportation performance standards. The transportation performance standards must support meeting the targets for performance measures set as provided in OAR 660-012-0910 in absence of an approved scenario plan. The transportation performance standards must include these elements:*

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OAR 660-012-0405(4)(e)

Our two cities, especially the City of Cornelius with its tight budget, do not have funding for full-time employees to ensure developments continue to comply with OAR 660-012-0405(4)(e) as relates to tree requirements. We ask the commission to not require cities and counties to do on-going field enforcement and monitoring of these tree planting requirements once a site is developed, since we do not have the staff or funding to do this work.

*In providing trees under subsections (a) and (b) the following standards shall be met. 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 tree planting no lower than the 2021 American National Standards Institute A300 standards. The city or county is not obligated to monitor and enforce these requirements after a building achieves occupancy.*

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OAR 660-012-0505(1)

Our two cities support the clarification of primary and secondary schools. We suggest that the word 'public' be inserted in front of primary and secondary schools. Charter schools tend to operate in religious buildings or office buildings. Our two cities can see consultants working on a local jurisdiction Transportation System Plan (TSP) overlooking charter schools since they are in churches and office buildings. The rule should just include Kindergarten to 12th-grade public schools to reduce the possibility of litigation if a local jurisdiction TSP overlooks a charter school. Please also note that preschools tend to operate in their own buildings, shopping plazas, religious buildings, and single-family homes which will cause significant tracking challenges if preschools are included in the rule.

*Pedestrian system inventories must include information on pedestrian facilities and street crossings for all areas within climate-friendly areas, within Metro Region 2040 centers, within one-quarter mile of all public primary and secondary schools, and along all arterials and collectors. Pedestrian system inventories should include information on pedestrian facilities and street crossings for all areas within the planning area.*

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OAR 660-012-0605(2)

Our two cities support the clarification of primary and secondary schools. We suggest that the word 'public' be inserted in front of primary and secondary schools. Charter schools tend to operate in religious buildings or office buildings. Our two cities can see consultants working on a local jurisdiction TSP overlooking charter schools since they are in churches and office buildings. The rule should just include Kindergarten to 12th-grade public schools to reduce the possibility of litigation if a local jurisdiction TSP overlooks a charter school. Please also note that preschools tend to operate in their own buildings, shopping plazas, religious buildings, and single-family homes which will cause significant tracking challenges if preschools are included in the rule.

*Bicycle system inventories must include information on bicycle facilities of all types within climate-friendly areas, within Metro Region 2040 centers, within one-quarter mile of all public primary and secondary schools, on bicycle boulevards, and along all arterials and collectors. Bicycle system inventories should include information on bicycle facilities and street crossings for all areas within the planning area.*

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OAR 660-012-0610(4)

Our cities support placing separated bicycle facilities on our arterials and collectors, but this subsection needs to consider there may be constraints that limit cities and counties from constructing separated bicycle facilities. Examples of these constraints include the following: the city or county does not own the roadway, limited public right-of-way especially in older downtown areas, need to reduce impacts to significant natural resources, etc. DLCD and LCDC also do not have the engineering background, license, and authority to assign roadway standards.

*(4) Cities and counties shall plan and design bicycle facilities considering the context of adjacent motor vehicle facilities and land uses.*
*(a) Cities and counties shall design bicycle facilities with higher levels of separation or protection along streets that have higher volumes or speeds of traffic unless a design exception is provided by city or county that identifies a constraint as justification.*
*(b) Cities and counties shall plan for separated or protected bicycle facilities on streets in climate-friendly areas, Metro Region 2040 Centers, and other places with a concentration of destinations unless a design exception is provided by city or county that identifies a constraint as justification. Cities and counties are not required to plan separated or protected bicycle facilities on streets with very low levels of motor vehicle traffic, with slow speeds of motor vehicles, or near a high-quality parallel bicycle facility on the connected network.*
*(c) Cities and counties shall identify locations with existing bicycle facilities along high traffic or high-speed streets where the existing facility is not protected or separated, or parallel facilities do not exist. Cities and counties shall plan for a transition to appropriate facilities in these locations.*

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OAR 660-012-0630(2)&(5)

Climate-friendly areas and Metro Region 2040 centers tend to be in locations with storefront buildings next to the sidewalk. The public right-of-way in these locations tend to be constrained. Our two cities suggest placing an exception in OAR 660-012-0630(2)(b)&(c) for climate-friendly areas and Metro Region 2040 centers. We have a concern the way the rule is written that bicycle parking may block the sidewalk forcing people to walk in the street with cars within climate-friendly areas and Metro Region 2040 centers. Our two cities feel public bicycle parking in climate-friendly areas and Metro Region 2040 centers listed in DLCD staff new version of OAR 660-012-0630(5) is the solution to this concern.

Our two cities suggest moving 'key destinations' from OAR 660-012-0630(5) to OAR 660-012-0630(2) since the private sector should be required to provide the bicycle parking at the key destinations instead of the cities and counties.

*(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;*
*(b) All new retail development except in climate-friendly areas and Metro Region 2040 centers;*
*(c) All new office and institutional developments* except *in climate-friendly areas and Metro Region 2040 centers;*
*(d) All major transit stations, and any park-and-ride lots that require land use approval; ~~and~~*
*(~~e~~f) Any land use where off-street motor vehicle parking is mandated~~.~~; and*
*(f) Key destinations identified as provided in OAR 660-012-0360* except *in climate-friendly areas and Metro Region 2040 centers.*

*(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, and Metro Region 2040 centers~~, and near key destinations identified as provided in OAR 660-012-0360~~.*

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OAR 660-012-0810(2)

The last three sentences of OAR 660-012-0810(2)(b) should be deleted for the following legal, health, and safety reasons:

- DLCD and LCDC do not have the engineering background, license, and authority to assign roadway standards.
- The proposal prevents two-way passage for motor vehicles when considering both sides of the street have a parked vehicle which can impact response times for emergency vehicles.
- Fire trucks needs a minimum of 20-feet of pavement clearance to access ladders and equipment (see Figures E2, E3, and E4).

*(2) Cities and counties shall plan local streets to provide local access to property and localized circulation within neighborhoods.*
*(a) Cities and counties shall plan and design local streets for low and safe travel speeds compatible with shared pedestrian and bicycle use.*
*(b) Cities and counties shall establish standards for local streets with pavement width and right-of-way width as narrow as practical to meet needs, reduce the cost of construction, efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve safety, and accommodate convenient pedestrian and bicycle circulation. ~~Local street standards adopted by a city or county must be developed as provided in ORS 368.039. A local street standard where the paved width is no more than 28 feet on streets where on-street parking is permitted on both sides of the street shall be considered adequate to meet this requirement. Wider standards may be adopted if the local government makes findings that the wider standard is necessary.~~*


Figure E2**:** 20-Feet of Pavement Clearance Emergency Responders Need to Access Equipment


Figure E3: Passenger Side of the Fire Truck with Ladder

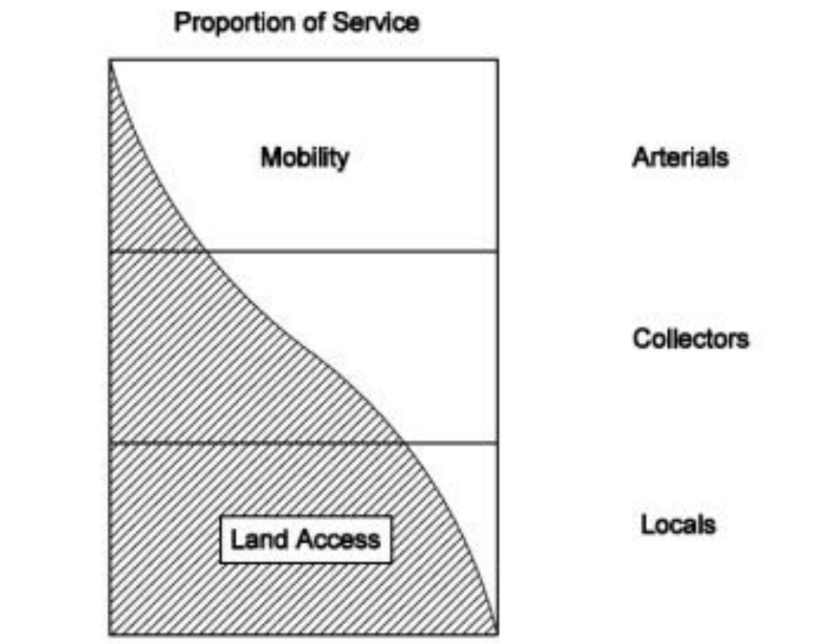

Figure E4: How On-Street Parking on Narrow Pavement Prevents Emergency Responders Accessibility to Ladder

OAR 660-012-0810(4)

Subsection (4)(a)(A) should be deleted since the definition of arterial prioritizes mobility over access. If a local jurisdiction needs to prioritize access to property over mobility, the classification of the roadway should be changed. DLCD and LCDC do not have the engineering background, license, and authority to redefine the classification of an arterial.

Our cities listed three sources to verify the definition of an arterial:

- Transportation Research Board Access Management Manual defines 'arterial' as "A major roadway to serve through traffic at which access is carefully controlled. Arterials are roadways or regional importance, intended to serve moderate to high volumes of traffic traveling relatively long distances and at higher speeds."
- Figure E5 from the American Association of State Highway and Transportation Officials A Policy on Geometric Design of Highways and Streets demonstrates the difference between roadway classifications regarding mobility and access.
- The Federal Highway Administration states "Land access is limited" in its definition of arterials. The definition for 'collector' states, "Collectors are major and minor roads that connect local roads and streets with arterials." Collectors should be the only roadways connecting to arterials.




Source: A Policy on Geometric Design of Highways and Streets, AASHTO, 2011
AASHTO Green Book

Figure E5: Proportion of Service between Mobility and Land Access by Street Classification

*4) Cities and counties shall plan arterial streets and highways to provide travel between neighborhoods and across urban areas. Cities and counties must plan an arterial street network that is complete and connected with ~~local streets and~~ collectors.*

*(a) Cities and counties shall designate each segment of an arterial as one of the ~~three~~two categories below in the transportation system plan. These designations must be made considering the intended function, the land use context, and the expected users of the facility. Cities and counties must address these considerations to ensure local plans include different street standards for each category of arterial segment.*

*~~(A) Cities and counties shall plan for local access priority arterial segments to prioritize access to property and connected streets when balancing needs on the facility. Local access priority arterial segments will generally allow for more access locations from property, more opportunities to make turns, more frequent intersections with other streets, and slower speeds.~~*

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OAR 660-012-0830(1)(c)

Our two cities do not support the original and proposed language to OAR 660-012-0830(1)(c) since this subsection will create an undue financial impact to our cities. After a project is adopted in our TSP, the City of Hillsboro staff hires consultants to draft preliminary designs and perform a public outreach process to determine the location of the roadway alignment and/or intersection improvement. These preliminary designs help inform developers where to place these roadway improvements since the City of Hillsboro mostly relies on developers to build the adopted projects in the TSP. The developer may construct portions of the project where the City relies on future developers to construct the remaining portions of the project.

Washington County has a Transportation Development Tax (TDT) program. Developers within Washington County are assessed a TDT based on the type of use and size of building. Local jurisdictions can place adopted TSP projects along collectors and arterials on what is known as Washington County TDT Road Project List. By placing these projects on the list allows developers to receive TDT credits by partially constructing or fully constructing these projects.

The original and proposed language of OAR 660-012-0830(1)(c) requires the City of Hillsboro to go backwards and redo the high-level analysis after a project was already adopted in the TSP. This high-level analysis listed in OAR 660-012-0830 will add cost to a project and confuse the public that have already been engaged in commenting on the roadway alignment process. If someone stops the readoption of the project in the TSP, all the costs of the city's preliminary design work and developer partial construction of the project will be for not, at a significant financial cost.

Figures 6E and 67 provide an example of a project that will likely trigger a reevaluation of the project under OAR 660-012-0830(1)(c). The City of Hillsboro TSP and developers traffic impact analyses determine a need to widen SW 209th Avenue to a five-lane section. Please note we also hired DKS & Associates to run different scenarios to evaluate on whether SW 209th Avenue truly needs to be a 5-lane section before determining this roadway needs to be 5-lanes. The developers traffic impact analyses determine a need to construct a second left-turn lane from southbound SW 209th Avenue to eastbound SW Farmington Road and to construct a separate right-turn lane on southbound SW 209th Avenue to westbound SW Farmington Road. The City of Hillsboro hired AKS Engineering & Forestry to draw the roadway alignment and intersection improvements of SW 209th Avenue at the SW Farmington Road intersection to help the developer know where to place the turn lane improvements. SW 209th Avenue will be widened to the west as a 5-lane arterial since the residences on the west side will likely redevelop and the residences on the east side will likely not redevelop. This design alignment work did public engagement with property owners on both sides of SW 209th Avenue. The developers plan to

construct the turn lane improvements in 2024. The remaining portions of the 5-lane roadway alignment will be constructed when the remaining portions of the west of SW 209th Avenue redevelops which could occur after our next major TSP update. This whole process started in 2015 with City of Hillsboro staff continuously working throughout the years. The level of investment city staff has put into this effort can be throw away unless OAR 660-012-0830(1)(c) is removed, or modified that provides us with some form of exception.

If OAR 660-012-0830(1)(c) is not deleted, the City of Hillsboro will bear the following costs:

- Over $2 million to redo the high-level needs analysis for previously adopted projects;
- Costs for appeal if someone decides to challenge the project being reopened by OAR 660-012-0830(1)(c); and
- If the appellant wins, the City of Hillsboro will experience the following losses:
    - City money spent from prior right-of-way acquisitions for the project;
    - City money spent for design work and outreach for locally preferred alternative alignments for the project;
    - Transportation Development Tax since the City cannot take back the TDT credits given for right-of-way dedications, design, and partial construction work associated with the project;
    - Costs to redesign and rebuild partial construction completed by developers from the project being redefined; and
    - Property tax revenue due to no longer needing the right-of-way acquired or dedicated.

If OAR 660-012-0830(1)(c) is not removed, we suggest adding a subsection that states:

> *(E) The project has an adopted Locally Preferred Alternative Alignment or Interchange Area Management Plan by the city or county.*

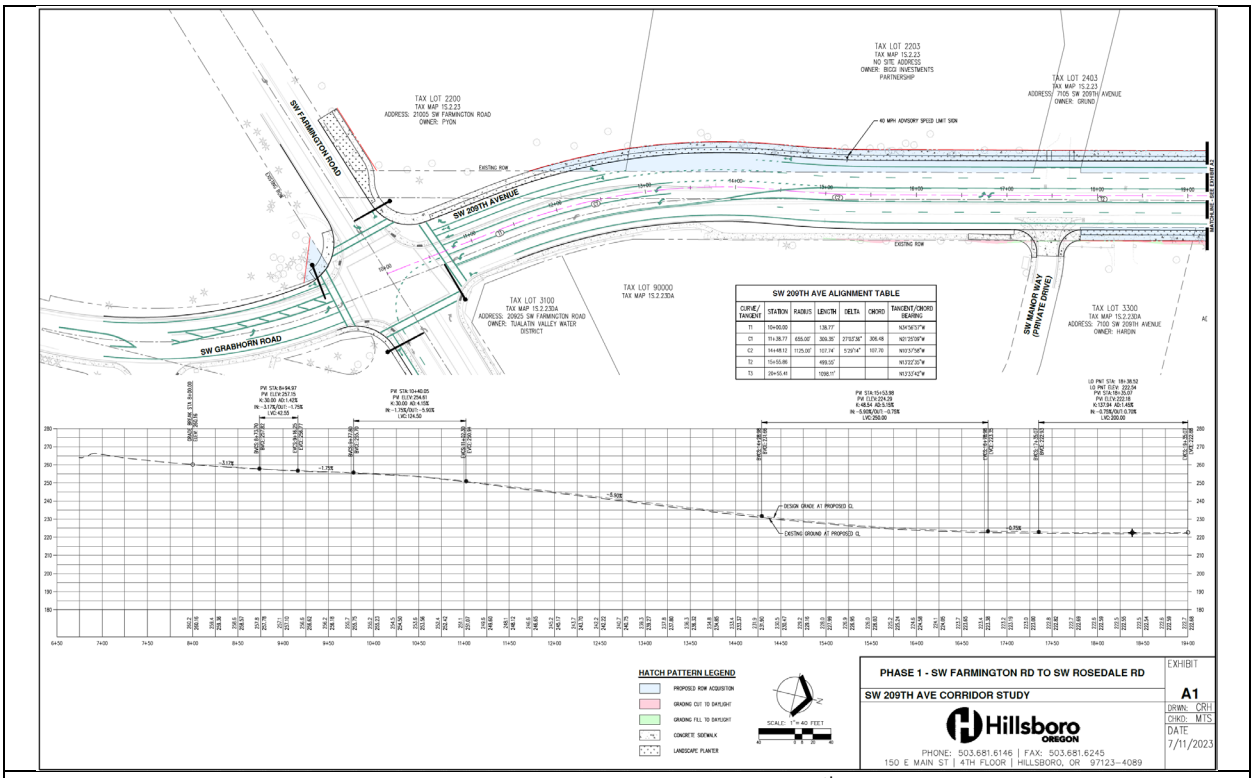


Figure 6E: Locally Preferred Alternative Alignment Work for SW 209th Avenue at SW Farmington Road

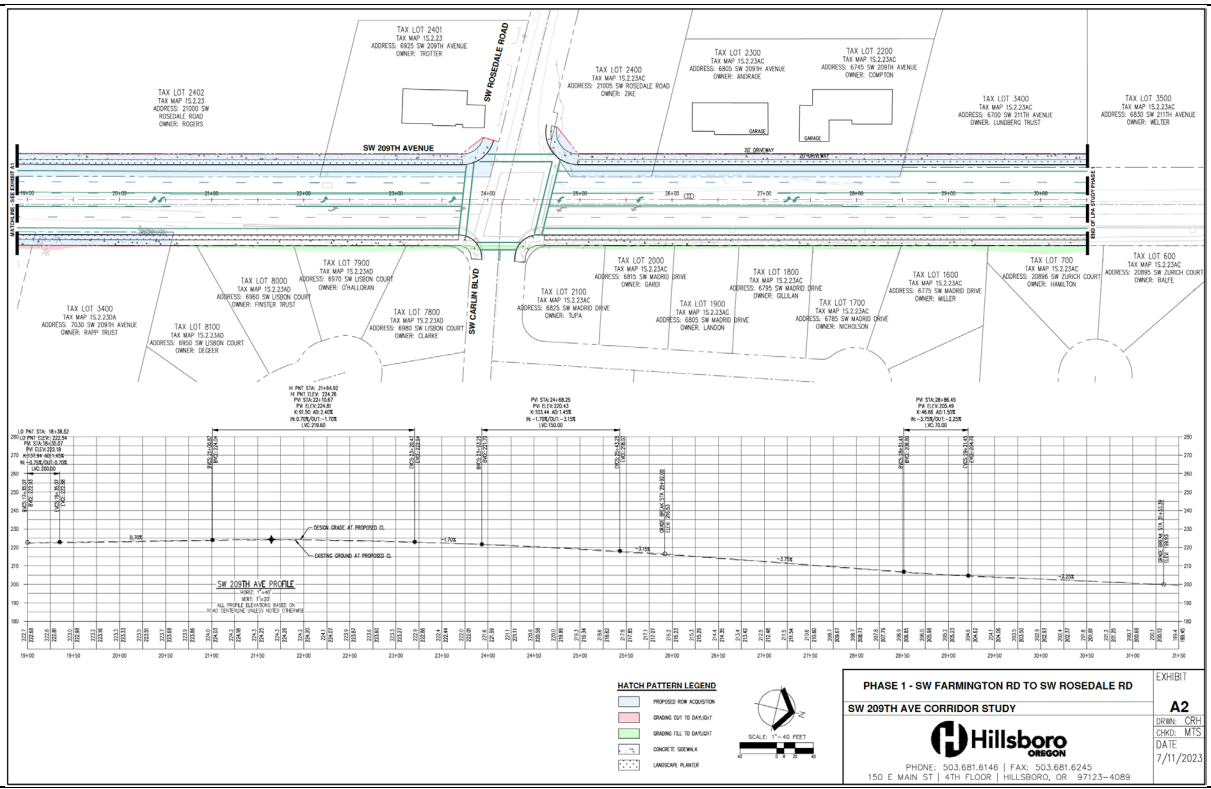


Figure 6F: Locally Preferred Alternative Alignment Work for SW 209th Avenue at SW Rosedale Road

OAR 660-012-0830(2)(b)

OAR 660-012-0830(2)(b) should be removed or modified since the current language requires a TSP update sooner than expected, which impacts Oregon Department of Transportation's funding support plan to local jurisdictions for TSP updates. This section also prevents addressing Oregon's urgent need for housing and employment by requiring a full TSP update, a process that takes two to three years to complete, before a transportation project under OAR 660-012-0830 can be authorized. The City of Hillsboro is okay with the edit in OAR 660-012-0012(5)(g) that does not require a major TSP update when a city or county goes through the authorization process in OAR 660-012-0830. City of Hillsboro staff feels an easier and less confusing approach would be to delete OAR 660-012-0830(2)(b).