

Implementation Guidance

OAR 660-012-0405

Parking Regulation Improvements



Department of
Land Conservation
& Development

DLCD and LCDC developed the Climate-Friendly and Equitable Communities program to support communities taking action to meet Oregon’s climate pollution reduction policies, while providing more housing and transportation choices and improving equitable outcomes. DLCD is providing this resource as part of our technical assistance program. Please see www.oregon.gov/lcd/CL/Pages/CFEC for more information or to sign up for notices.

Application and Deadline for Action

Cities and counties in Oregon’s metro areas are required to adopt comprehensive plan amendments and land use regulations to meet the requirements in OAR 660-012-0405 no later than June 30, 2023. (OAR 660-012-0012(4)(f))

Cities and counties may request an alternative deadline under OAR 660-012-0012(3), and cities under 10,000 population may request whole or partial exemptions under OAR 660-012-0100(4).

Discussion

OAR 660-012-0405(1): Cities and counties shall adopt land use regulations as provided in this section:

- (a) Designated employee parking areas in new developments with more than 50 parking spaces 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.*

This rule carries over and slightly expands requirements from the previous Transportation Planning Rule in OAR 660-012-0045(4)(d). Cities and counties likely have provisions conforming with (a) and the transit provisions of (b), which can be updated to include the bicycle portions of (b). Subsection (c) clarifies some standards and limits to (a) and (b). A jurisdiction repealing parking mandates per OAR 660-012-0420 is in compliance with (c) without further amendments since there would be no mandated minimum parking supply.

Jurisdictions should ensure their development regulations require preferential carpool and vanpool parking pursuant to (a) and allow parking area redevelopment pursuant to (b). They may already have the provisions in (a) due to previous version of the TPR. Development regulations should be further amended for developments that implement (a) or (b) to allow a reduction in minimum required parking and require retention of emergency vehicle access. A jurisdiction may also choose to include or amend their

development regulations pertaining to loading spaces to ensure the development provides adequate loading areas.

OAR 660-012-0405(2): Cities and counties shall adopt policies for on-street parking and land use regulations for off-street parking that allow and encourage the conversion of existing underused parking areas to other uses.

This rule is intended to minimize the opportunity cost of parking by encouraging other beneficial uses to take its place, especially in situations where parking is underused. Envisioned uses for conversion of underused on-street parking include parklets (installations providing protected space for gathering), bicycle parking, and vegetation/soft-scape areas. This rule also applies to conversion of off-street parking spaces for items such as food carts or parklets, or for expansion of structures.

There is not a specific definition of ‘underused’ in this rule. Underuse can be evaluated on a block or district basis. This can allow for conversion of frequently occupied spaces abutting storefronts if there are other underutilized spaces in the vicinity. Underuse of off-street parking areas is more likely to be determined by a property or business owner who observes actual parking demand and use of spaces. [One study](#) of repurposed parking found restaurant and bar revenue grew 19% when they were allowed to redevelop parking.

Policies: Jurisdictions should adopt policies pursuant to this rule into their Transportation System Plan. Many jurisdictions include a parking chapter or element, and DLCD suggests this would be the most appropriate location for such policies.

Jurisdictions should enact policies allowing and encouraging conversion of parking spaces in the right-of-way. DLCD encourages jurisdictions to proactively identify underused on-street parking that can be converted to active uses. Nothing in this rule is intended to restrict a jurisdiction’s ability to limit the number of converted spaces in an area or district, retain an appropriate supply of ADA spaces, or to decline requests that may pose a safety hazard.

Land Use Regulations: The Department recommends jurisdictions allow removing parking spaces outright. Land use review can still be required for the new or expanded use or structure taking the place of the converted parking spaces.

A jurisdiction repealing parking mandates per OAR 660-012-0420 is in compliance with this requirement for off-street parking without further amendments. Since there would be no mandated minimum parking supply, no parking spaces would be required for compliance with development standards. Spaces could therefore be converted to other uses. Again, the Department recommends there be minimal or no review required for the act of removing parking spaces. This is a concern for situations such as sites with prior conditional use approval. Some jurisdictions require significant and costly review for any changes from the prior approved site plan, even if the change is now allowed under current development standards.

Jurisdictions retaining parking mandates should allow conversion of off-street parking spaces by right as long as the required minimum parking is retained. In addition, the Department suggests jurisdictions consider a process to allow conversion of existing spaces below the minimum parking requirement where an applicant can demonstrate actual use is less than the required minimum. The process should not require onerous documentation, review process, and application fees, though Department staff acknowledge such an allowance may involve some discretionary review.

See the Additional Recommendations section for suggestions regarding land use regulations to encourage conversion of underused off-street parking spaces.

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

Shared parking is a frequently used smart development strategy that minimizes the amount of land devoted to automobile parking and the costs to local businesses and builders. This rule ensures this practice is allowed within metropolitan areas. Many development codes may already allow the use of shared parking to satisfy parking mandates, and few, if any, amendments will be necessary.

Policies: Jurisdictions should adopt policies pursuant to this rule into their Transportation System Plan. Many jurisdictions include a parking chapter or element, and DLCD suggests this would be the most appropriate location for such policies. It may be appropriate to restate adopted policies in a purpose statement that precedes implementing regulations.

Land Use Regulations: Jurisdictions should amend the development regulations to allow shared parking to satisfy applicable parking mandates. Land use regulations will be compliant with the ‘facilitate’ provision of this rule if the shared parking process does not involve applicability limitations, approval criteria, or an application process that discourages shared parking through unreasonable cost or delay. See the Additional Recommendation section below for rules that jurisdictions may choose to implement to broaden opportunities for shared parking.

The department expects to consider jurisdictions opting to repeal parking mandates pursuant to OAR 660-012-0420 in compliance with this section. That action removes the burden on builders and businesses to meet parking mandates. However, jurisdictions interested in the most efficient use of land may consider actions to assist with shared parking, such as providing data to landowners and businesses about underused parking spaces through utilization studies.

OAR 660-012-0405(4): Cities and counties shall adopt land use regulations for any new development that includes more than one-half acre of new surface parking on a lot or parcel as provided below. The new surface parking area shall be measured based on the perimeter of all

new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.

Jurisdictions must establish standards that are applicable to a lot or parcel that has more than ½ acre of surface parking (21,780 square feet). For a typical parking lot design, this is the equivalent of approximately 70 or more parking spaces. This rule is intended to be a cumulative calculation for all new surface parking on a lot (e.g. rule applies if site has two ¼ acre parking areas serving the development). These standards should also apply to any new parking area more than ½ acre in total even if it spans multiple properties with less than ½ acre on any individual lot or parcel. This situation may arise in developments such as a shopping center with parking areas shared between buildings on individual parcels. Jurisdictions may be able to address this issue through reference to the definition of ‘development site’ or similar term in their development code.

Regulations in this rule are applicable to new parking. Jurisdictions may use existing definitions or thresholds in their code for what constitutes new development. Parking installed over an area previously used for parking should be considered ‘new’ if the older asphalt or pavement has been excavated. Parking areas are not considered ‘new’ if the existing asphalt or pavement is left in place (surface repairs and resurfacing/overlays allowed).

The department recommends reviewing OAR 660-012-0330(4) when revising development code requirements for parking lots. That rule establishes requirements for vehicle parking lot placement and design in commercial and mixed-use districts, including climate-friendly areas.

OAR 660-012-0405(4)(a): “Developments not required to comply with OAR 330-135-0010 must provide a climate mitigation action. Climate mitigation actions shall include at least one of the following. Cities and counties are not required to offer all these options:”

Jurisdictions must adopt code to ensure compliance with at least one of the options in (A) through (C) of the rule. While the department supports all three options, jurisdictions may choose to provide just one or two.

OAR 330-135-0010 applies to public buildings. Buildings subject to that rule are required to spend at least 1.5% of the project cost on green energy. The rules recognize that it would place an additional burden on these projects to require a climate mitigation action beyond what is already required.

OAR 660-012-0405(4)(A): “Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property. The change to this paragraph sets \$1,500 as a floor, allowing cities and counties to index it for inflation, and clarifies it just applies to off-street parking spaces.”

The first climate mitigation option allows installation of solar panels on a property (on a building, over a parking lot, or on vacant land). The generation capacity refers to the common capacity nomenclature for solar panels, in output per hour in ideal laboratory conditions (roughly 1 to 1.5 standard size panels per parking space). The final sentence

is a scrivener's error that will be removed the next time the rules are updated. It was explanatory commentary from an LCDC staff report on proposed changes section (B) and does not have any intended effect.

OAR 660-012-0405(4)(a)(B): *“Payment of at least \$1,500 per new off-street parking space 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;”*

This second option allows a fee-in-lieu payment into a fund. Some Oregon cities (Vernonia, Klamath Falls, Roseburg, Albany) have had fee-in-lieu funds set up as an option to providing off-street parking; cities can set up a similar, separate fee-in-lieu system to be used for equitable solar or wind energy development projects.

The Oregon Department of Energy has had such dedicated funds in the past, and DLCD is working with ODOE on the ability to accept payments. Jurisdictions interested in the fee-in-lieu option through ODOE should contact DLCD staff.

OAR 660-012-0405(4)(a)(C): *“Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting; or”*

The department recommends determining parking lot area by measuring all surface area on which a vehicle is designed to maneuver/on which a vehicle can drive, including all parking stalls, all drives and drive-through lanes within the property regardless of length, and all maneuvering areas regardless of depth. Jurisdictions can set reasonable exemptions for paved areas not for use by passenger vehicles (such as loading areas or outdoor storage of goods or materials). This calculation method differs from the calculation for the ½ acre threshold; for this portion of the rule, the 40% standard is more practicable to achieve by excluding some of the aforementioned areas.

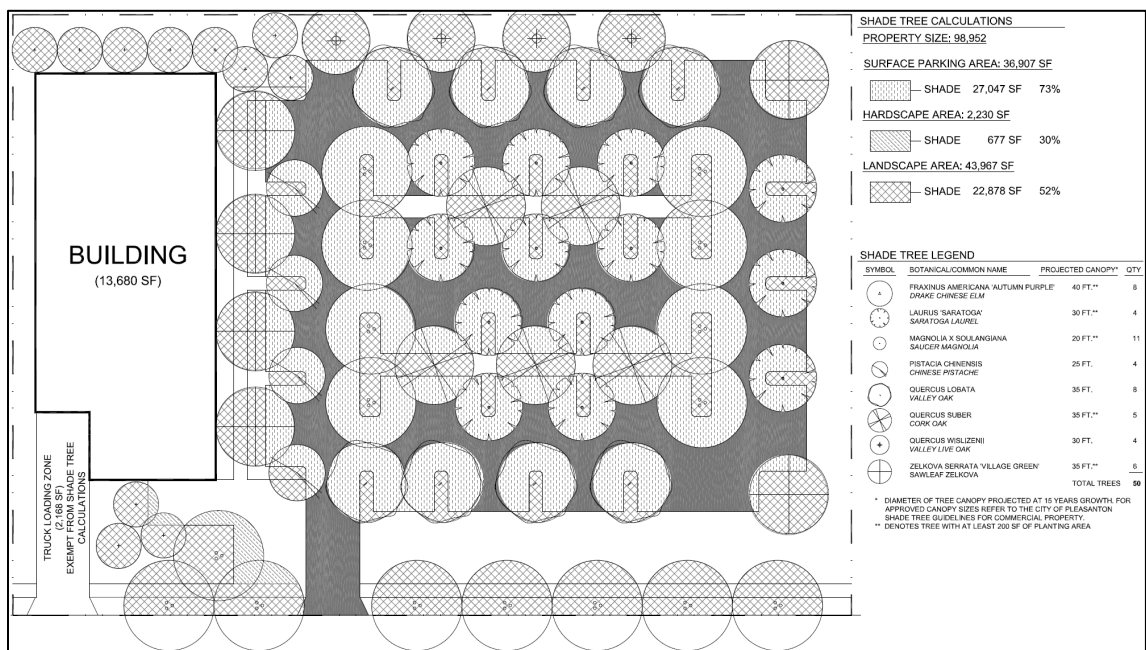
To determine canopy coverage, developments must calculate the expected diameter of the tree canopy 15 years after planting. The 15-year time period applies regardless of whether the tree will be mature at that time. It may be best to consult a list of expected canopy diameter at 20 years, as trees are usually at least 5 years old at planting. Existing mature trees that are preserved can be counted at their existing diameter.

Tree cover should be measured from a plan view of the tree planting plan and expected canopy diameter at 15 years after planting. The rule does not require and is not intended to be based on calculation of tree shade (i.e., taking into account the amount of shade cast on a given date and time of day by the 3-dimensional canopy). Area under the canopy that is either paved surface or parking landscaping (interior or perimeter) should be counted toward meeting the coverage standard. Note that counting tree canopy over landscaped area will give credit for tree canopy coverage to areas that are not counted as parking lot area. A significant percentage of a tree's canopy will necessarily cover landscaped area. This methodology makes the 40% standard more broadly achievable.

Canopy that covers structures should not be counted toward meeting the coverage standard. It is acceptable to count tree canopy that covers unenclosed carports over parking spaces, such as those found in multi-dwelling developments.

Developments should not double-count coverage area if there is significant overlap in canopies. The department recommends the full area based on the 20-year crown diameter be counted for tree coverage where there is an overlap of 5 feet or less (measurement to be the length of a line segment within the overlap area of a line between tree trunk/canopy centers).

Jurisdictions may want to adopt an approved list of parking lot trees. Working from an approved list can simplify the design process for applicants and the review process for staff. Existing street tree lists may be a good starting point for creating such a list.



Example site plan providing parking lot shading in excess of 40% (source: City of Pleasanton, CA)

ORAR 660-012-0405(4)(a)(D): “A mixture of actions under paragraphs (A) through (C) the city or county deems to meet the purpose of this section.”

This gives cities and counties the option to allow developments to use multiple combined actions in providing a climate mitigation action to meet the requirements of this rule. (A) and (B) are the most sensible to combine since they are both based on the number of new parking spaces.

ORAR 660-012-0405(4)(b): “Developments must provide tree canopy. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy except when

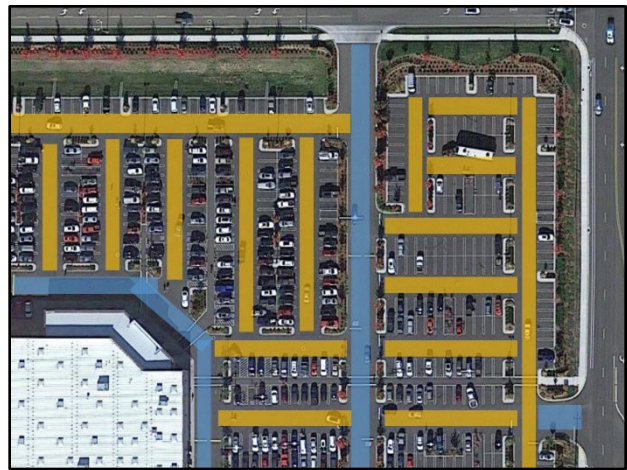
interrupted by driveways, drive aisles, and other site design considerations. Developments providing 40 percent tree canopy to comply with paragraph (a)(C) comply with this subsection.”

As with other requirements within OAR 660-012-0405(4), this rule applies only to new parking areas.

DLCD considers the rules in OAR 660-012-0405(4)(b) to allow local governments to craft code to ensure compliance with at least one of the options in the rule. While codification of both options are supported by the department, local jurisdictions have the option of providing one or the other if they choose. Developments that provide a 40% coverage as their climate mitigation action per (4)(a)(C) automatically comply with rule (4)(b).

For the first option, street trees are required along driveways serving new parking areas. “Driveway” and “drive aisles” are not specifically defined in the rules. The intent of these rules is to require tree canopy along major travel routes through a site. The typical characteristics of a driveway and drive aisle are as follows:

Driveway	Drive aisle
<ul style="list-style-type: none"> • provides access to and from the surrounding streets, and connections through the site to buildings and parking lot drive aisles • does not provide direct access to parking stalls, or provides access to a limited number of parking stalls (only along a portion of its length; only on one side) • usually intersect with multiple other driveways and drive aisles along its length 	<ul style="list-style-type: none"> • a vehicular access bordered by parking spaces, • primarily serves as access to those adjoining parking spaces • will have few or no intersections, with the exception of T-intersections, usually with abutting drive aisles



Parking lot driveways (blue) and drive aisles (orange)

A development code will comply with this rule if a continuous canopy of street trees is required along a maneuvering area that meets the general description of a driveway.

The second option for compliance is if the new parking lot area provides at least 30% canopy coverage. The calculation for this canopy requirement is the same as for the 40% coverage option in OAR 660-012-0405(a)(C) above.

The continuous canopy requirement applies to trees planted either to meet either the street trees along a driveway option or the 30% requirement canopy coverage option. The rationale behind the ‘continuous canopy’ requirement is that trees are healthier when planted in continuous groups with continuous root zones. To the extent possible, developments should plant continuous trees in a shared trench. The rule does not require all tree canopy on a site be continuous, as drive aisles and other design considerations will necessitate breaks between planted areas. However, the department discourages tree plantings in isolated, disconnected individual planters.

Parking lot lighting should be designed to work with a continuous tree canopy to the extent possible. Placement of lighting in a landscaped island (alongside parking spaces) can help to avoid breaks in the canopy of a parking area median (landscape strip between parking rows).

One approach to implement the continuous canopy requirement is to require groupings of at least three trees with a continuous canopy before any break of more than 3 feet is allowed. Canopy spacing should be measured based on the expected diameter of the tree crown at 20 years old.

This rule does not require jurisdictions to prohibit the planting of trees in individual interior landscape islands but the canopy of such trees does not count toward meeting requirements of this rule. This practice is not encouraged for parking lot design.

OAR 660-012-0405(4)(c): *“Developments must provide pedestrian connections throughout the parking lot, connecting at minimum the following, except where not practical due to site-specific conditions:*

(A) building entrances;

(B) existing or planned pedestrian facilities in the adjacent public rights-of-way;

(C) transit stops; and

(D) accessible parking spaces.”

Street-like features were an element in the previous Transportation Planning Rules (OAR 660-012-0045(5)(d)(E), prior to 2022) and existing codes may already include compliant regulations. An earlier version of this rule addressed pedestrian facilities, curbs, and building placement along driveways. The rule now addresses only pedestrian connections.

Jurisdictions should adopt standards for pedestrian connections requiring a minimum 5-foot-wide paved path separate from vehicular traffic (either vertically with a curb and/or horizontally with a landscape or similar buffer). Pedestrian crossings at intersections with drive aisles and other driveways should be demarcated, preferably by a raised surface that slows vehicular travel, or by different surface materials. Crossings demarcated only by striping are discouraged in that they have not been demonstrated to be safe or effective for pedestrian protection. The pedestrian facilities should be illuminated to at least the same level as the on-site driveways and public right-of-way.

Jurisdictions should adopt standards requiring the routing of the pedestrian facilities from building entrances to the public right-of-way, ADA spaces, and transit stops to be as direct as possible. Driveway crossings should be minimized, and the placement of buildings and their entrances should minimize pedestrian travel distances where possible. The main building entrances should also be located on the façade of the building that abuts the pedestrian facility. Secondary entrances from the parking area should be discouraged, as they decrease foot traffic and activity along the intended primary pedestrian facility.

Jurisdictions have the option of creating a discretionary path to allow consideration of site-specific conditions in implementation of the rule. Such allowances could be processed through a variance or adjustment application, or the codified standards could allow the decision authority to make findings regarding the practicability of the required connections. The overall intent is that exceptions be allowed for situations beyond the applicant's control, such as topography and natural features. An applicant's failure to account for these constraints in their site plans should not be considered a situation that affects the practicability of compliance.

OAR 660-012-0405(4)(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.”*

Existing and newly planted trees are particularly susceptible to being damaged during site development. Existing trees may be damaged by inadequate protection or improper attention to utility infrastructure installation. Underground utility infrastructure can also compromise the health of newly planted trees if adequate spacing isn't provided.

This rule is intended to ensure tree health is given specific consideration in the site planning and development process. Jurisdictions shall adopt requirements for an applicant to coordinate with the electric utility provider during the project phases identified in this rule. Coordination with other utility providers is also encouraged. Verification of compliance can be provided by documentation from the electric utility provider or an applicant's licensed landscape architect or arborist certified by the International Society of Arboriculture. Verification can occur with land use approval, construction inspections, or prior to issuing a certificate of occupancy, depending on the phase. The local government should verify the tree canopy plan addresses on-going

maintenance, but does not need to monitor this aspect of the plan on an on-going basis. The jurisdiction is responsible only for establishing a coordination requirement and verifying compliance with the standard, not for directly performing or facilitating the coordination.

The department encourages jurisdictions to create a list of trees appropriate for a range of available planter widths and overhead utility constraints in parking lots, as well as minimum required distances from underground utilities. This list should be created in coordination with utility providers. The list can be an initial resource for applicants and developers but does not alone satisfy the coordination requirements for this rule. The preservation and survival of trees depends on an integrative process that considers tree health within the context of the site development process and site conditions after development.

OAR 660-012-0405(4)(e): *“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 2021 American National Standards Institute A300 standards.”*

Tree standards

Jurisdictions are encouraged to adopt the latest planting requirements from ANSI A300 to fulfill these development requirements. The department encourages broader use of these standards for tree planting requirements in development ordinances. A jurisdiction may continue to use existing tree care standards or adopt tree care standards other than 2021 ANSI A300 if they ensure an equal or better standard of care for planting.

If a jurisdiction does not adopt the ANSI 2021 A300 standards, they are encouraged to have standards such as:

- planting in a continuous trench with a minimum 3’ soil depth and 6’ width
- use of silva cells, soil cells, or other similar methods to prevent root zone compaction
- Adequate soil volume for each tree, with at least 700 cubic feet of soil for medium trees and 1,050 cubic feet of soil for large trees
- Permanent drip irrigation that provides water deeper below the surface to encourage downward root growth

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

This is language from the previous Transportation Planning Rules¹. Many local codes should already be compliant with no changes needed. Additionally, jurisdictions that are required to comply with the parking maximum rules in OAR 660-012-0415 are considered to be in compliance with this rule.

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 660-012-0405, 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 some portions of the parking lot 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.

Other Resources

Conversion of underused on-street parking in OAR 660-012-0405(2):

See examples in links below. DLCD staff recommends creating application packet, limiting supplemental information requirements to insurance/liability documentation, and setting review fees as close as possible to jurisdiction's actual processing/review costs.

See also:

- City of Milwaukie [parklet code](#)
- City of Salem [parklet guide](#)
- City of Bend [parklet program](#)

Shared parking in OAR 660-012-0405(3):

[text from TGM Model Development Code for Small Cities]

Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly. Shared parking shall be approved unless peak occupancy/demand of the uses directly conflict

[note: the remainder of this language could be removed to encourage more shared parking], and provided that the right of joint use is evidenced by a recorded deed, lease,

¹ OAR 660-012-0045(5)(d)(C). This rule applied to local governments within an MPO, and was part of several rules within that section deleted upon adoption of CFEC rules.

contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through Site Plan Review.

OAR 660-012-0405(4):

Codes with examples of ordinances with parking lot tree requirements are:

- City of Sacramento, CA [code](#)
- City of Davis, CA [code](#) and [guidance](#)

Resources

Evan Manvel, DLCD – the language of these rules, deadlines, etc.
evan.manvel@dlcd.oregon.gov (971) 375-5979

Laura Buhl, DLCD – tree care and codes
laura.buhl@dlcd.oregon.gov (971) 375-3552

Ryan Marquart, DLCD – this guidance document
ryan.marquart@dlcd.oregon.gov (971) 375-5659

TGM Model Code
www.oregon.gov/lcd/TGM/Pages/Model-Code.aspx

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

660-012-0405: Parking Regulation Improvements

(1) Cities and counties shall adopt land use regulations as provided in this section:

- (a) Designated employee parking areas in new developments with more than 50 parking spaces 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.

(2) Cities and counties shall adopt policies for on-street parking and land use regulations for off-street parking that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel as provided below. The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.

- (a) Developments not required to comply with OAR 330-135-0010 must provide a climate mitigation action. Climate mitigation actions shall include at least one of the following. Cities and counties are not required to offer all these options:
- (A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property. The change to this paragraph sets \$1,500 as a floor, allowing cities and counties to index it for inflation, and clarifies it just applies to off-street parking spaces.
 - (B) Payment of at least \$1,500 per new off-street parking space 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;
 - (C) Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting; or
 - (D) A mixture of actions under paragraphs (A) through (C) the city or county deems to meet the purpose of this section.
- (b) Developments must provide tree canopy. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations. Developments providing 40 percent tree canopy to comply with paragraph (a)(C) comply with this subsection.
- (c) Developments must provide pedestrian connections throughout the parking lot, connecting at minimum the following, except where not practical due to site-specific conditions:
- (A) building entrances;
 - (B) existing or planned pedestrian facilities in the adjacent public rights-of-way;
 - (C) transit stops; and
 - (D) accessible parking spaces.
- (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) 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.
- (5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

History:

[LCDD 9-2023, amend filed 11/07/2023, effective 11/07/2023](#)

[LCDD 5-2023, temporary amend filed 05/12/2023, effective 05/12/2023 through 11/07/2023](#)

[LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022](#)

[LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022](#)