

Memorandum

Date: November 9, 2023

To: West Linn Planning Commission

From: Darren Wyss, Planning Manager

Subject: DLCD Climate Friendly and Equitable Communities (11/15/2023 Agenda Item 5)

At its November 15, 2023 meeting, the Planning Commission (PC) will receive a briefing on the City's required implementation of the [Climate Friendly and Equitable Communities \(CFEC\) rules](#). Staff has scheduled this briefing as CFEC specific grant funds were just announced by the state, and the City will be applying in the near future. If awarded funds, staff anticipates work on the project to begin in Spring 2024. Any funds received will be used to secure consultant services to assist in the implementation of the required parking reforms and parking policy decisions.

City Council appointed the PC as the working group for the project and this will be the first in a series of briefings intended to familiarize the PC with the policy decisions that the City must make and their potential impacts. The primary policy decision the City must make is to either eliminate all parking mandates in the community or implements a series of regulations/programs to meet the CFEC rules.

The goals of the briefing are:

1. Get PC members familiar with parking related CFEC rules and future policy decisions
2. Provide PC the opportunity to ask clarifying questions
3. Allow the PC to request additional information for future briefings

Background

In 2007, Oregon legislators adopted a goal to reduce Oregon's climate pollution 75 percent by 2050. Fifteen years later, the state is far off track in meeting those goals, while also experiencing real-world impacts of increasing size, severity, and frequency of wildfires and record heat waves that impact communities.

Transportation pollution accounts for about 38 percent of Oregon's climate pollution. On the current path, Oregon will only reduce transportation pollution by about 20 percent by 2050. In response, Governor Kate Brown issued [Executive Order No. 20-04](#) in March 2020 directing state agencies to meaningfully and urgently address climate change by developing measures to reduce Oregon's greenhouse gas emissions.

The [Land Conservation and Development Commission \(LCDC\)](#) launched the [Climate-Friendly and Equitable Communities \(CFEC\)](#) rulemaking project in response to Governor Brown’s order. LCDC directed the [Department of Land Conservation and Development \(DLCD\)](#), Oregon’s land use planning agency, to draft changes to the state land use and transportation planning programs for communities in Oregon’s eight most populated areas. Over the course of two-years, and with the assistance of a rulemaking committee, DLCD created draft rules, which were presented to LCDC and [adopted in July 2022](#). LCDC initiated [additional rulemaking in 2023](#) in order to retain the outcomes of the program while making implementation easier for cities and counties.

The adopted rules, found in [Oregon Administrative Rules \(OAR\) Chapter 660, Division 12](#), aim to improve equity, while ensuring all Oregonians are served by a community’s transportation, housing, and planning efforts. The four primary areas of impact to the City of West Linn include:

1. Reforming parking mandates and amending parking lot design standards
2. Preparing for the electric vehicle future
3. Planning for future transportation options
4. Adopting Metro 2040 Growth Concept town center boundaries

The City of West Linn is currently implementing several of the adopted administrative rules as required and will implement the remaining rules over the next several years. More detail is provided later in this memorandum, but the most immediate actions involve reforming the City’s parking codes and implementing parking lot design and electric vehicle charging infrastructure requirements.

Staff has provided general details about areas of impact 2-4 listed above. The primary focus is on required parking reform regulations and the specific policy questions/decisions that will need to be made regarding parking reform. Additional information and details on the policy options will be discussed with the Planning Commission and City Council as the project moves forward.

Reforming parking mandates and amending parking lot design standards

Parking mandates, also known as minimum parking requirements, are a one-sized approach that often hide the costs of providing parking in other goods, such as housing and business costs. The CFEC adopted administrative rules require the City to eliminate parking mandates in some cases and reduce them in other cases. The rules also require the City to ultimately make a policy decision to either eliminate all parking mandates for the City or eliminate/reduce them in some areas and for certain land uses, while also implementing a series of programmatic changes.

The following are required changes the City is currently implementing or will be implemented with the policy decisions via a CFEC code amendment package.

Required Changes

1. [OAR 660-012-0430](#) – Implementation began on January 1, 2023
 - Cannot require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally-established property.
 - Cannot enforce parking mandates for certain development or use types (small residential units, affordable units, childcare, facilities for people with disabilities, and shelters)
2. [OAR 660-012-0440](#) – Implementation began on January 1, 2023 via staff action. CDC amendments will be included in full CFEC code amendment package.
 - Cannot enforce parking mandates within ½ mile of TriMet Bus Line 35 (Hwy 43)
3. [OAR-660-012-0410](#) – Implementation began March 31, 2023 via staff action. CDC amendments will be included in full CFEC code amendment package.
 - Electric vehicle charging conduit required to serve 40 percent of parking spaces in new multi-family or mixed-use development with more than five dwelling units
4. [OAR-660-012-0405](#) – Implementation will begin after adoption of full CFEC code amendment package.
 - Requires allowing redevelopment of parking lots for bicycle/transit use, facilitating shared parking, parking lot design changes, and adopting parking maximums
5. [OAR-660-012-0415](#) – Implementation will begin after adoption of full CFEC code amendment package.
 - Requires parking maximums in the City’s two Metro 2040 Town Centers and within the ½ mile boundary of TriMet Bus Line 35 (Hwy 43)

The following are policy decisions the City must make regarding parking mandates in the community. The primary decision the Planning Commission will need to discuss in the future, and ultimately the City Council will need to decide, is 1) To eliminate all parking mandates within the City; or 2) Implement a series of regulations/programs that will require funding and additional staff to manage. Some basic information is provided to help frame the level of effort required for the two choices. More detailed information will be provided for the policy discussion work sessions to begin in 2024.

Policy Decisions

1. [OAR-660-012-0420](#) – Either eliminate all parking mandates within the City or comply with OAR-012-0425 to 0450 regulations.
 - If mandates are eliminated, only the five required changes listed above will need compliance
 - If mandates are not eliminated, the following regulations and/or policy decisions will need to be implemented
2. [OAR-660-012-0425](#) – Requires adoption of eight specific regulations to reduce parking mandates.

- Garage spaces, shared parking, provided off-site, solar panels, car-sharing spaces, electric vehicle charging stations, accessible dwelling units above minimum.
3. [OAR-660-012-0435](#) – Parking reform in Metro 2040 Town Centers
- Remove all mandates within the area and within ¼ mile; or
 - Adopt parking benefit district with paid on-street parking; and
 - Require no more than ½ off-street space per dwelling unit that is not a townhouse or rowhouse; and
 - Require no mandates for commercial development
4. [OAR-660-012-0445](#) – Parking management alternative approaches requires choosing between Option A or Option B.
- Option A: Fair Parking Policy requires implementing two of five provisions
 - 1. Multi-family residential unbundled parking (would require development of a City program and tracking system)
 - 2. Commercial unbundled parking (would require development of a City program and tracking system)
 - 3. Flexible commute benefit program for 50+ employee businesses that provide free or subsidized parking (would require development of a City program and tracking system)
 - 4. Revenue tax on commercial parking lots (would require development of a City program and tracking system)
 - 5. Parking mandate no higher than ½ space per multi-family unit, including visitor parking
 - Option B: Reduced parking regulations including all of the following:
 - Repeal parking mandates within 1/2 miles of Metro 2040 Town Centers
 - Repeal parking mandates for mixed-use developments
 - Repeal parking mandates for group quarters (dorms, retirement homes, care facilities, etc.)
 - Repeal parking mandates for studio and one-bedroom apartments, and condos in multi-unit housing developments
 - Repeal of parking mandates for a change of use or redevelopment of a two-plus year vacant building
 - Repeal of additional parking requirements for change of use or redevelopment when at least 50 percent of building floor area is retained
 - Repeal parking mandates for expansion of existing building by less than 30 percent
 - Repeal parking mandates for historic properties/buildings
 - Repeal parking mandates for commercial properties with less than 10 employees on site or less than 3,000 sq. ft. floor space
 - Repeal parking mandates for developments build under the Oregon Residential Reach Code
 - Repeal parking mandates for LEED certified buildings
 - Repeal parking mandates for schools
 - Repeal parking mandates for bars and taverns

- Implement at least one pricing mechanism (would require development of a City program and tracking system):
- 1. Designate at least one residential parking district where on-street parking is by paid permits, meters, or other payments
- 2. Multi-family housing units be unbundled from parking upon lease renewal or sale

A proposed CFEC code amendment package will be determined by the policy decisions made during the work session discussions with the Planning Commission and Council. The Department of Land Conservation and Development (DLCD) has also distributed informational and implementation documents for use by communities required to follow the CFEC rules. Some of the parking related documents are linked below.

[DLCD Parking Reform Summary](#)

[DLCD What Happens When Parking Mandates are Reduced?](#)

[DLCD Welcome to Parking Reform Webinar \(Presentation .pdf\)](#)

Preparing for the electric vehicle future

As of July 1, 2022, state statute and building codes require new commercial buildings, new mixed-use buildings with five or more residential units, and new multi-family residential buildings with five or more units to install conduit to support at least 20 percent of the parking spaces for electric vehicle charging.

The [CFEC rules](#) required the City to implement, on March 21, 2023, installation of conduit to support at least 40 percent of the parking spaces for electric vehicle charging. The rules apply to new mixed-use or multi-family residential building with five or more residential units. The provisions will be included in a final CFEC code amendment package.

Planning for future transportation options

The majority of [transportation related CFEC rules](#) are focused on the update or creation of transportation system plans (TSP), including how proposed projects are evaluated. The City has an adopted TSP and an update to the [2016 West Linn Transportation System Plan](#) may be necessary to comply with any new policy directives that result from [Metro's 2023 Regional Transportation Plan](#) (RTP) update. The RTP update is scheduled for adoption in December 2023.

Any necessary updates to the City's TSP would occur after adoption of the RTP and City staff would seek grant funding through the State's Transportation and Growth Management program for the work.

Adopting Metro 2040 Growth Concept Town Center boundaries

One of the primary components of the CFEC rules is the requirement to create and adopt climate friendly areas with associated zoning and development code requirements. However, the Portland Metropolitan Area is exempt from the requirements since the region has already adopted the [2040 Growth Concept](#) with associated Regional Centers, Town Centers, Corridors, Station Communities, and Main Streets where urban density growth is anticipated to occur. The CFEC rules require Metro to establish requirements for adoption of Centers by the end of calendar year 2024.

The City has two Town Center areas identified on the [2040 Growth Concept Map](#). One in the Bolton Neighborhood commercial area and the second in the Willamette Neighborhood commercial area. The City will need to adopt the two Town Center boundaries and any associated zone changes or development code updates resulting from the requirements Metro establishes for adoption of Centers. The City must complete the adoption process by end of calendar year 2025.

If you have questions about the meeting or materials, please feel free to email or call me at dwyss@westlinnoregon.gov or 503-742-6064.