



CITY OF West Linn

STAFF REPORT FOR THE PLANNING COMMISSION

FILE NUMBER: CDC-24-01

HEARING DATE: October 2, 2024

REQUEST: To consider adoption of text amendments to West Linn Community Development Code Chapters 1, 2, 22, 32, 35, 36, 41, 46, 48, 54, 55, 56, 75, 96, and 99. The proposed parking reform amendments will bring the City into compliance with CFEC requirements found in OAR Chapter 660 Division 12.

APPROVAL CRITERIA: Community Development Code (CDC) Chapters 98 and 105

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GENERAL INFORMATION

APPLICANT: City of West Linn

DESCRIPTION: The City of West Linn proposes to amend Community Development Code (CDC) Chapters 1, 2, 22, 32, 35, 36, 41, 46, 48, 54, 55, 56, 75, 96, and 99 to comply with the state’s Climate Friendly and Equitable Communities adopted rules found in Oregon Administrative Rules Chapter 660 Division 12. The Planning Commission will review the proposal and make a recommendation to City Council, who is the final decision-maker.

**APPROVAL
CRITERIA:**

Community Development Code (CDC) Chapter 98 provides administrative procedures for legislative amendments to the Comprehensive Plan and/or the Community Development Code. Section 98.100 of the CDC lists the factors upon which a decision shall be based. These are briefly described below and addressed in greater detail in a separate Section of this report:

1. The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes;
2. Any federal or state statutes or rules found applicable;
3. Applicable plans and rules adopted by the Metropolitan Service District (Metro);
4. The applicable Comprehensive Plan policies and map; and,
5. The applicable provisions of implementing ordinances.

PUBLIC NOTICE: Legal notice was published in the West Linn Tidings on September 18, 2024 and provided to required public agencies and persons who requested notice in writing on September 19, 2024.

120-DAY RULE: Not applicable to this legislative action.

EXECUTIVE SUMMARY

In 2022, the State addressed challenges with climate pollution through a Climate Friendly and Equitable Communities project that resulted in adoption of regulations into Oregon Administrative Rules Chapter 660 Division 12. The City of West Linn is required to implement the rules by December 31, 2024. This includes making a policy choice to either eliminate parking mandates in the community or adopt a series of codes/programs to address the parking reform rules.

City Council directed staff to work with the Planning Commission to develop a policy position and then recommend Community Development Code amendments to implement the policy position and comply with the administrative rules.

The Commission held four work sessions from April 2024 to September 2024 to discuss the policy choices, make a recommendation, and then review proposed draft code amendments. The Commission recommended removing all parking mandates in the community and reached consensus on a proposed code amendment package on September 18, 2024.

PUBLIC COMMENT

The City received no written comment prior to publishing this staff report.

RECOMMENDATION

Staff recommends the Planning Commission finds the proposed amendments to meet the necessary approval criteria. Therefore, staff recommends the Planning Commission **RECOMMEND** to the West Linn City Council that it approves Ordinance 1754, adopting amendments to the West Linn Community Development Code to comply with CFEC administrative rules as provided in Exhibit PC-1.

PROJECT BACKGROUND AND PURPOSE

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

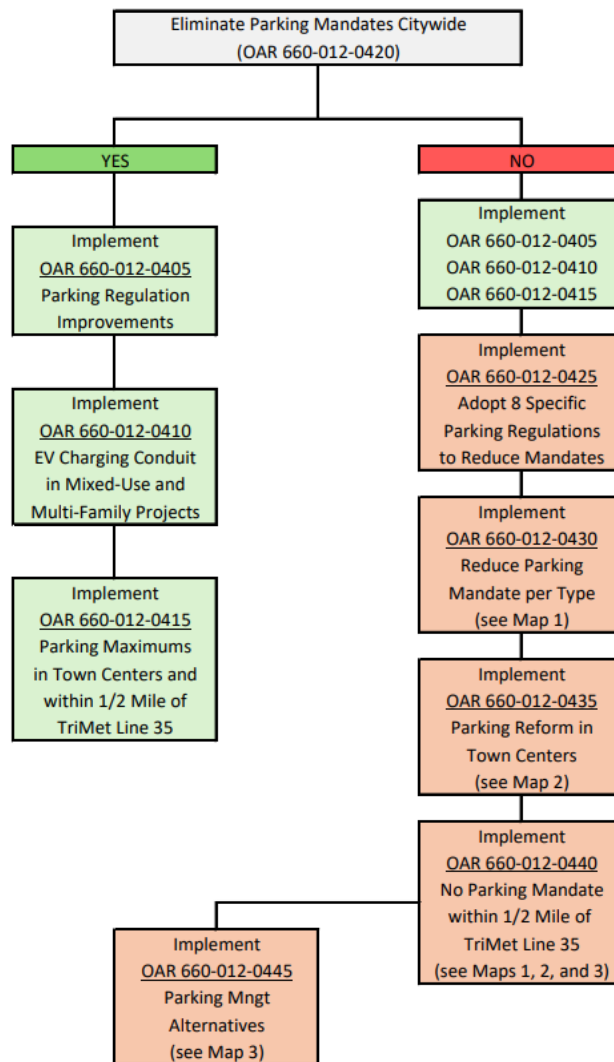
City Council directed staff to bring the City into compliance with the CFEC rules by placing a project on the [Planning Docket](#) in October 2022 and appointed the West Linn Planning Commission as the project working group. Staff subsequently applied for and received grant funding from DLDC in 2023 for consultant assistance in developing parking reform code amendments. The City has a deadline of December 31, 2024 to adopt the CFEC code amendment package to comply with OAR Chapter 660 Division 12.

Parking mandates, also known as minimum parking requirements, are a one-sized approach that often hides 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 Planning Commission received its first detailed briefing on the [CFEC Parking Reform Project in November 2023](#). The briefing outlined the policy choices the City must consider, including an outline of administrative rules that were mandated. This set the stage for the policy work and associated code amendment recommendations that followed in 2024.

The Planning Commission was briefed again on the project at a meeting on [March 6, 2024](#) and held a discussion on the project with City Council at a joint work session on [March 18, 2024](#). The Planning Commission then held four work sessions to discuss the CFEC parking reform policy choices, find consensus on a policy recommendation, and review the associated draft code amendments to implement that policy position. During the process, the City Council were briefed on, and concurred with, the Planning Commission policy recommendation to remove all parking mandates within the community.

City of West Linn CFEC Implementation Road Map



Below are recaps of the Planning Commission work sessions and information from the City Council briefing:

Work Session 1: April 3, 2024

The goals of the first work session were:

1. Review and discuss the parking reform policy choices.
2. Provide PC the opportunity to ask clarifying questions about the CFEC rules or policy choices.

3. Allow the PC to request additional information for future work sessions.
4. Provide staff initial feedback on how comfortable the PC is with eliminating all parking mandates.

Staff gave a presentation that included a recap of how/why the CFEC rules were adopted, the policy choices the City must make and potential impacts, what other jurisdictions are pursuing, maps showing areas of impact, and impact on commercially zoned properties.

The PC asked clarifying questions and requested additional information. One specific topic of discussion was the need for better transit service to supplement reduced parking mandates. Staff confirmed two new bus routes will begin operating in Fall 2024, including a route from Lake Oswego Transit Center to the Willamette Neighborhood via Rosemont/Salamo Roads and an extension of the 76-bus route from Tualatin to Oregon City via I-205/10th Street Exit/Willamette Falls Drive. This allows connections between the two new routes. The routes will have one-hour headways, so will not qualify for the ½ mile no parking mandate like the Highway 43 route.

The requested information included commercial developers' feedback and more information on other jurisdictions' implementation.

The PC also provided an initial temperature check on the comfort level of repealing all parking mandates. The responses were:

- More information is needed, especially from commercial developers and how other jurisdictions are moving forward.
- More information is needed.
- More information is needed but doesn't support paid on-street parking.
- More information is needed.
- Repeal all mandates.

[Link to PC Work Session 1 Memo](#)

[Link to PC Work Session 1 Staff Presentation](#)

[Link to PC Work Session 1 Video](#)

[Link to PC Work Session 1 Meeting Notes](#)

Work Session 2: June 5, 2024

The goals of the work session were:

1. Revisit the parking reform policy choices.
2. Review and discuss the information requested at the first work session (April 3rd).
 - a. Commercial Developer Feedback
 - b. Implementation by Other Jurisdictions
3. Review pros/cons information provided by staff.
4. Provide PC the opportunity to ask further clarifying questions about the CFEC rules or policy choices and request additional information.
5. Glean PC support (initial feedback was provided at first work session) for eliminating all parking mandates so the consultant team can begin drafting proposed code amendments.

Staff gave a presentation that included a recap of how/why the CFEC rules were adopted, the policy choices the City must make and potential impacts, maps showing areas of impact, impact on commercially zoned properties, and additional information requested at Work Session 1.

Per the PC request, Planning staff spoke with four commercial developers/property owners in West Linn. Three provided written responses to staff questions that were focused on how repealing parking mandates would impact their properties/operations.

All four indicated minimum parking requirements usually result in excessive parking that is rarely used and allowing market forces to dictate needed parking provides them wanted flexibility. All four also indicated they would continue to construct parking with commercial developments regardless if parking mandates were repealed because tenants will demand to know their customers have a place to park and project financing often requires parking. The primary concern expressed was spillover parking from adjacent residential projects that may not provide enough parking without mandates.

Planning staff also reached out to local jurisdictions to get more details on how their implementation is moving forward. Six of the nine had either repealed all parking mandates or were directed to do so and three had been directed by the City Council to pursue alternative parking options instead of repealing all mandates.

The PC asked clarifying questions and after discussion, found consensus to recommend removing all parking mandates in the City. Some of the basis of the recommendation included:

1. 90 percent of commercially zoned properties would be covered by no parking mandates unless the City implemented paid on-street parking districts in the Willamette and Bolton town center areas.
2. No support for paid on-street parking.
3. Feedback from commercial property owners/developers that parking would continue to be provided and they supported removing the mandates to allow market forces to dictate necessary parking amounts.
4. Two new TriMet bus routes will begin operating and if the frequency were to increase in the future, the City may be required to remove mandates within one-half mile as is the case with the current TriMet 35 route along Highway 43.
5. Ease of implementation will reduce City costs associated with new programs, regulations, and enforcement.

[Link to PC Work Session 2 Memo](#)

[Link to PC Work Session 2 Video](#)

[Link to PC Work Session 2 Meeting Notes](#)

City Council Briefing: July 15, 2024

Staff presented the Planning Commission policy recommendation to remove all parking mandates. After a brief discussion, the City Council found consensus of support to move forward with development code amendments to implement the PC policy recommendation.

[Link to CC Agenda Bill](#)

[Link to CC Meeting Video](#)

Work Session 3: August 21, 2024

The goals of the work session were:

1. Review consultant memorandum.
2. Ask clarifying questions on the OAR requirements.

3. Ask clarifying questions on proposed draft code amendments.
4. Request additional information if needed.
5. Recommend code language changes.

Staff gave a presentation that included a recap of the policy recommendation to remove all parking mandates within the City, outlined the specific Oregon Administrative Rules that must be implemented, and a review of the proposed draft code amendment package. After discussion, the PC requested staff bring back information on two code related topics and correct one typo. The PC also recommended the City perform an audit after a few years of no parking mandates to ensure that the intent of the CFEC program.

1. Clarify whether removing “Attic spaces and unfinished basements shall not count for the purpose of determining parking requirements” from the CDC Chapter 2 definition of floor area will impact maximum parking amounts or floor area ratio (FAR) calculations.
2. Add maximum parking amounts for areas outside of Metro 2040 Town Centers and most frequent transit corridors for compliance with the [Metro Regional Transportation Function Plan](#).
3. Correct typo in CDC Chapter 46.090(A) to “Metro 2040 Town Center Boundaries”.

[Link to PC Work Session 3 Memo](#)

[Link to PC Work Session 3 Presentation](#)

[Link to PC Work Session 3 Video](#)

[Link to PC Work Session 3 Meeting Notes](#)

Work Session 4: September 18, 2024

The goals of the work session were:

1. Review information requested at 8/21 work session.
2. Ask clarifying questions on proposed draft code amendments.
3. Request additional information if needed.
4. Recommend code language changes.
5. Find consensus to bring draft code amendments to public hearing on October 2, 2024.

Staff gave a presentation that included a recap of the August 18th work session on the proposed draft code amendment package and provided information/recommendations on the three requests from the meeting. Staff also provided information on three comments from DLCD to ensure compliance with the rules and proposed recommendations on how to address them in the proposed code.

DLCD Comments:

1. Parking agreements in CDC 46.050 not required.

Staff Recommendation

- Clean-up language in subsection (A)
 - Eliminate subsection (B)
2. Remove OAR 330-135-0010 reference from CDC 46.150.F(1).

Staff Recommendation

- Replace language in subsection (1) with language from subsection (a).
- This clarifies the 40 percent canopy coverage applies to both public and private projects.

3. Add clarifying language to CDC Chapter 75 that mandated provisions in ORS/OAR are not eligible for a variance (maximum parking standards and required canopy coverage in parking lots)

Staff Recommendation

- Include additional language in CDC Chapter 75 for clarification.

After discussion, the PC found consensus for staff to bring the draft CFEC Code Amendment Package to public hearing on October 2, 2024 with the following items included:

1. Clarify maximum parking rates for the use “Places of Worship”.
2. Simplify the maximum parking table to apply the rates for Metro Town Centers and frequent transit corridors across the community.
3. Include the DLCD language changes.

[Link to PC Work Session 4 Memo](#)

[Link to PC Work Session 4 Video](#)

FINDINGS

PLANNING COMMISSION STAFF REPORT

October 2, 2024

APPLICABLE CRITERIA AND COMMISSION FINDINGS

West Linn Community Development Code

Chapter 98 - Procedures for Decision Making: Legislative

CDC 98.035 Citizen Engagement in Legislative Changes

A. Purpose. The purpose of a legislative working group is to provide a forum to discuss different points of view on a proposed land use legislative change.

B. New and modified land use legislative changes to this code will be developed by a representative working group of citizens and assisted by planning staff, unless the City Council determines that a working group is not necessary.

1. *After receiving direction from the City Council, the Committee for Citizen Involvement shall recommend a purpose, goals, and a list of appointees for each proposed working group to the City Council for approval.*

2. *The working group will contain interested stakeholders, a member of the Planning Commission, and a staff representative.*

3. *The working group shall comply with WLMC 2.060 regarding the selection of officers and the other generally applicable citizen advisory group provisions.*

Findings: City Council determined a legislative working group was not necessary and tasked the West Linn Planning Commission to act as the working group at its September 19, 2022 meeting.

C. Conduct of working group meetings.

- 1. Staff will prepare a suggested draft of the proposed changes. This draft will provide a starting point for discussion and education.*
- 2. The working group will use the draft as a starting point for discussion, but then reconcile the implications of the draft with the goals established by the Council for the working group.*
- 3. After each working group meeting staff will incorporate approved changes and prepare an updated working draft.*
- 4. All working group meetings will be public meetings with an opportunity for anyone in attendance to provide public comment. The meetings and minutes will be conducted in accordance with the Council Rules, West Linn Municipal Code, City Charter, and State law.*
- 5. In the event a consensus cannot be reached on an issue, the working group will prepare alternatives. Each alternative and its rationale will be presented to the Planning Commission.*
- 6. Prior to submission to the Planning Commission, proposed code changes will be submitted to the City Attorney for review. The review should be limited to the identification of areas where the proposed language conflicts with other parts of this code, State law or Federal law. As an alternative, legal counsel may attend and advise during the creation of the draft.*

D. Presentation to the Planning Commission. When the working group reaches consensus that the code changes are ready, the proposed code changes will be presented by the Director to the Planning Commission pursuant to CDC 98.040(A)(2). If the working group fails to reach a consensus on the code changes, all proposals will be presented to the Planning Commission. Pursuant to CDC 98.110(A), the Planning Commission shall recommend approval, denial, or approval with modifications to the Council.

Findings: Planning Commission meetings were held consistent with the procedures above. Staff prepared draft changes and presented relevant technical information as a starting point for discussion. The draft changes evolved in an iterative manner, with staff revising the text as directed and presenting the revised draft for consideration and approval. All meetings were open to the public and streamed live. On September 18, 2024, after four meetings, a consensus on a final recommendation on a proposed CFEC Code Amendment Package was reached and the Planning Commission directed staff to bring the proposed amendments forward for a legislative public hearing. The final draft was submitted for City Attorney review.

CDC 98.040 Duties of Director

A. The Director shall:

- 1. If appropriate, or if directed by the City Council or Planning Commission in their motion, consolidate several legislative proposals into a single file for consideration;*

Findings: The proposal is for one legislative action. Adopting CDC code amendments to comply with CFEC Requirements in Oregon Administrative Rules Chapter 660 Division 12.

2. Upon the initiation of a legislative change, pursuant to this chapter:

- a. Give notice of the Planning Commission hearing as provided by CDC [98.070](#) and [98.080](#);*

Findings: The Planning Commission public hearing will be held on October 2, 2024 with the City Council public hearing scheduled for November 12, 2024. Legislative notice was provided as required and documentation can be found in Exhibit PC-4. Notice was provided to the Department of Land Conservation and Development on August 28, 2024, meeting the required 35-day notice timeline. Measure 56 Notice, per ORS 227.186, was not required as part of this proposal.

b. Prepare a staff report that shall include:

- 1) The facts found relevant to the proposal and found by the Director to be true;
- 2) The Statewide planning goals and rules adopted under Chapter 197 ORS found to be applicable and the reasons why any other goal or rule is not applicable to the proposal except that goals 16 through 19 which are not applicable to the City of West Linn need not be addressed;
- 3) Any federal or State statutes or rules the Director found applicable;
- 4) Metro plans and rules the Director found to be applicable;
- 5) Those portions of the Comprehensive Plan found to be applicable, and if any portion of the plan appears to be reasonably related to the proposals and is not applied, the Director shall explain the reasons why such portions are not applicable;
- 6) Those portions of the implementing ordinances relevant to the proposal, and if the provisions are not considered, the Director shall explain the reasons why such portions of the ordinances were not considered; and
- 7) An analysis relating the facts found to be true by the Director to the applicable criteria and a statement of the alternatives; a recommendation for approval, denial, or approval with modifications; and at the Director's option, an alternative recommendation;

Findings: Relevant facts and associated analysis for applicable Statewide Planning Goals, federal and state statutes and rules, Metro Functional Plan requirements, West Linn Comprehensive Plan goals and policies, and West Linn Community Development Code criteria are found in the sections of the Staff Report below.

c. Make the staff report and all case file materials available 10 days prior to the scheduled date of the public hearing under CDC [98.070](#);

Findings: The staff report, proposed amendments, and all other associated project materials were made available on September 20, 2024, twelve days prior to the hearing.

d. Cause a public hearing to be held pursuant to CDC [98.070](#);

Findings: The West Linn Planning Commission is scheduled to hold the first evidentiary public hearing on October 2, 2024, with the West Linn City Council scheduled to hold its public hearing and make a final decision on November 12, 2024.

CDC 98.100 Standards for Decision

A. The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. The Statewide planning goals and rules adopted under Chapter 197 ORS and other applicable State statutes;

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Findings: The City has a citizen involvement program, which has been acknowledged by the State. This legislative process to review the proposed amendments will require two public hearings (one before

the Planning Commission on October 2, 2024 and one before City Council on November 12, 2024) pursuant to CDC Chapter 98.

In developing code amendments to comply with CFEC requirements, the City Council appointed the West Linn Planning Commission to act as the working group. All four working group meetings were open to the public. A list of the public work sessions where public feedback could be submitted is found below.

- April 3, 2024 – Planning Commission Work Session 1
- June 6, 2024 – Planning Commission Work Session 2
- August 21, 2024 – Planning Commission Work Session 3
- September 18, 2024 – Planning Commission Work Session 4

Information was distributed throughout the process via the project website and email. All of the aforementioned venues provided the opportunity for gathering feedback and comments.

All Planning Commission work sessions were open to the public and noticed in accordance with City rules and regulations, including direct emails to all neighborhood associations and all persons signed up to receive notice of Planning Commission meetings. All work session materials, including meeting recordings and summaries, were available on the City's website. All of the aforementioned venues provided the opportunity for gathering feedback and comments.

As part of the legislative process, public notice requirements for the Planning Commission and City Council public hearings were met (see Exhibit PC-4). The notice was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the September 18, 2024 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the draft of the proposal can be viewed.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

Findings:

The City of West Linn has an acknowledged Comprehensive Plan and enabling ordinances. The amendments to the West Linn Community Development Code are being undertaken to ensure compliance with the CFEC policies and associated Oregon Administrative Rules Chapter 660 Division 12.

The amendments are being processed in accordance with the City's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations or plans, comprehensive plan policies, and the City's implementing ordinances be addressed as part of the decision-making process. The amendments are being processed as a post-acknowledgement plan amendment (PAPA) to implement the CFEC policies. The proposed CFEC Code Amendment Package will ensure West Linn is in compliance with CFEC policies, the administrative rules, and Oregon Statewide Planning Goals by eliminating all parking mandates within the City. In addition, the proposed amendments will comply with all other provisions of the administrative rules, including maximum parking requirements, parking lot design standards, and the provision for electric vehicle service capacity. for setbacks, parking, lot coverages, floor area ratios, and conversions. The proposed amendments also maintain compliance with the Metro Regional Transportation Functional Plan

maximum parking requirements. All public noticing requirements have been met. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas.

Findings: The City is currently in compliance with the State’s Goal 5 program and Metro’s Title 13: Nature in Neighborhoods program, which implements Goal 5. The amendments do not alter the City’s acknowledged Goal 5 inventories or associated land use programs. No changes will occur to current natural resource protections. As a result, the amendments are in compliance with Goal 5 process requirements.

Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:

To maintain and improve the quality of air, water, and land resources of the state.

Findings: The City is currently in compliance with Metro’s Title 3: Water Quality and Flood Management program, which implements Goal 6. The amendments do not alter the City’s acknowledged land use programs regarding water quality. The amendments are consistent with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

To protect people and property from natural hazards.

Findings: The City is currently in compliance with Goal 7 and Metro’s Title 3: Water Quality and Flood Management program. No changes will occur to city programs related to flood management or other natural hazards. The amendments are consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs:

This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors.

Findings: The proposed amendments do not address or alter any City recreational programs or land use requirements related to parks and recreation. The amendments are in compliance with Goal 8.

Statewide Planning Goal 9 – Economic Development:

To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

Findings: The City is currently in compliance with Goal 9 and Metro’s Title 4: Industrial and Other Employment Areas. The amendments do not alter the City’s compliance with Goal 9.

Statewide Planning Goal 10 – Housing:

To provide adequate housing for the needs of the community, region and state.

Findings: The City is currently in compliance with Goal 10 and the Metropolitan Housing Rule (OAR 660-007/Division 7), and Metro’s Title 1: Housing Capacity. The City adopted a Housing Capacity Analysis in compliance with HB2003 (2019) in October 2023 and is in the process of developing the required follow-up Housing Production Strategy. No changes to permitted residential uses are proposed. The

amendments do not alter the City's compliance with Goal 10. The amendments seek to comply with CFEC parking policies and administrative rules. The amendments are consistent with this goal.

Statewide Planning Goal 11 – Public Facilities and Services:

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as framework for urban and rural development.

Findings: The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule 660-011. The Public Facility Plan shows the City's water, sanitary sewer, transportation, and stormwater facilities have adequate capacity to service future development in the community. The amendments do not alter the City's compliance with Goal 11 and are consistent with this goal.

Statewide Planning Goal 12 – Transportation:

To provide and encourage a safe, convenient, and economic transportation system.

Findings: The City is currently in compliance with Goal 12 and Metro's Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule). The proposed amendments do not alter the City's compliance with Goal 12.

Statewide Planning Goal 13 – Energy Conservation:

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Findings: The City is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The amendments do not alter the City's compliance with Goal 13 and are consistent with this goal.

Statewide Planning Goal 14 – Urbanization:

To provide for orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Findings: The City is currently in compliance with Goal 14 and Metro's Title 11: Planning for New Urban Areas through its acknowledged Comprehensive Plan and land use regulations. The City also has a signed Urban Growth Management Agreement with Clackamas County as required by ORS 195.065. The amendments do not alter the City's compliance with Goal 14 and are consistent with this goal.

Statewide Planning Goal 15 – Willamette River Greenway:

To provide for keeping the land green along the banks of the river and providing for recreation access.

Findings: The City is currently in compliance with Goal 15 through its acknowledged Comprehensive Plan and land use regulations. The amendments do not alter the City's compliance with Goal 15 and are consistent with this goal.

Conclusion: Based on the analysis above, the Commission finds the proposed amendments are consistent with applicable Statewide Planning Goals.

2. Any federal or State statutes or rules found applicable;

Oregon Administrative Rules Chapter 660 Division 12

660-012-0400

Findings: The proposed CFEC Code Amendment Package eliminates all parking mandates within the City of West Linn in compliance with OAR 660-012-0420 and implements the provisions of OAR 660-012-0405 through OAR 660-012-0415 to ensure West Linn remains in compliance with the CFEC rules.

660-012-0405

Findings: The proposed CFEC Code Amendment Package requires preferential parking for carpools and vanpools, permits redevelopment of off-street parking to bicycle and transit oriented facilities, allows property owners to go below existing minimum parking mandates while maintaining emergency access and truck loading to be maintained.

The proposed amendments allow shared parking. The proposed amendments require 40 percent tree canopy coverage for parking lots greater than one-half acre, including coordination with local electric utilities and trees planted according to ANSI A300 standards. The proposed amendments require pedestrian connections throughout parking lots greater than one-half acre. The proposed amendments set off-street parking maximums for the entire City.

The City does not have a formal written policy to allow conversion of underutilized on-street parking to other uses, but would permit a conversion upon receiving and approving an application for a Public Works Right-of-Way Use Permit.

660-012-0410

Findings: The proposed CFEC Code Amendment Package requires provision of electrical service capacity to parking lots in accordance with ORS 555.417.

660-012-0415

Findings: The proposed CFEC Code Amendment Package sets parking maximums for the entire City that comply with both the OAR and Metro Regional Transportation Functional Plan maximum parking requirements.

Conclusion: Based on the analysis above, the Commission finds the proposed amendments are consistent with applicable federal or state statutes or rules.

3. Applicable plans and rules adopted by the Metropolitan Service District;

The Metro Regional Transportation Functional Plan Title 4: Regional Parking Management

Findings: The purpose of the Metro Regional Transportation Functional Plan (RTFP) is to establish a framework to implement the Regional Transportation Plan (RTP). Title 4 of the RTFP establishes

minimum and maximum parking ratios for jurisdictions with the Metro boundary. The proposed CFEC Code Amendment Package eliminates minimum parking mandates across the City, while establishing maximums that comply with both the RTFP and OAR 660-012-0405.

Conclusion: Based on the analysis above, the Commission finds the proposed amendments are consistent with applicable plans and rules adopted by Metro.

4. *The applicable Comprehensive Plan policies and map;*

Goal 1: Citizen Involvement

Policy 2. Support neighborhood associations as a forum for discussion and advice on issues affecting the community.

Findings: A copy of the agenda was sent to the president of all eleven recognized neighborhood associations for all four Planning Commission work sessions. A public hearing notice was sent to all 11 recognized neighborhood associations for the October 4, 2024 Planning Commission public hearing, as well as the City Council public hearing scheduled for November 12, 2024. Each president had the opportunity to relay information back to the associations for feedback and comment. Meeting agendas and materials were available for review and comment on the City's website.

Policy 3. Encourage individuals to organize and work in groups to develop recommended programs or position on various issues.

Findings: The City Council appointed the Planning Commission as the working group for the project. All work sessions were open to the public for feedback and comment. After four work sessions, the Planning Commission on September 18, 2024, directed staff to schedule a public hearing for its proposed CFEC Code Amendment Package.

Policy 4. Provide timely and adequate notice of proposed land use matters to the public to ensure that all citizens have an opportunity to be heard on issues and actions that affect them.

Findings: As part of the legislative process, public notice of the Planning Commission and City Council public hearings was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the September 18, 2024 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the proposed amendment could be viewed.

A copy of the agenda was sent to the president of all eleven recognized neighborhood associations for all four Planning Commission work sessions. Each president had the opportunity to relay information back to the associations for feedback and comment. All work session materials, including meeting recordings and summaries, were available throughout the process on the City's website. All the venues provided the opportunity for gathering feedback and comments.

Policy 5. Communicate with citizens through a variety of print and broadcast media early in and throughout the decision-making process.

Findings: Information was distributed throughout the process via the project website and email. All the venues provided the opportunity for gathering feedback and comments.

In developing code amendments to comply with State CFEC regulations, the City Council appointed the West Linn Planning Commission to act as the working group. All four working group meetings were open to the public. A list of the public work sessions where public feedback could be submitted is listed below.

- April 3, 2024 – Planning Commission Work Session 1
- June 5, 2024 – Planning Commission Work Session 2
- August 21, 2024 – Planning Commission Work Session 3
- September 18, 2024 – Planning Commission Work Session 4

All Planning Commission work sessions were open to the public and noticed in accordance with City rules and regulations, including direct emails to all neighborhood associations and all persons signed up to receive notice of Planning Commission meetings. All work session materials, including meeting recordings and summaries, were available on the City’s website.

As part of the legislative process, public notice requirements for the Planning Commission and City Council public hearings were met (see Exhibit PC-4). The notice was sent to persons who requested notice, affected government agencies, neighborhood associations, and was published in the September 18, 2024 issue of the West Linn Tidings. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City’s webpage where the draft of the proposal can be viewed.

Goal 2: Land Use Planning

Section 5: Intergovernmental Coordination

Goal 1. Provide a coordinated approach to problems that transcend local government boundaries.

Findings: Climate pollution is a problem that transcends local government boundaries. The State’s CFEC provisions are an attempt to address the climate pollution issue and the proposed CFEC code amendments are a coordinated approach to help resolve the issue by bringing the City into compliance with the administrative rules. The proposed amendments are consistent with Oregon Administrative Rules Chapter 660 Division 12 and the Metro Regional Transportation Functional Plan Title 4.

Section 5: Intergovernmental Coordination

Policy 1. Maintain effective coordination with other local governments, special districts, state and federal agencies, Metro, the West Linn-Wilsonville School District, and other governmental and quasi-public organizations.

Findings: Notice was sent to Department of Land Conservation and Development, Metro, Clackamas County, ODOT, TriMet, Lake Oswego, Oregon City, Stafford-Tualatin CPO, West Linn Chamber of Commerce, and all West Linn Neighborhood Associations. They were provided the opportunity to review and comment on the amendments proposed for adoption.

Goal 5: Open Spaces, Scenic and Historic Areas & Natural Resources

Findings: None of the goals or policies under Goal 5 apply to this application.

Goal 6: Air, Water & Land Resources Quality

Section 1: Air Quality

Goal. Maintain or improve West Linn's air quality.

Policy 1. Coordinate with DEQ, Metro, and other relevant agencies to reduce air pollution emission levels in West Linn and the Portland area

Policy 2. Reduce pollution from vehicle emissions by pursuing an energy efficient urban form that provides for connectivity and reduces the number of vehicle miles traveled.

Policy 3. Encourage the use of alternative modes of transportation, including mass transit, walking, and bicycling.

Findings: Climate pollution is a problem that transcends local government boundaries. The State's CFEC provisions are an attempt to address the climate pollution issue and the proposed CFEC code amendments will bring the City into compliance Oregon Administrative Rules Chapter 660 Division 12 and the Metro Regional Transportation Functional Plan Title 4. The proposal is a coordinated effort to reduce emission levels by providing flexibility to develop an energy efficient urban form and encourage alternative modes of transportation.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 8: Parks and Recreation

Goal 9: Economic Development

Goal 1. Policy 6. Adopt City regulations that are predictable, easy to understand and contain standards that can be uniformly applied.

Findings: The proposed CFEC Code Amendment Package will eliminate minimum parking mandates within the City and apply the provisions of the CFEC administrative rules. This policy choice ensures uniform parking standards across the City that are predictable and easy to understand. The alternative policy choice would have created a complex set of requirements based on the specific location within the City.

Goal 10: Housing

Policy 7. Allow for flexibility in lot design, size, and building placement to promote housing variety and protection of natural resources.

Findings: The proposed CFEC Code Amendment Package will eliminate minimum parking mandates within the City and apply the provisions of the CFEC administrative rules. This policy choice will provide flexibility during lot design as parking will now be provided in response to market demand, which could eliminate excess parking spaces currently required by minimum parking standards.

Goal 11: Public Facilities and Services

Goal – Require that essential public facilities and services (transportation, storm drainage, sewer, and water service) be in place before new development occurs and encourage the provision of other public facilities and services.

Findings: The City has an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule 660-011. The Public Facility Plan shows the City's water, sanitary sewer, transportation, and stormwater facilities have adequate capacity to service future development. The proposed amendments are consistent with this goal.

Goal 12: Transportation

Goal 13: Energy Conservation

Goal 14: Urbanization

Goal 15: Willamette River Greenway

Findings: None of the goals or policies under Goals 12-15 apply to this application.

Conclusion: Based on the analysis above, the Commission finds the proposed amendments are consistent with applicable West Linn Comprehensive Plan policies and map.

5. *The applicable provisions of the implementing ordinance.*

Chapter 105 – Amendments to the Code and Map

CDC 105.030 Legislative Amendments to this Code and Map

Legislative amendments to this code and to the map shall be in accordance with the procedures and standards set forth in Chapter 98 CDC.

Findings: The legislative process is being carried out in conformance with CDC Chapter 98 per Findings found in this Staff Report.

Conclusion: Based on the analysis above, the Commission finds the proposed amendment is consistent with applicable provisions of the implementing ordinance.

EXHIBIT PC-1 – PROPOSED ORD 1754: CFEC CODE AMENDMENTS

ORDINANCE NO. 1754

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTERS 1, 2, 22, 32, 35, 36, 41, 46, 48, 54, 55, 56, 75, 96, AND 99 IN ORDER TO COMPLY WITH THE CLIMATE FRIENDLY AND EQUITABLE COMMUNITIES PARKING REFORM REQUIREMENTS FOUND IN OREGON ADMINISTRATIVE RULES CHAPTER 660 DIVISION 12

Annotated to show ~~deletions~~ and **additions** to the code sections being modified. Deletions are ~~lined through~~ and additions are **underlined** in **red font**.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides: Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, in 2007 the Oregon Legislature adopted a goal to reduce Oregon's climate pollution 75 percent 2050; and

WHEREAS, in 2020 the Governor issued Executive Order No. 20-04 directing state agencies to develop measures to reduce Oregon's greenhouse gas emissions; and

WHEREAS, the Land Conservation and Development Commission launched the Climate Friendly and Equitable Communities (CFEC) rulemaking project that resulted in adoption of new rules the City must implement, including parking reform; and

WHEREAS, the City Council appointed the West Linn Planning Commission (PC) on September 19, 2022 to act as the working group and work with staff evaluate policy positions and to review and recommend a proposed code amendment package; and

WHEREAS, the PC held five work sessions from November 2023 to September 2024; and

WHEREAS, the PC held a public hearing, which was noticed in accordance with City standards, on October 2, 2024, and recommended approval of the proposed CFEC Parking Reform Code Amendment Package; and

WHEREAS, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on November 12, 2024, to consider the Planning Commission recommendation, receive public testimony, and evaluate the decision-making criteria; and

WHEREAS, the Council's decision is based on the findings contained in these Whereas Clauses, together with findings, conclusions, and substantial evidence found in the associated land use record file CDC-24-01, which is incorporated by this reference.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Amendments. The West Linn Community Development Code Chapters 1, 2, 22, 32, 35, 36, 41, 46, 48, 54, 55, 56, 75, 96, and 99 are amended to include new text and rescind existing text as shown in Exhibit A.

SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-4) need not be codified and the City Recorder or the designee is authorized to correct any cross-references and any typographical errors.

SECTION 9. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the ____ day of _____, 2024, and duly PASSED and ADOPTED this ____ day of _____, 2024.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

CHAPTER 1 GENERAL

[...]

C. No lot area, yards, other open space ~~or off-street parking~~ or loading area existing on or after the effective date of this code shall be reduced below the minimum required for it by this code. No fee conveyance of any portion of a lot or parcel, for other than a public use, shall leave a structure on the remainder of the lot with less than minimum ordinance requirements.

D. No lot area, yard, or other open space ~~or off-street parking~~ or loading area which is required by this code for one use shall be a required lot area, yard, or other open space ~~or off-street parking~~ or loading area for another use, except as provided in CDC [05.030\(A\)](#).

CHAPTER 2 DEFINITIONS

[...]

Floor area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Attic spaces and unfinished basements shall not count for the purpose of determining **maximum** parking requirements.

[...]

Nursery. The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Seasonal labor may be employed. The term "nursery" contemplates the sale of products of the nursery. ~~The conduct of a nursery business presumes parking places for these functions.~~ However, the use does not include the business of manufacturing and selling products composed of raw materials purchased off the premises. Plant-related products manufactured elsewhere may be resold on the premises.

[...]

Parking facilities. Parking services involving garages and lots, and may exclude ~~required~~ parking lots within the same lot of record of a particular development or use.

[...]

Provision of Electric Vehicle Service Capacity. Refers to service capacity for charging electric vehicles in newly constructed buildings, consistent with ORS 455.417.

[...]

Variance. A discretionary decision to permit modification of the terms of an implementing ordinance based upon specific findings delineated in the Community Development Code. **No variance shall violate regulations mandated by the Oregon Revised Statutes or Oregon Administrative Rules.**

CHAPTER 22 CONDITIONAL USES

[...]

22.060 Conditional Uses

A. The following are conditional uses which may be allowed in this zone subject to the provisions of Chapter [60](#) CDC, Conditional Uses, and, in addition, the proposed use:

[...]

4. Will provide vehicular and pedestrian access, circulation, ~~parking~~ and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

22.080 Development Standards

[...]

C. Parking and loading requirements. The provisions of Chapter [46](#) CDC shall apply, except as modified to address the following objectives:

1. Locate parking areas to maximize the potential for shared parking between on- and off-site complementary uses, as provided under Chapter [46](#) CDC.
2. Encourage the provision of priority parking spaces convenient to the building entrances for employee carpool vehicles.
3. Maximize the joint use of truck loading and maneuvering areas between on-site and adjacent off-site complementary uses.
4. Locate necessary commercial or recreational vehicle storage in areas which are generally inappropriate for permitted use parking, and buffer such areas from residential uses. ~~No parking or loading space required under Chapter [46](#) CDC shall be used for storing a commercial or recreational vehicle.~~

CHAPTER 32 WATER RESOURCE AREA PROTECTION

[...]

32.110 Hardship Provisions

[...]

F. Development allowed under subsection A of this section may use the following provisions:

[...]

2. Landscaping ~~and parking~~ requirements may be reduced for hardship properties but only if all or part of the WRA is dedicated pursuant to CDC [32.060](#)(C) or if a restrictive deed covenant is established. These reductions shall be permitted outright and, to the extent that the practices are inconsistent with other provisions or standards of the West Linn CDC, this section is given precedence so that no variance is required. The allowable reductions include:

- a. Elimination of landscaping for the parking lot interior.
- b. Elimination of the overall landscape requirement (e.g., 20 percent for commercial uses).
- c. Elimination of landscaping between parking lots and perimeter non-residential properties.
- d. Landscaping between parking lots and the adjacent right-of-way may be reduced to eight feet. This eight-foot-wide landscaped strip may be used for vegetated storm water detention or treatment.

~~e. A 25 percent reduction in total required parking is permitted to minimize or avoid intrusion into the WRA.~~

~~f. Adjacent improved street frontage with curb and sidewalk may be counted towards the parking requirement at a rate of one parking space per 20 lineal feet of street frontage adjacent to the property, subject to City Engineer approval based on the street width and classification.~~

~~g. The current compact and full sized parking mix may be modified to allow up to 100 percent compact spaces and no full sized spaces. However, any required ADA compliant spaces shall be provided.~~

CHAPTER 35 TEMPORARY STRUCTURES AND USES

[...]

35.030 Temporary Use Standards

[...]

a. The proposed site shall have adequate ~~parking and~~ circulation space consistent with Chapter [46](#) CDC, Off-Street Parking, Loading and Reservoir Areas; safe ingress and egress consistent with Chapter [48](#) CDC, Access, Egress and Circulation; and adequate line of sight and vision clearance per Chapter [42](#) CDC, Clear Vision Areas.

CHAPTER 36 MANUFACTURED HOMES

[...]

36.030 Manufactured Dwelling Parks Standards

[...]

5. Streets

[...]

~~d. There shall be a minimum of two off-street parking spaces provided for each manufactured dwelling space.~~

CHAPTER 37 HOME OCCUPATIONS

This chapter is being updated as part of another code amendment package and all references to parking requirements will be removed.

CHAPTER 41 BUILDING HEIGHT, STRUCTURES ON STEEP LOTS, EXCEPTIONS

[...]

41.010 Front Yard Setback Exception

If the average slope of a building site is 25 percent or greater, as measured along the planes of the proposed structure, the standards in subsections A and B of this section shall be met.

A. The minimum front yard setback for the garage shall be three feet. All structures other than the garage shall meet the setback requirement of the underlying zone, or as otherwise specified in this code.

B. When a garage is situated less than 20 feet from the front property line or less than 15 feet from a side property line facing a street, the following ~~siting~~ conditions shall apply:

1. The garage shall be ~~set parallel~~ **positioned so the doors are perpendicular** to the street (i.e., **facing sideways, not directly onto the street** ~~the garage doors shall be perpendicularly oriented to the street~~), and at least two off-street parking spaces shall be provided as specified in Chapter [46](#) CDC (i.e., paved).
2. If the lot width prohibits the **garage with doors perpendicular to the street** ~~parallel siting required above~~, an applicant may request an exception as part of a discretionary review, and the garage may be positioned **with** ~~sited perpendicular to the street (i.e., the garage door or doors facing directly onto the street)~~, provided, in addition to the garage parking space(s), ~~two off-street parking spaces are provided on site.~~

CHAPTER 46 OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.020 Applicability and General Provisions

A. At the time a structure is erected or enlarged, or the use of a structure or unit of land is changed within any zone, ~~parking spaces~~, loading areas and reservoir areas shall be provided in accordance with the requirements of this chapter unless other requirements are otherwise established as a part of the development approval process.

[...]

C. No building or other permit shall be issued until plans are approved that show the property that is and will remain available for exclusive use as ~~off-street parking and~~ loading space as required by this chapter.

D. ~~Required~~ **P**arking spaces and loading areas shall be improved to the standards contained in this chapter and shall be available for use at the time of the final building inspection except as provided in CDC [46.150](#).

46.030 Submittal Requirements

For any application requiring design review approval, which includes parking areas, the applicant shall submit, within the design review package, a plan drawn to scale showing all the elements necessary to indicate that the requirements of Chapter [55](#) CDC are met and it shall include but not be limited to:
[...]

L. A tree canopy plan developed in coordination with the local electric utility, including pre-design, design, and building and maintenance phases that includes:

- 1. Confirmation, such as a signature or email, from electric utility showing they reviewed and support the plan.**
- 2. Site plan depicting canopy coverage at maturity to meet CDC 46.150(G).**
- 3. Planting specifications to meet CDC 46.150(G).**
- 4. Narrative responses to show compliance with CDC 46.150(G).**

M. Narrative responses and site plan depicting location of required electric vehicle charging conduit per CDC 46.150(H).

46.050 Joint Use of a Parking Area

A. Joint use of ~~required~~ parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of ~~required~~ parking spaces on separate sites is allowed if shall submit the following documentation is submitted in writing to the Planning Director as part of a building or zoning permit application or land use review:

- 1- 1. The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations.
- 2- 2. The location and number of parking spaces that are being shared.
- 3- ~~An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and~~
- 4- 3. A legal instrument such as an easement or deed restriction that guarantees access to the parking for the shared spaces all uses.

B. If a joint use arrangement is subsequently terminated, the requirements of this chapter will apply to each use separately.

46.060 Storage in Parking and Loading Areas Prohibited

~~Required~~ P parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and the ~~required~~ parking spaces shall not be used for storage of vehicles or materials or for the parking of trucks connected with the business or use with the exception of small (under one-ton) delivery trucks or cars.

46.070 Maximum Distance Allowed Between Parking Area and Use

[...]

B. ~~Off street parking spaces for uses not listed in subsection A of this section shall be located not farther than 200 feet from an entryway to the building or use they are required to serve, measured in a straight line from the building, with the following exceptions~~ Parking areas must provide the following, wherever applicable:

- 1- ~~Shared parking areas for commercial uses which require with more than 40 parking spaces may provide for the spaces in excess of the required 40 spaces up to a distance of 300 feet from the entryway to the commercial building or use.~~
- 2- ~~Industrial and manufacturing uses which require in with an excess of 40 spaces may locate the required spaces in excess of the 40 spaces up to a distance of 300 feet from the entryway to the building.~~
- 3- 1. Employee parking areas for carpools and vanpools shall be located closer to the entryway to the building than general employee parking.
- 4- 2. Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for ~~required~~ parking spaces, the applicant shall ensure that an attendant will always be present when the lot is in operation. The requirements for ~~minimum~~ or maximum spaces and all parking area development standards continue to apply for stacked parking.

- 5. **3.** All disabled parking shall be placed closest to building entrances than all other parking. Appropriate ADA curb cuts and ramps to go from the parking lot to the ADA-accessible entrance shall be provided unless exempted by ADA code.

~~46.080 Computation of required Parking Spaces and Loading Area~~

- ~~A. Where several uses occupy a single structure or unit of land, a combination of uses is included in one business, or a combination of uses in the same or separate buildings share a common parking area as in the case of a shopping center, the total off-street parking spaces and loading area shall be the sum of the requirements of the several uses, computed separately. For example, parking for an auto-sales and repair business would be calculated using the “retail bulky” calculation for the sales area and the “service and repair” calculation for the repair area. In another example, parking for a shopping center with a grocery store, a restaurant, and a medical office would be calculated using the “general retail store” calculation for the grocery store, the “restaurant” calculation for the restaurant, and the “medical/dental clinics” calculation for the medical office. The total number of required parking spaces may be reduced by up to 10 percent to account for cross-patronage (when a customer visits several commercial establishments during one visit to the commercial center) of adjacent businesses or services in a commercial center with five or more separate commercial establishments.~~
- ~~B. To calculate building square footage as a basis for determining how many parking spaces are needed, the area measured shall be gross floor area under the roof measured from the faces of the structure, including all habitable floors and excluding only space devoted to covered off-street parking or loading.~~
- ~~C. Where employees are specified, the employees counted are the persons who work on the premises including proprietors, executives, professional people, production, sales, and distribution employees, during the largest shift.~~
- ~~D. Fractional space requirements shall be counted as a whole space.~~
- ~~E. On-street parking along the immediate property frontage(s) may be counted toward the minimum parking requirement with approval from the City Engineer.~~
- ~~F. When an office or commercial development is proposed which has yet to identify its tenants, the parking requirement shall be based upon the “office” or “general retail” categories, respectively.~~
- ~~G. As permitted uses are replaced with new permitted uses within an existing commercial or business center, modification of the number of parking spaces relative to the new mix of uses is not required unless other modifications of the site which require design review approval pursuant to Chapter 55 CDC are proposed.~~

~~46.090 Minimum Off-Street Parking Space Requirements~~

- A. Residential parking space requirements.
 - 1. Single family residences (attached or detached). 1 space for each dwelling unit; may or may not be in garage or carport.
 - 2. Two family residences and duplexes. 1 space for each dwelling unit; may or may not be in garage or carport.

- 3. Triplexes.
 - 1 space for each dwelling unit; may or may not be in garage or carport.
 - For lots or parcels less than 3,000 square feet: 1 space in total;
 - For lots or parcels greater than or equal to 3,000 square feet but less than 5,000 square feet: 2 spaces in total;
 - For lots or parcels greater than or equal to 5,000 square feet: 3 spaces in total.
 - Stacking one car behind the other is permitted only when the parking spaces are allocated to specific dwelling units and the driveway width allows for the interior vehicle to maneuver around the other parked vehicles.

- 4. Quadplexes.
 - 1 space for each dwelling unit; may or may not be in garage or carport.
 - For lots or parcels of less than 3,000 square feet: 1 space in total;
 - For lots or parcels greater than or equal to 3,000 square feet but less than 5,000 square feet: 3 spaces in total;
 - For lots or parcels greater than or equal to 5,000 square feet but less than 7,000 square feet: 3 spaces in total; and
 - For lots or parcels greater than or equal to 7,000 square feet: 4 spaces in total.
 - Stacking one car behind the other is permitted only when the parking spaces are allocated to specific dwelling units and the driveway width allows for the interior vehicle to maneuver around the other parked vehicles.

- 5. Townhouses.
 - 1 space per townhouse dwelling unit.
 - Stacking one car behind the other is permitted only when the parking spaces are allocated to specific dwelling units and the driveway width allows for the interior vehicle to maneuver around the other parked vehicles.

- 6. Cottage cluster.
 - 1 space per dwelling unit or cottage in the cluster.
 - Stacking one car behind the other is permitted only when the parking spaces are allocated to specific dwelling units and the

driveway width allows for the interior vehicle to maneuver around the other parked vehicles.

- 7. Multifamily residences:
 - a. 500 square feet or less. 1 space for each unit.
 - b. 1 bedroom apartment. 1.25 spaces for each unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
 - c. 2 bedroom apartments. 1.5 spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
 - d. 3 (or more) bedroom apartment. 1.75 spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
 - e. Visitor parking for multifamily residences. 1 space for every 3 apartment units evenly distributed throughout the complex. These spaces shall be clearly identified and signed as visitor spaces only. This number may be reduced by 1 space for every 18 feet of project abutting public street frontage where on-street parking is allowed.
- 8. Residential hotel, rooming and boarding houses. 1 space per 1,000 square feet of gross leasable area.
- 9. Correctional institutions. 1 space for each 3 beds or patients, plus 1 space for each 2 employees.
- 10. Manufactured/mobile home. Same as single family.
- 11. Adult foster care, residential care facility, assisted living facility. 1 space for each 3 units plus 1 space for each employee working during the time period with the greatest number of employees on site.
- B. Public and semi-public buildings/uses.
 - 1. Hospitals/nursing facilities. 1 space for each 3 beds plus 1 space per 2 employees.
 - 2. Lodge, social and civic assembly (except senior center and community center). Spaces to meet the combination of uses, CDC [46.080\(A\)](#).
 - 3. Library. 1 space per 400 square feet of reading area, plus 1 space per 2 employees.

- 4. Religious institutions and community meeting rooms. 1 space for every 4 fixed seats or every 8 feet of bench length or every 28 square feet where no permanent seats or benches are maintained (in main auditorium, sanctuary, or place of worship).
 - 5. Museum, art gallery. 1 space for each 500 square feet of floor area, plus 1 space for each 2 employees.
 - 6. Primary school, middle school, or equivalent private or parochial school. 1 space for every employee, plus 1 space for each 1,000 square feet of floor area.
 - 7. Senior high, college, or commercial trade school, or equivalent private or parochial school. 0.2 spaces per staff and student.
 - 8. Day care, kindergarten, or pre-school facilities. 1 space per employee, plus one space for every 300 square feet of floor area.
 - 9. Youth center or community center. 1 space per 200 square feet of covered floor area and drop-off facilities where required by CDC [46.120](#).
 - 10. Passive parks, open space areas. 1 space per 5 acres to 1 space per acre unless the open space area is abutting a street with no intervening homes or land uses, and has at least 300 lineal feet of street frontage where on-street parking is allowed.
 - 11. Active parks, playgrounds. 2 to 5 spaces for each acre of active use area other than athletic fields.
 - 12. Athletic field (baseball, soccer, etc.). 40 spaces per athletic field.
 - 13. Boat ramp. 40 spaces per launch ramp (50 percent at 9' X 20'; 50 percent at 10' X 40' marked "trailers only").
 - 14. Senior center. 1 space per 150 square feet and drop-off facility per CDC [46.120](#).
 - 15. Trailhead. Four spaces (includes one handicapped space).
- C. Commercial.
- 1. Restaurants: Eating and drinking establishments.
 - - a. Cafes, diners, taverns, bars, lounges, full-service and fast food restaurants. One space for every 100 square feet of gross floor area. Restaurants with drive-through window and reservoir areas may reduce their parking requirement by 5 spaces.

- b. Take-out facilities (i.e., delicatessen, coffee and pastry, pizza, Chinese food, etc.) with no more than 2 tables and 8 seats, or 12 feet of stand-up counter space, or combination thereof, so that not more than 8 persons could be accommodated at any one time. One space for every 200 square feet of gross floor area. Take-out facilities with drive-through window and reservoir areas may reduce their parking requirement by 5 spaces.
 - 2. General retail store, except as provided below. One space for every 240 sq. ft. of gross floor area.
 - 3. Retail bulky (i.e., automobiles, furniture, automotive parts, appliances such as stoves, refrigerators, etc.). One space for every 300 sq. ft. of gross floor area.
 - 4. Service and repair shops. One space for every 500 sq. ft. of gross floor area.
 - 5. Professional offices, banks and savings and loans, and government offices. One space for every 370 sq. ft. of gross area.
 - 6. Medical/dental clinics/day surgery. One space for every 250 sq. ft. of gross floor area.
 - 7. Hotel, motel, tourist court, or bed and breakfast. One space for each guest room (plus parking for convention center, as appropriate).
 - 8. Convention, trade, or banquet center. One space per 3 persons of the maximum capacity of the convention center.
 - 9. Laundromat. One space per 2 washing machines.
 - 10. Tanning salon. One space per tanning booth/bed, plus 1 per employee.
- D. Commercial recreation.
- 1. Auditorium, stadium, gymnasium. One space for each 4 seats, or 8 feet of bench length, or 1 space for each 40 square feet of floor area.
 - 2. Bowling alley. Five spaces for each alley, plus 1 space for each 2 employees.
 - 3. Pool hall or billiard hall. One space per table, plus 1 space for each 2 employees.
 - 4. Dance hall or skating rink. One space for each 50 sq. ft. of gross floor area, plus space for each 2 employees.
 - 5. Amusement park. One space for each 1,000 sq. ft. of gross area, plus 1 space for each 2 employees.
 - 6. Go-kart track. One space per kart, plus one space per employee.

- 7. Country club and golf course. Six spaces per golf hole, and 1 space per employee on largest shift.
- 8. Executive or 9-hole golf course. Two spaces per golf hole, and space per employee on largest shift.
- 9. Theater or movie house. One space per 4 seats, or 8 feet of bench length.
- 10. Racetrack or stadium. One space per 6 seats, or 12 feet of bench length.
- 11. Shooting gallery. One space per 500 square feet of floor area, plus 1 space per 2 employees.
- 12. Swimming pool. One space per 100 square feet of floor area, plus 1 space per 2 employees.
- 13. Tennis/racquetball courts. One space per court.
- 14. Video arcade. One space per 240 square feet.
- 15. Miniature golf course. Two spaces per golf hole, plus 1 space per employee at largest shift.
- 16. Marina boat dock. 1.5 spaces per boat slip, plus 1 per each employee.
- 17. Health club. One space per 230 square feet of gross floor area.

E. Industrial.

- 1. Manufacturing use; may include assembly and distribution. One space per employee. (Multi shift businesses only need to provide for peak shift number of employees on site at one time.)
- 2. Storage or wholesale use including personal storage facilities. One space per employee plus one space/700 sq. ft. of patron serving area.

A. F. Maximum Parking. Parking spaces (except for single family attached and detached residential uses) shall not exceed the minimum required number of spaces by more than 10 percent the following amounts.

<u>Land Use</u>	<u>Maximum Spaces (Spaces per 1,000 sq. ft. of gross leasable area unless otherwise stated)</u>
<u>Multi-family studio unit (spaces per unit)</u>	<u>1.2</u>
<u>Multi-family non-studio (spaces per unit)</u>	<u>2.0</u>
<u>General Office (includes Office Park, "Flex-Space", Government Office & misc. Services)</u>	<u>3.0</u>
<u>Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)</u>	<u>0.4</u>
<u>Schools: College/ University & High School (spaces/# of students and staff)</u>	<u>0.3</u>
<u>Tennis Racquetball Court</u>	<u>1.3</u>
<u>Sports Club/Recreation Facilities</u>	<u>4.8</u>
<u>Retail/Commercial, including shopping centers</u>	<u>4.6</u>
<u>Bank with Drive-In</u>	<u>3.0</u>
<u>Movie Theater</u>	<u>0.4</u>
<u>Fast Food with Drive Thru</u>	<u>11.0</u>
<u>Other Restaurants</u>	<u>11.0</u>
<u>Place of Worship (spaces/seats)</u>	<u>0.6</u>
<u>Medical/Dental Clinic</u>	<u>4.4</u>
<u>Other Commercial Uses</u>	<u>5.0</u>

1. For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area than the floor area of the building.
2. Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures may be exempted from the calculations in this section.
3. For land uses not listed in the table above, maximum parking will be calculated based on the most similar land use in the table.

G. — Parking reductions. An applicant may reduce parking up to 10 percent for development sites within one-quarter mile of a transit corridor or within a mixed-use commercial area, and up to 10 percent for commercial development sites adjacent to multifamily residential sites with the potential to accommodate more than 20 dwelling units.

B. H. For office, industrial, and public uses where there are more than 20 parking spaces for employees on the site, at least 10 percent of the ~~required~~ employee parking spaces shall be reserved for carpool use before 9:00 a.m. on weekdays. The spaces will be the closest to the building entrance, except for any disabled parking and those signed for exclusive customer use. The carpool/vanpool spaces shall be clearly marked “Reserved – Carpool/Vanpool Before 9:00 a.m.”

C. †. Existing developments along transit streets or near transit stops may ~~redevelop up to 10 percent of~~ the existing parking spaces to provide transit-oriented facilities, including bus pullouts, bus stops and shelters, park and ride stations, and other similar facilities.

~~J.~~ Development in water resource areas may ~~reduce the required number of parking spaces by up to 25 percent.~~ Adjacent improved street frontage with curb and sidewalk may also be counted towards the parking requirement at a rate of one parking space per 20 lineal feet of street frontage adjacent to the property.

46.100 Parking Requirements for Unlisted Uses

~~A.~~ Upon application and payment of fees, the decision making authority, as provided by CDC ~~99.060(B)~~, may rule that a use not specifically listed in CDC ~~46.090~~ is a use similar to a listed use and that the same parking standards shall apply. The ruling on parking requirements shall be based on the requirements of Chapter ~~99~~ CDC and findings that:

- ~~1.~~ The use is similar to and of the same general type as a listed use;
- ~~2.~~ The use has similar intensity, density and off-site impacts as the listed use; and
- ~~3.~~ The use has similar impacts on the community facilities as the listed use.

~~B.~~ This section does not authorize the inclusion of a use in a zone where it is not listed, or a use which is specifically listed in another zone or which is of the same general type, and is similar to a use specifically listed in another zone.

46.140 Exemptions to Parking Requirements

To facilitate the design requirements of Chapter 58 CDC, properties in the Willamette Falls Drive Commercial Design District, located between 10th and 16th Streets, shall be exempt from the minimum parking and off-street loading requirements as identified in this chapter. Any off-street parking or loading spaces voluntarily provided shall be designed and installed per the dimensional standards of this code.

46.150 Design and Improvement Standards

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

A. Design standards.

1. “One standard parking space” means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as “compact.” To accommodate larger cars, 50 percent of the ~~required~~ parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multifamily parking stalls back onto a driveway, as opposed to a drive aisle within a parking lot, the stalls shall be nine feet by 20

feet. Parking for development in water resource areas may have 100 percent compact spaces.
[...]

- 6. Except for single-family attached and detached residences, any area intended to be used **for** ~~to meet the~~ off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. Permeable parking surface spaces may have an alternative delineation for parking spaces.
[...]

20. Pedestrian connections through parking areas.

- a. Pedestrian walkways shall be provided in parking areas ~~having 20 or more spaces~~ **that are larger than ½ acre. The pedestrian walkways or sidewalks should provide access to building entrances, existing or planned pedestrian facilities in the public right-of-way, and to accessible parking spaces.**
- b. Walkways or sidewalks shall be constructed through parking lots where such parking lots lie between major buildings/activity areas (an example in multifamily housing: between recreation center, swimming pool, manager’s office, park or open space areas, parking lots, etc.) within a development and adjacent streets or adjacent transit stops. **The walkways or sidewalks should also provide access to building entrances, existing or planned pedestrian facilities in the public rights-of-way, and to accessible parking spaces.**

B. Accessible parking standards for persons with disabilities. If any parking is provided for the public or visitors, or both, the needs of the people with disabilities shall be based upon the following standards or current applicable federal standards, whichever are more stringent:

- 1. Minimum number of accessible parking space requirements (see following table):

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED “WHEELCHAIR USE ONLY”
1 – 25	1	1	-
26 – 50	2	1	-
51 – 75	3	1	-
76 – 100	4	1	-
101 – 150	5	-	1
151 – 200	6	-	1
201 – 300	7	-	2
301 – 400	8	-	2
401 – 500	9	-	2
501 – 999	2 percent of total spaces	-	1 in every 6 accessible spaces or portion thereof

Over 1,000	20 spaces plus 1 for every 100 spaces, or fraction thereof, over 1,000	-	1 in every 6 spaces or portion thereof
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[...]

~~E. Office or industrial developments shall be allowed a 10 percent reduction in the number of required parking spaces when the property owner agrees to a demand management program that includes three or more of the following measures:~~

- ~~1. Designate a transportation coordinator responsible for promoting public transit and ride-sharing among employees.~~
- ~~2. Participate in region-wide ride matching program at the site.~~
- ~~3. Provide free transit passes to employees.~~
- ~~4. Provide showers and lockers for employees who commute by bicycle.~~
- ~~5. Charge employees for monthly parking and provide a transportation allowance to employees equal to the parking charge.~~
- ~~6. Install office technology, floorplans, and tenant regulations which are permanent, which effectively arrange for at least 10 percent of the employees to telecommute, thereby reducing employee automobile traffic by 10 percent.~~

~~The required demand management measures shall be included as conditions of approval for the proposed project. The property owner or manager shall file an annual affidavit with the City of West Linn stating that ongoing demand management measures required as conditions of approval have not been discontinued.~~

[...]

~~E. F.~~ (See Figures 1 and 2 below.)

F. The following requirements apply to any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel. 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:

1. Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting. Trees planted or preserved to meet parking area landscaping requirements in CDC 54.020 may count toward the tree canopy cover percentage.
2. At a minimum, trees planted to meet canopy cover requirements must be planted at the standards and specifications no lower than the 2021 American National Standards Institute A300 standards.

G. New construction or redevelopment for the following uses must include provision of electric service capacity, as defined in ORS 455.417 and in this Code, for a minimum percentage of vehicle parking spaces:

- 1. Commercial buildings under private ownership 20%
- 2. Multi-family buildings (5 or more units) 40%
- 3. Mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units 40%

CHAPTER 48 ACCESS, EGRESS AND CIRCULATION

48.030 Minimum Vehicular Requirements for Residential Uses

[...]

F. Where on-site maneuvering and/or access drives are necessary to accommodate ~~required~~ parking, in no case shall said maneuvering and/or access drives be less than that required in Chapters [46](#) and [48](#) CDC.

CHAPTER 54 LANDSCAPING

54.020 Approval Criteria

A. Tree Preservation

[...]

~~3. To encourage tree preservation in parking lots, the parking requirement may be reduced by one space for every significant tree, as defined in CDC [2.030](#), that is preserved in the parking lot area for a maximum reduction of 10 percent of the required parking.~~

CHAPTER 55 DESIGN REVIEW

[...]

55.170 Exceptions to Underlying Zone, yard, Parking, Sign Provisions, and Landscaping provisions

[...]

C. The Planning Director may grant an exception to the off-street parking dimensional ~~and minimum number of space~~ requirements in the applicable zone so long as the ~~following criteria are met:~~

- ~~1. The minor exception is not greater than 10 percent of the required parking;~~
- ~~2. The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, a nursing home) and which has a low demand for off-street parking; or~~
- ~~3. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or~~
- ~~4. Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards.~~

CHAPTER 56 PARKS AND NATURAL AREA DESIGN REVIEW

[...]

56.020 Applicability

[...]

C. Class I design review. The following is a non-exclusive list of Class I design review activities or facilities.

[...]

8. Ten percent additions or reduction of parking stalls ~~so long as required minimum number of spaces is still met.~~

[...]

56.100 Approval Standards – Class II Design Review

[...]

H. Public facilities.

[...]

2. Parking lots. CDC [46.090](#) explains the parking requirements for the various categories of parks and open space areas. ~~City squares, malls or plazas are exempt from the parking requirements of Chapter 46 CDC. Reduced parking requirements are explained in CDC 56.170.~~ Except for areas accommodating ADA disabled parking and ADA access, parking lots may be constructed with grasscrete.

[...]

56.170 Exceptions to Underlying Parking Provisions

~~The Planning Director may grant up to a 50 percent exception to the off street parking dimensional and minimum number of space requirements in the applicable zone so long as one of the following criteria is met:~~

~~A. There is an opportunity for shared parking and there is written evidence that the property owners are willing to enter into a legal agreement; or~~

~~B. Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards.~~

CHAPTER 75 VARIANCES AND SPECIAL WAIVERS

75.010 PURPOSE

The purpose of this chapter is to provide standards for granting variances and special waivers from the applicable requirements of this code. However, this chapter may not be used to allow a use that is not a specified use in the zone where the land is located, to modify density provisions, **or to violate mandated regulations found in the Oregon Revised Statutes or Oregon Administrative Rules.**

75.020 CLASSIFICATION OF VARIANCES

[...]

~~3. Off street parking dimensional and minimum number of space requirements may be modified up to 10 percent if the decision making authority finds that the use is designed for a specific purpose, which is intended to be permanent in nature.~~

[...]

75.030 ADMINISTRATION AND APPROVAL PROCESS

A. Class I variances shall be decided by the Planning Director in the manner set forth in CDC 99.060(A). An appeal may be taken as provided by CDC 99.240(A).

B. Class II variances and special waivers shall be decided by the Planning Commission in the manner set forth in CDC 99.060(B). A petition for review by the Council may be filed as provided by CDC 99.240(B).

C. No variance shall violate land use regulations mandated by the Oregon Revised Statutes or Oregon Administrative Rules.

CHAPTER 96 STREET IMPROVEMENT CONSTRUCTION

[...]

B. Street improvements for commercial construction are required when:

1. Construction of a new commercial structure; or
2. Remodel of an existing commercial structure with an increase in floor area ~~that requires additional parking~~; or
3. ~~Change in use that requires additional parking; or~~
- 34.** Construction that increases the dwelling unit density on site; or
- 45.** Construction which requires a change in type, number, or location of accessways; or
- 56.** Replacement of an existing structure with an increase in floor area. ~~that requires additional parking.~~

CHAPTER 99 PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

A. An amendment application shall be required if the Planning Director determines that the proposed revisions will change the project by a factor greater than 10 percent in a quantifiable manner (e.g., number of proposed lots, square footage of proposed buildings, ~~number of parking spaces~~, relocation of building footprints). Non-quantifiable changes shall also require an amendment if they result in significant differences between the approved project and the revised project, or if the changes call into question compliance with a relevant approval criterion.

**EXHIBIT PC-2 – DRAFT PLANNING COMMISSION TRANSMITTAL LETTER TO CITY
COUNCIL**

Memorandum

Date: October 3, 2024
To: West Linn City Council
From: West Linn Planning Commission
Subject: CDC-24-01 Recommendation – CFEC Parking Reform Code Amendment Package

The Planning Commission held a legislative public hearing on October 2, 2024, for the purpose of making a recommendation to the City Council on adoption of a proposed Climate Friendly and Equitable Communities (CFEC) Parking Reform Code Amendment Package.

In 2022, the City Council directed the Planning Commission to analyze and discuss the parking policy choices found in Oregon Administrative Rules Chapter 660 Division 12, recommend a policy position, and then recommend code amendments to implement the policy choice and comply with the CFEC rules. The Planning Commission met five times from November 2023 to September 2024 to evaluate the policy questions and proposed code amendments.

After conducting the public hearing, the Commission deliberated and voted # to # to recommend City Council adopt (or adopt with changes or not adopt) the proposal as presented (with the following changes or explain not adopt recommendation). Written testimony was submitted by # community members and # community members provided oral testimony at the public hearing.

The primary topics of the testimony included:

- Topic 1
- Topic 2
- Topic 3
- Etc.

Respectfully,

Joel Metlen
Vice-Chair, West Linn Planning Commission

EXHIBIT PC-3 – AFFIDAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE
LEGISLATIVE DECISION**

We, the undersigned, certify that, in the interest of the party (parties) initiating a proposed legislative change, the following took place on the dates indicated below:

PROJECT

File No.: **CDC-24-01**

Project: **CFEC Community Development Code Amendments**

Planning Commission Hearing: **October 2, 2024**

City Council Hearing: **November 12, 2024**

MAILED NOTICE

Notice of Upcoming Planning Commission and City Council Hearings was mailed at least 10 days before the Planning Commission hearing, per Section 98.070 and 98.080 of the Community Development Code to:

ODOT	09/19/24	<i>Lynn Schroder</i>
METRO	09/19/24	<i>Lynn Schroder</i>
TRIMET	09/19/24	<i>Lynn Schroder</i>
Clackamas County Planning Department	09/19/24	<i>Lynn Schroder</i>
City of Oregon City	09/19/24	<i>Lynn Schroder</i>
City of Lake Oswego	09/19/24	<i>Lynn Schroder</i>
All Neighborhood Associations	09/19/24	<i>Lynn Schroder</i>
Stafford-Tualatin CPO	09/19/24	<i>Lynn Schroder</i>
West Linn-Wilsonville SD	09/19/24	<i>Lynn Schroder</i>
West Linn Chamber of Commerce	09/19/24	<i>Lynn Schroder</i>
Director, Dept. of Land Conservation and Development	08/26/24	<i>Darren S. Wyss</i>

EMAILED NOTICE

Notice of Upcoming Planning Manager Decision was emailed at least 10 days before the decision date to:

All Neighborhood Association	09/19/24	<i>Lynn Schroder</i>
Persons Requesting Notification -PC agenda distribution list	09/19/24	Persons Requesting Notification

WEBSITE

Notice of upcoming Planning Commission and City Council hearings posted on City's website.

09/18/24	<i>Lynn Schroder</i>
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TIDINGS

Notice of the Planning Commission and City Council hearings was posted in the West Linn Tidings at least 10 days before the Planning Commission hearing, per Section 98.070 and 98.080 of the CDC.

09/18/24	<i>Lynn Schroder</i>
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STAFF REPORT

The proposed amendments and staff report were posted on the website and provided to Planning Commissioners at least 10 days before the hearing, per Section 98.040 of the CDC.

09/20/24	<i>Darren S. Wyss</i>
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**CITY OF WEST LINN
PUBLIC HEARING NOTICE
CDC-24-01**

**TO ADOPT TEXT AMENDMENTS TO THE WEST LINN COMMUNITY DEVELOPMENT CODE
CHAPTERS 1, 2, 22, 32, 35, 36, 41, 46, 48, 54, 55, 56, 75, 96, AND 99 IN ORDER TO COMPLY WITH THE
CLIMATE FRIENDLY AND EQUITABLE COMMUNITIES PARKING REFORM REQUIREMENTS FOUND IN
OREGON ADMINISTRATIVE RULES CHAPTER 660 DIVISION 12**

The West Linn Planning Commission will hold a hybrid public hearing on **Wednesday, October 2, 2024 at 6:30pm** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider adopting text amendments to West Linn Community Development Code Chapters 1, 2, 22, 32, 35, 36, 41, 46, 48, 54, 55, 56, 75, 96, and 99. The purpose of the amendments is to comply with the State's Climate Friendly and Equitable Communities program and associated rules found in Oregon Administrative Rules Chapter 660 Division 12.

Following the Planning Commission hearing, the Commission will make a recommendation to the City Council. The Council will make a final decision regarding the Commission recommendation following its own hybrid public hearing on **Tuesday, November 12, 2024 at 6:00pm** in the Council Chambers of City Hall.

At least 10 days before the hearings, a copy of the proposed amendments and associated staff report will be available for inspection at no cost at City Hall and on the City website <https://westlinnoregon.gov/projects>. Alternately, copies may be obtained for a minimal charge per page.

The hybrid hearings will be conducted in accordance with the rules of CDC Chapters 98 and 105. The public can attend in person or watch the meeting online at <https://westlinnoregon.gov/meetings> or Cable Channel 30.

The Commission and Council will receive a staff presentation and invite oral and written testimony at public hearings. The Body may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the proposed amendments as provided by state law.

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on the meeting day or in-person at the hearing. Persons interested in party status must establish standing by submitting oral or written testimony before or at the public hearings. Written comments may be submitted to dwyss@westlinnoregon.gov. Failure to raise an issue in person or by letter before the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

To participate remotely during the meeting, please complete the form at: <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by 4:00 pm on the meeting day. Staff will email a Webex invitation before the meeting. If you do not have email access, please call 503-742-6061 for assistance 24 hours before the meeting. If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date 503-657-0331.

For further information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, (503)742-6064 or dwyss@westlinnoregon.gov.

Publish: West Linn Tidings, September 18, 2024



**NOTICE OF UPCOMING
LEGISLATIVE PUBLIC HEARINGS**

**PROJECT # CDC-24-01
MAIL: 09/19/2024 TIDINGS: 09/18/2024**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.