

**Work Session Agenda Bill**

Date: October 10, 2024

To: Rory Bialostosky, Mayor  
Members, West Linn City Council

Through: John Williams, City Manager *JRW*

From: Darren Wyss, Planning Manager *DSW*

Subject: CFEC Code Amendment Package Work Session

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**Purpose:**

Receive overview of Climate Friendly and Equitable Communities Code Amendment Package and briefing on legislative process.

**Question(s) for Council:**

Does the Council have questions regarding the code amendments and legislative process, or need additional information before the November 12, 2024 public hearing?

**Background & Discussion:**

The [Climate-Friendly and Equitable Communities \(CFEC\)](#) rules were adopted by the [Land Conservation and Development Commission \(LCDC\)](#) in July 2022 and amended in 2023. The CFEC rules, found in [Oregon Administrative Rules \(OAR\) Chapter 660, Division 12](#), aim to reduce climate pollution and improve equity, while ensuring all Oregonians are served by a community's transportation, housing, and planning efforts. The rules were in response to Governor Kate Brown's [Executive Order No. 20-04](#) directing state agencies to meaningfully and urgently address climate change by developing measures to reduce Oregon's greenhouse gas emissions.

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 (see Attachment 1 for more details on the full process). 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 and comply with OAR Chapter 660, Division 12 parking reform rules.

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 immediately required the City to eliminate parking mandates in some cases and reduce them in other cases. The rules also required 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 (PC) held two work sessions in Spring 2024 to review the CFEC parking reform policy choices. The PC discussed impacts on commercial development, specifically where mandates

could not be enforced regardless of the policy choice, whether parking would still be provided by developers if mandates were eliminated, and the potential impact of new TriMet routes on the City's ability to require minimum parking.

The PC 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.

Staff presented the Planning Commission policy recommendation to remove all parking mandates to City Council in July 2024. After a brief discussion, Council found consensus of support to move forward with development code amendments to implement the PC policy recommendation.

Based on the policy direction, the consultant team drafted code amendments to remove parking mandates, comply with new parking design standards, and add electric vehicle (EV) charging infrastructure requirements to the code. The proposed draft code amendment package was reviewed by the PC in August and September 2024 work sessions. The PC made some minor changes to the package and directed staff to bring it forward to a public hearing. The PC legislative public hearing was held on October 2, 2024. After a brief discussion, the PC made a unanimous recommendation (see Attachment 2) for the City Council to adopt the proposed code amendments found in Ordinance 1754 (see Attachment 4).

At the October 21<sup>st</sup> work session, Council will be able to ask clarifying questions and/or request more information about the recommended CFEC Code Amendment Package. The code package contains a lot of Community Development Code (CDC) chapters and pages, but many changes are strike outs of references to parking requirements, so the task is not as daunting as it appears (see Attachment 1).

The Council will then hold its public hearing on November 12<sup>th</sup> to adopt the recommended CFEC Code Amendment Package with or without further adjustments. This allows the City to meet the state-mandated adoption date of December 31, 2024.

**Council Options:**

1. Receive briefing and hold public hearing on November 12<sup>th</sup> for a final decision.
2. Receive briefing and direct staff to provide any additional needed information before the public hearing on November 12<sup>th</sup> for a final decision.

**Staff Recommendation:**

Request any additional needed information and make a final decision at the public hearing scheduled for November 12, 2024.

**Attachments:**

1. Staff Memorandum – City of West Linn CFEC Implementation Process
2. West Linn Planning Commission Recommendation Memorandum
3. ORD 1754 – Planning Commission Recommended CFEC Code Amendment Package

# **Attachment 1: CFEC Implementation Memo**

## Memorandum

Date: October 10, 2024

To: Rory Bialostosky, Mayor  
Members, West Linn City Council

From: Darren Wyss, Planning Manager

Subject: CFEC Parking Reform Implementation Process

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In 2007, Oregon legislators adopted a goal to reduce Oregon's climate pollution 75 percent by 2050. Over 10 years later, the state was 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 DLCD in 2023 for consultant assistance in developing parking reform code amendments. The City has a deadline of

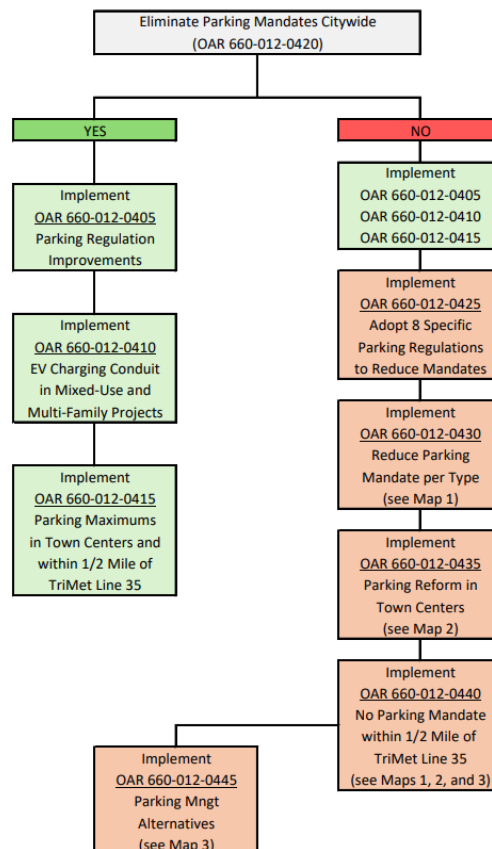
December 31, 2024 to adopt the CFEC parking reform code amendment package to comply with OAR Chapter 660 Division 12.

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-205/10<sup>th</sup> 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 3<sup>rd</sup>).
  - 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 18<sup>th</sup> 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](#)

[Link to PC Work Session 4 Draft Meeting Notes](#)

PC Public Hearing: October 2, 2024

At the public hearing, staff presented the code amendment changes from the September 18, 2024 PC work session and PC concurred with the changes. After a brief discussion, the PC voted unanimously to recommend the City Council adopt the proposed CFEC Parking Reform Code Amendment Package as presented. Staff addressed the September 18<sup>th</sup> items by updating the code as follows:

Item 1: Clarify maximum parking rates for the use “Places of Worship”

Staff calculated current maximum parking requirements in the code versus maximums found in the [Metro Regional Transportation Function Plan \(RFTP\)](#). The City must not exceed the parking maximums within the RFTP, so staff recommended applying the 0.6/seat maximum across the community consistent with previous PC direction.

Item 2: Simplify the maximum parking table

Staff eliminated the parking maximum column for areas outside of Metro Town Centers or frequent corridors in CDC 46.090(A). Staff recommended the PC confirm this is still the direction based on the “Places of Worship” use maximums found in Item 1 above (this was confirmed by the PC).

Item 3: Include the DLCD language changes

1. Parking agreements in CDC 46.050 are not required.

Staff recommended changes to the language to clarify agreements on separate sites need to be submitted as part of the application. The intent is to reduce staff time doing research or contacting property owners if a code enforcement complaint is filed in the future.

2. Remove OAR 330-135-0010 reference from CDC 46.150.F(1).

Staff has removed the reference to comply with OAR Chapter 660 Division 12 and clarify the 40 percent canopy coverage requirement in parking lots applies to both public and private projects.

3. Add clarifying language to CDC Chapter 75: Variances

Staff recommended the addition of language to CDC 75.010 (Purpose) and CDC 75.030 (Administration and Approval Process) to clarify mandated provisions in ORS/OAR are not eligible for a variance. CFEC specific requirements that are included are the maximum parking standards and required 40 percent canopy coverage for parking lots. Staff also recommended clarifying this in the Chapter 2 definition of variance.

[Link to PC Public Hearing Staff Report](#)

[Link to PC Public Hearing Memo](#)

[Link to PC Public Hearing Video](#)

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Below you will find a brief explanation of changes made to the 15 Community Development Code chapters that are part of the proposed CFEC Parking Reform Code Amendment Package.

CDC Chapter 1: General

- Removed reference to required off-street parking

CDC Chapter 2: Definitions

- Removed reference to required off-street parking
- Added definition for Provision of Electric Vehicle Service Capacity
- Added to definition of Variance to clarify cannot violate OAR/ORS

CDC Chapter 22: Campus Industrial, CI

- Removed reference to required off-street parking

CDC Chapter 32: Water Resource Area Protection

- Removed reference to required off-street parking

CDC Chapter 35: Temporary Structures and Uses

- Removed reference to required off-street parking

CDC Chapter 36: Manufactured Homes

- Removed reference to required off-street parking

CDC Chapter 41: Building Height, Structures on Steep Lots, Exceptions

- Clarified garage orientation for setback exemptions

CDC Chapter 46: Off-Street Parking, Loading, and Reservoir Areas

- Removed reference to required off-street parking
- Added submittal requirement for parking lot design
- Remove maximum distance requirement for design flexibility
- Added maximum parking standards to comply with Metro RTFP
- Added 40% tree canopy coverage for parking lots
- Added tree planning requirements for parking lots
- Added EV service conduit requirements

CDC Chapter 48: Access, Egress, and Circulation

- Removed reference to required off-street parking

CDC Chapter 54: Landscaping

- Removed reference to required off-street parking

CDC Chapter 55: Design Review

- Removed reference to required off-street parking

CDC Chapter 56: Parks and Natural Areas Design Review

- Removed reference to required off-street parking

CDC Chapter 75: Variances and Special Waivers

- Added language to clarify cannot violate OAR/ORS

CDC Chapter 96: Street Improvement Construction

- Removed reference to required off-street parking

CDC Chapter 99: Procedures for Decision Making: Quasi-Judicial

- Removed reference to required off-street parking

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

# Attachment 2: PC Recommendation Memo

## 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

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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 4 to 0 to recommend City Council adopt the proposal as presented. The proposed code amendments will remove minimum parking mandates within the community, maintain maximum parking numbers, and update parking lot design standards to achieve 40 percent canopy coverage. No written or oral testimony was submitted for the public hearing.

Respectfully,



Joel Metlen  
Vice-Chair, West Linn Planning Commission

# **Attachment 3: PC Recommended CDC 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 30<sup>th</sup> 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.  |
| <br>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.   |
| <br>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 <u>the following amounts.</u> |   |

| <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 &amp; 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 &amp; 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. I.~~ 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):

| <del>MINIMUM REQUIRED</del><br>NUMBER OF TOTAL<br>PARKING SPACES | TOTAL NUMBER OF<br>ACCESSIBLE SPACES | NUMBER OF VAN-<br>ACCESSIBLE SPACES<br>REQUIRED, OF TOTAL | SPACES SIGNED<br>“WHEELCHAIR USE<br>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<br>spaces         | -   | 1 in every 6 accessible<br>spaces or portion<br>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 |
|------------|--|---|--|

[...]

~~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.