

Memorandum

Date: September 20, 2024

To: West Linn Planning Commission

From: Darren Wyss, Planning Manager

Subject: Proposed CFEC Code Amendments

At the September 18, 2024 Planning Commission (PC) work session to review proposed draft CFEC Code Amendments, the PC directed staff to bring the amendments forward to a public hearing with updates to address three items:

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.

Staff addressed the items by updating the code as follows:

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

The current Community Development Code (CDC) Chapter 46 requirements are as follows:

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).

Staff would implement the code to address both seated and unseated portions of the building, resulting in the following minimum parking calculations: (0.25 spaces/seat) + (36 spaces/1,000 sq. ft. unseated areas), with the ability to go 10 percent above for a maximum number of parking spaces. For a place of worship with 250 fixed seats and 5,000 sq. ft. of unseated area the maximum parking under the current code would be **267 spaces** [(250 x 0.25) + (36 x 5) x 0.10].

The Metro Regional Transportation Functional Plan (RTFP) sets maximum parking rates at 0.6/seat within Metro Town Centers and frequent transit corridors and 0.8/seat outside those areas. For a place of worship with 250 fixed seats and 5,000 sq. ft. of unseated area the maximum parking under the RTFP would be **150 spaces** within [250 x 0.60] or **200 spaces** outside [250 x 0.80].

The City must not exceed the parking maximums within the RTFP, so staff recommends 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 recommends the PC confirm this is still the direction based on the “Places of Worship” use maximums found in Item 1 above.

Item 3: Include the DLCD language changes

1. Parking agreements in CDC 46.050 are not required.

Staff recommends the following 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.

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. **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.~~

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 recommends 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 recommends clarifying this in the Chapter 2 definition of variance.

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.

75.030 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.

CDC Chapter 2

*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.***

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