



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
 For the Meeting of December 13, 2023

Title/Subject

Parking Amendments – Second Work Session

Summary and Background

The planning commission held a work session on August 16 to consider the city’s existing parking standards. The commission reviewed a first draft of new parking requirements drafted by staff and provided feedback on the proposed revisions while requesting staff to prepare additional amendments. At the conclusion of the first meeting, it was decided that the planning commission would review a second round of revisions and after considering those a public open house would be scheduled.

The planning commission’s review of the proposed revisions to the required spaces for development, generally loosening the current standards, but also adding several new standards, was generally well-received. Therefore, the revisions are presented in this report again as well as additional code language which reflects some of the discussion points from the planning commission session.

Updated Parking Standards for §157.176 (Second Draft)

RED = Decrease from current standard

GREEN = Increase from current standard

ITALIC = New standard

<i>Residential</i>	
Single and two-family dwellings	Two spaces, one of which may be located within any required yard
Multi-family dwellings	Two spaces per dwelling unit with three or more bedrooms and 1.5 spaces per unit with less than three bedrooms
Bed and breakfast, boarding, lodging or rooming house	Spaces equal to 80% of the number of guest accommodations plus one additional space for the owner or manager

<i>Institutional</i>	
Welfare or correctional institution	One space per five beds for patients or inmates
Nursing home/Assisted living facility	One space per four beds plus one for each employee on largest shift
Residential care facility	One space per employee on largest shift
Hospital	Spaces equal to 1.5 times the number of beds plus one space per three employees on largest shift
<i>Place of Public Assembly</i>	
Church, Meeting room, or Mortuary	One space per four seats or eight feet of bench length in the main auditorium
Library, reading room	One space per 400 square feet of floor area
Day care, preschool	1.5 spaces per teacher-employee
Elementary or junior high school	1.5 spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater
High school	1.5 spaces per classroom plus one space for each five students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater
College, commercial school for adults	One space per five seats in classrooms
<i>Commercial Amusement</i>	
Stadium, arena, theater	One space per four seats or eight feet of bench length
Bowling alley	Four per alley
Dance hall, skating rink	One space per 100 square feet of net floor area plus one space per two employees
<i>Commercial</i>	
Retail store	One space per 300 square feet of floor area, or one space per 200 square feet of retail floor area plus one space per 1,000 square feet of storage/backroom area, whichever is greater

Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	One space per 800 square feet of gross floor area
Bank, office (except medical and dental)	One space per 333 square feet of floor area
Medical and dental	One space per 300 square feet of floor area
Eating or drinking establishment	One space per four seats in the dining area
Drive up kiosk	<i>One space per employee concurrently on-site plus one ADA space</i>
Personal services (beauty shop, barber, nail salon, tattoo, or similar)	<i>One space per chair plus one space per two employees</i>
Hotel/Motel	One space per guest room plus one space for each two employees on largest shift
Industrial	
Storage warehouse	One space per 3,000 square feet
Manufacturing	One space per 10,000 square feet plus one space for each employee on largest shift
Rail or trucking freight terminal	One space per 2,000 square feet
Wholesale establishment	<i>One space per 1,000 square feet</i>
Data center or telecommunication facility	<i>One space per employee on largest shift plus one space per 25,000 square feet of gross floor area</i>

The planning commission discussed several additional requirements which are commented upon, and potential amendments inserted into the code below in italics.

How can the city ensure adequate parking when a use changes?

Maintenance of required parking and provision for additional parking is already addressed within the code. §157.175 of the code requires maintenance of existing parking and provision of additional parking if a change in occupancy requiring a higher parking standard is proposed. These requirements are highlighted below and additional amendments inserted in italics.

These maintenance requirements are actually one of the greatest impediments to redevelopment in the city's downtown. Existing buildings which may have no off-street parking at all, are prohibited from a range of uses due to an inability to provide the required additional parking. The Downtown Commercial Overlay was written specifically to address this issue, permitting businesses within a specified area to take advantage of public parking lots and thus

not provide off-street parking. This approach has worked well. The concept was expanded to the municipal lots on Orchard Avenue as well for businesses west of N 1st Place.

Even with the loosening of parking requirements in place, it is still not always possible to accommodate all uses. It is generally most difficult to convert existing shops or dwellings to small restaurant spaces as even a 1,000 square foot building requires ten off-street spaces. The historical original town is generally 50-foot-wide residential lots which do not offer room for a building, travel lane, and parking. In these limited circumstances, a variance may be the best approach if it can be demonstrated that it is not possible to provide the required parking and on-street parking and/or municipal parking is also available. The city of Klamath Falls offers an interesting solution to encourage reuse of older structures and a potential solution is inserted into §157.175 as section C for discussion.

157.175 OFF-STREET PARKING REQUIREMENTS.

(A) At the time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any zone in the city, excepting those properties that have been assessed for public off-street parking facilities, off-street parking spaces shall be provided in accordance with the requirements of this subchapter unless greater requirements are otherwise established.

(B) If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if elimination would result in less than is required by this section. Where square feet are specified, the area measured shall be the gross floor area of the functional use of the building but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

(C) *Property Reuse Incentive.*

(1) *Reduced Number of Spaces. When a new use is proposed for a previously developed site, a 25% reduction to the required number of parking spaces determined by Section §157.176 (Uses and Spaces) is allowed if the property meets the following conditions:*

a. *The property cannot accommodate the required number of parking spaces without demolishing existing structures; and*

b. *There is no opportunity for joint use parking as provided in §157.178(D) (Additional Requirements—Joint parking and loading spaces) with neighboring properties.*

How can the city ensure adequate parking during shift changes if parking is based upon employee count on each shift?

It is difficult to justify building double parking to accommodate the small window each day when a shift change occurs. There are a few factors which come into play in this consideration.

Employers are generally self-interested and understand that a minimum standard is a minimum and not necessarily what will work best for a contented workforce. It is unlikely that an employer would want to deal with the grumbling involved where one shift has the “best spaces” and the second shift has to park in the gravel. Most employers would build above the minimum for this reason. We have seen this for example with the Meyer auto parts distribution center which received a variance from the planning commission for parking. Even though a variance was granted, they still provided more parking than is required for each shift.

Staff is concerned that an overflow requirement leads to future administrative headaches. What happens if an employer adds a shift but only had one shift when the site was built? Does the city monitor each employer’s schedule and require additional parking? What if the second shift is a temporary addition accommodating a spike in product demand?

Visitors, deliveries, temporary employees, and other factors will always be an issue with industrial users. In an effort to address these factors, the industrial employment parking requires spaces per employee as well as spaces based on building square footage. This will create extra spaces, and in the case of large buildings like data centers, a significant number of extra spaces. An additional option to consider is to change the ratio from one per employee to 1.1 per employee and thus each 10 employees requires an additional space.

Should parking from the high school on adjacent residential streets be addressed?

Parking in and around the high school will forever be an issue. It is human nature in our youth to desire a car as soon as we reach 16 years of age. Socially we are seeing an increase in youths who don’t get driver’s license while still in high school, but this trend is not as visible locally as it is nationally. At a planning level, the best option is to set a parking standard that best accommodates a typical school day with the acknowledgement that all circumstances cannot be designed for and maintain a practical and economically viable project. The proposed revision in 157.176 increases the high school parking standard from one per six students to one per five students. In a high school of 1,600 students this is an increase from 267 spaces to 320 spaces. The proposed increase in spaces is consistent with other Oregon cities which generally vary between one per five and one per six students. Although the staff survey was not comprehensive, no cities requiring one per four students were found.

With regards to on-street parking, regulation of this would require special action by the city council. Designation of no-parking zones, paid parking, or permit parking all fall within the city council’s ministerial jurisdiction over public rights of way. §70.03 delegates these powers to the council.

70.03 POWERS OF CITY COUNCIL AS TO TRAFFIC AUTHORITY.

To the fullest extent provided for in state law and the City Charter, the City Council shall exercise all local traffic authority for the city except those powers expressly delegated by this Traffic Code or another ordinance. The powers of the City Council include, but are not limited to:

(A) Regulating the parking and standing of vehicles by:

(1) Classifying portions of streets upon which either parking or standing or both shall be prohibited, or is prohibited during certain hours.

- (2) Establishing the time limit for legal parking in limited parking areas.
- (3) Designating the angle of parking if other than parallel to the curb.
- (4) Designating city owned or leased property on which public parking will be permitted.

Should the city consider parking maximums, and will the Climate Friendly and Equitable Communities standards be applied to Hermiston?

The planning commission was not supportive of maximums at the August meeting. Based upon the planning commission's discussion, a better way to address excessive parking would be to continue to use the variance process on a case-by-case basis.

The climate friendly rules (also known as CFEC) do not apply to Hermiston at this time. It is difficult to predict when or if the legislature will amend the rules to apply to Hermiston. Currently the rules apply only to cities in metropolitan areas. Hermiston is not within a metropolitan planning area and is unlikely to be classified within one until Umatilla and Stanfield have significantly larger populations. Therefore, these rules will only apply in the event the legislation gets more restrictive. This has happened already with the middle-housing rules which originally only applied to cities over 10,000 but in the 2023 session became more restrictive and now apply to cities over 2,000. For reference, the CFEC standards are included below.

660-012-0425

Reducing the Burden of Parking Mandates

- (1) This rule applies to cities and counties that:
 - (a) Are within a metropolitan area; and
 - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.
- (2) Cities and counties shall adopt and enforce land use regulations as provided in this section:
 - (a) Garages and carports may not be required for residential developments;
 - (b) Garage parking spaces shall count towards off-street parking mandates;
 - (c) Provision of shared parking shall be allowed to meet parking mandates;
 - (d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a site. If any parking is provided on site, required parking for parking for people with disabilities shall be on site. If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance;

(e) Parking mandates shall be reduced by one off-street parking space for each three kilowatts of capacity in solar panels or wind power that will be provided in a development;

(f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates;

(g) Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates; and

(h) Parking mandates shall be reduced by one off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.

660-012-0430

Reduction of Parking Mandates for Development Types

(1) This rule applies to cities and counties that:

(a) Are within a metropolitan area; and

(b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

(2) Cities and counties may not require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally-established property.

(3) Cities and counties may not require parking for the following development types:

(a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;

(b) Child care facility as defined in ORS 329A.250;

(c) Single-room occupancy housing;

(d) Residential units smaller than 750 square feet;

(e) Affordable housing as defined in OAR 660-039-0010;

(f) Publicly supported housing as defined in ORS 456.250;

(g) Emergency and transitional shelters for people experiencing homelessness; and

(h) Domestic violence shelters.

Should the city use employee counts or square footage for determining industrial parking standards and should there be more differentiation of industrial uses?

The question of whether to use employee count or square footage to determine appropriate industrial parking is worth discussing. The current standard uses a square footage model and the proposed revision moves to an employee count model. The employee count model is more common in larger cities that have large-scale industrial development. The square footage model is more common in smaller cities which have more cottage industries. The underlying logic is sensible. A large city with a large employment shed is likely to see heavy industry manufacturing durable goods or distribution centers. Both of which involve very large buildings filled with automation. A small city is more likely only to see industries which service the local economy, welding shops, repair shops, etc. Hermiston is a community in transition from a small cottage industry town to a city of regional industrial importance. Using standards which reflect the larger-scale industries is appropriate for future growth.

Staff recommends keeping the proposed industrial differentiations. The proposed amendments move from one industrial standard to five. In general, it is better for a code to be more inclusive under broad umbrellas rather than specific. It provides more opportunity to accommodate unanticipated uses. The recent data center variances for example, were able to be accommodated in the zoning as a similar use to other industrial users. The parking standard was too high to be practical though and a variance was granted. Historically, the more granular a code is, the more difficult it is to accommodate a use that doesn't fit in the traditional development box. However, a very granular and specific parking standard or use definitions can provide great certainty to developers who are building one specific development in multiple locations in a region. This is a matter of community preference. Hermiston has traditionally preferred a more open development code to take advantage of opportunities as they arise and not require complex processes for development.

How can the city be more accommodating to restaurant development? Should a queue length for drive up windows be established?

Community surveys, social media, word of mouth, and many other lines of communication consistently show that restaurant development is a desire for Hermiston's citizens. Zoning is consistently a hinderance to restaurant development. The hinderance doesn't come from the use itself, which is permitted in all commercial zones, but from the off-street parking requirements which are hard to meet in some cases. Restaurants have a minimum size that is needed for economic viability, and that minimum size, combined with a high parking requirement can eliminate a lot of potential restaurant sites. However, this hinderance has to be balanced with the public good and economic viability itself. If a restaurant has too few spaces, it will not be able to accommodate customer demand and will quickly fail. Additionally, too few spaces will lead to excessive on-street parking, dragging down the surrounding area, causing congestion, and harm to other businesses or residences.

The proposed amendment to §157.176 decreasing the restaurant standard from one per 100 square feet to one per four seats in the dining area is a significant reduction but does fall within the building code determination for occupancy and is similar to many other cities. The other alternative proposed at the August meeting is to maintain the one per four seats requirement but also include one per 200 square feet of kitchen and freezer space to provide additional employee parking load. Staff has also worked with the city engineer and determined that a ratio of one space per 150 square feet may be justifiable based upon actual peak hour usage versus unoccupied spaces. The proposed amendment to §157.175 adding a change in use provision for existing buildings will also facilitate additional conversions. If a site still has the inability to meet parking requirements and wishes to convert to a restaurant, the planning commission may consider a parking variance request.

With regards to queuing, the city engineer reviewed the commission's discussion and did additional research. It is possible to develop a formula to determine queue length for each restaurant which proposes a drive-up. It will increase the cost of development as it will require the site to be designed in conjunction with a traffic engineer. However, poor drive-up queue design can lead to significant congestion and circulation issues in the surrounding neighborhood. It is recommended that the commission consider the design principles from the city engineer and consider potential code language.

1. Queuing length must conform with the requirements of the ITE manual (trip generation manual)
2. Queuing length must be designed for the peak hour.
3. 30 feet of queuing space is required per vehicle in the queue.
4. A minimum of 5-minute vehicle count must be used to determine required queue length.

As an example of how this formula would work in the real world, assume a fast-food restaurant that serves 150 vehicles during the lunch rush (peak hour). This hypothetical restaurant would have 2.5 vehicles at the window every minute. Therefore, there would be 12.5 vehicles through the window in a five-minute period. A 13-space queue of 390 feet is necessary. This is very close to the actual queue built for the Panda Express restaurant on N 1st St which has an actual length of 360 feet.

Should the city consider compact parking spaces?

Compact spaces are one of the most requested parking design standards. Hermiston is one of the few communities to not have a compact standard in any form in the development code. It is recommended that one be adopted and implemented. In discussions with the city engineer, it is recommended that a compact space be allowed and designed as 8.5 feet by 18 feet. This is not much smaller than the standard nine by twenty space, but in a large development will allow for the provision of more spaces in a smaller area. In Oregon, the standard ranges from 30% to 50% of spaces may be compact. It is not recommended that Hermiston consider such large numbers given the larger nature of vehicles in our community. Therefore, staff recommends compact spaces be limited to no more than 25% of spaces. Compact space requirements can be inserted into the additional requirements in §157.178.

157.178 ADDITIONAL REQUIREMENTS.

(A) *Obligations and violations.*

(1) The provision and maintenance of off-street parking and loading spaces are continuous obligations of the property owner. No permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this subchapter.

(2) Use of property in violation hereof shall be a violation of this subchapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and in violation of this subchapter to begin or maintain the altered use until the required increase in off-street parking or loading is provided.

(B) *Additional requirements not listed.* Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(C) *Sum of requirements.* In the event several uses occupy a single structure or parcel of land concurrently, the total requirements for off-street parking shall be the sum of the requirements of all uses computed individually.

(D) *Joint parking and loading spaces.* Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the city in the form of deeds, leases or contracts to establish the joint use.

(E) *Location of spaces.* Off-street parking spaces shall be located on the same lot with the building. However, non-residential required parking spaces may be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

(F) *Storage of vehicles and material prohibited.* Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(G) *Vision clearance problems.* Off-street parking of any vehicle, watercraft or parts designed to be affixed thereto, which creates a vision clearance problem or potential safety hazard, shall not be allowed in any required yard.

(H) *Plan submission.* Plans shall be submitted as provided in 157.232.

(I) *Compact parking spaces.* *Parking areas developed under the provisions of this chapter, except for single and two-family dwellings and vehicle sale areas, may choose to utilize compact parking spaces,. Where compact parking spaces are proposed, the total number of compact*

parking spaces shall not exceed 25% of the total spaces required in §157.176 of this chapter. Compact spaces shall be 8 feet 6 inches in width and 18 feet in length.

Should a specific bicycle parking requirement be adopted?

Hermiston only requires that bicycle parking be provided with all new development, not that a required number of bicycle spaces or racks be built. It is unusual to not require a ratio in the code for bicycles. This is usually a fraction of the amount required for other uses. Examples might be 0.25 spaces per 1,000 square feet of floor area at a convenience store (2.5 spaces for a 10,000 square foot building) or 1 space per 1,000 square feet for a restaurant (five spaces for a 5,000 square foot fast-food building). Rather than developing a comprehensive bicycle parking standard for each use in the zoning code, staff recommends the planning commission consider a fractional requirement based upon required parking. In this case based upon observed bicycle usage, a ratio could be set up as simple as one bicycle space for each 10 required vehicle parking spaces. This could be capped at a maximum of 20 bicycle spaces to avoid a user such as Walmart which has 1,300 paved spaces also having 130 bicycle spots.

Should the city develop specific electric vehicle parking requirements?

Electric vehicle charging stations are a patchwork statewide. Where requirements are implemented, they are used as an incentive to lessen the overall parking requirement. In other words, cities that require the installation of spaces, use the installation of the spaces as an incentive to reduce the overall number of spaces required. This reflects the current thinking away from auto-oriented development in the larger metro areas. By utilizing a “carrot” approach to electric vehicle charging sites, the cities are creating a two-fold incentive to lessen the area needed for parking and encouraging customers and employees to use transit or alternative transportation. This is not a feasible goal with Hermiston’s character as a regional trade hub. Workers and customers both may be commuting up to fifty miles each way for a shopping visit or a job. Lessening the parking requirements will only create more congestion. Currently, the state offers an opt-in system for municipalities to participate in an electric vehicle charging program. This program is detailed in OAR 918-020-0380. It is not recommended that the city opt-in to this system. Once a city opts into the program, it must require electric vehicle charging be installed or available for installation in all developments with more than 50 parking spaces and at least five% of the spaces must be available for electric installation.

There are numerous state and federal programs offering grants, rebates, and tax credits for the voluntary installation of electric charging stations. It is recommended that this remain a voluntary program for the time being.

However, staff cannot find another city in the state currently requiring the installation of additional conventional off-street parking spaces to offset the electric charging spaces. A requirement of this nature would act as a disincentive to installation of charging in the future as many commercial and multi-family residential developments utilize close to 100% of their area with conventional development. If additional spaces are required when charging stations are installed, there often is not sufficient room to accommodate additional paving, striping and travel

lanes or where there is, it would require removal of landscaped areas which often act as stormwater facilities. It is recommended that this option not be pursued.

Tie-In to Council Goals

N/A

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

No alternatives are proposed for this work session. This session is intended to produce feedback on existing parking and guide future code development.

Recommended Action/Motion

N/A

Submitted By:

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