



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: October 2, 2023</p>	<p>Subject: Ordinance No. 881- 2nd Reading An Ordinance of the City of Wilsonville Adopting Wilsonville Code Sections 10.800 through 10.870 Governing Parking in City-Owned Parking Lots</p> <p>Staff Member: Amanda Guile-Hinman, City Attorney</p> <p>Department: Legal</p>	
<p>Action Required</p> <p><input type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing Date: September 18, 2023</p> <p><input type="checkbox"/> Ordinance 1st Reading Date: September 18, 2023</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: October 2, 2023</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p>Advisory Board/Commission Recommendation</p> <p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comments: N/A</p>	
<p>Staff Recommendation: Staff recommends Council adopt Ordinance No. 881 on 2nd Reading.</p>		
<p>Recommended Language for Motion: I move to adopt Ordinance No. 881 on 2nd Reading.</p>		
<p>Project / Issue Relates To:</p>		
<p><input type="checkbox"/> Council Goals/Priorities:</p>	<p><input type="checkbox"/> Adopted Master Plan(s):</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Consider adopting code provisions delegating authority to the City Manager, or designee, to establish parking rules in City-owned public parking lots.

EXECUTIVE SUMMARY:

Recent changes in state law have raised the question of whether the City should consider imposing time limits for parking in City-owned public parking lots. Namely, the state has generally limited the City's ability to impose minimum parking requirements for new development. Additionally, as part of the City's response to HB 3115 (2021) regarding camping on public property, the City offers a portion of its City Hall parking lot for limited-duration vehicle camping – 9 pm to 7 am.

At the August 21, 2023 work session, the Council considered whether to adopt regulations imposing new time limits for the public to park in City-owned parking lots, and if so, what type of regulations should be adopted. The Council's preference was to delegate authority to the City Manager to adopt parking rules for the City-owned public parking lots.

This staff report provides the context for the Council's consideration of new regulations concerning City-owned parking lots and reviews the regulations in the proposed Ordinance No. 881.

1. Background

a. State-Mandated Exemptions to City Parking Minimums

With the adoption of new state regulations under the state's Climate Friendly and Equitable Communities (CFEC) policy, the state significantly limited local jurisdictions' ability to impose minimum parking requirements on many new developments. Most properties within the city limits are exempt from the City's regulation of parking minimums. Only Charbonneau, part of Frog Pond, and the northwest area of the City are outside of the areas exempt from parking minimums.

As parts of the City develop or redevelop, such as Town Center, parking may become an increasing concern. It is possible that City-owned parking lots will be utilized by residents, customers, and employees of surrounding properties as overflow parking. The City does not currently have a mechanism to regulate the use of its parking lots.

b. City Response to HB 3115

HB 3115 requires all cities and counties that regulate acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property to have objectively reasonable time, place, and manner regulations with regards to persons experiencing homelessness. The new law went into effect on July 1, 2023. In response to the mandate in HB 3115 to adopt objectively reasonable time, place, and manner regulations, the City adopted Ordinance No. 879 and Resolution No. 3058, which established two designated areas for camping for survival – one for vehicle camping and one for non-vehicle camping. The vehicle camping designated area is located in part of the western portion of the City Hall parking lot, and camping in the designated area is allowed from 9 pm to 7 am. Camping at any other time or in any other location outside of the designated areas is prohibited under the new City regulations.

A potential concern has arisen of how to distinguish vehicle camping from parking in the City Hall parking lot. In other words, what prevents a person from “camping” overnight in the designated area and “parking” during the day in the City Hall parking lot, thereby circumventing the intent of the City’s new camping for survival regulations? While this issue has generally been avoided through consistent outreach and education by the City’s Code Compliance Coordinator, it raises the question of whether a regulation regarding parking should be considered. Coupled with the potential overflow parking issues the City may realize due to the state-mandated exemptions from minimum parking requirements, consideration of time limits in City-owned parking lots is timely.

2. Proposed New Wilsonville Code Provisions

Based on Council’s feedback from the August 21, 2023 work session, staff drafted new code provisions modeled off of jurisdictions like Tualatin and Ashland that delegate authority to the City Manager to establish appropriate parking regulations, where needed. This will allow the City to quickly respond to specific needs for each City-owned parking lot. Ordinance No. 881 (**Attachment 1** attached hereto) seeks to add Section 10.800 through 10.870 to the Wilsonville Code (Exhibit A to Ordinance No. 881). Below is a summary of the key regulations proposed in Exhibit A:

- Delegates authority to the City Manager, or designee, to adopt regulations governing City-owned parking lots
- Generally requires the City to provide public notice prior to adoption, amendment, or repeal of any parking rules
 - But allows the City Manager to adopt temporary or emergency rules without notice, which will expire within 180 days
- Provides the City Council the authority to review any new or proposed parking rules
- Establishes enforcement under the City’s enforcement regulations in Chapter 1 of the Wilsonville Code

EXPECTED RESULTS:

If the Council decides to adopt the new code provisions, staff expects to develop, adopt, and implement new City-owned parking lot regulations when and where needed in the coming months. Key priorities are the City Hall parking lot, Library parking lot, and Community Center/Public Works parking lot.

TIMELINE:

First reading: September 18, 2023

Second reading: October 2, 2023

Effective date: November 1, 2023

CURRENT YEAR BUDGET IMPACTS:

Minor budget impacts may exist if new signage is ordered for parking lots and could be absorbed within the existing fiscal year 2023-24 budget.

COMMUNITY INVOLVEMENT PROCESS:

Public hearing for consideration of the code amendments will be held on September 18, 2023. Any new parking regulations will be subject to the public notice and comment period contemplated in proposed Section 10.830.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Members of the public who seek to utilize City buildings should not struggle to find parking in City parking lots. Ensuring that overflow parking does not occur and that vehicles do not remain in a particular parking lot for extended periods of time should keep parking spaces available for public use.

ALTERNATIVES:

Retain status quo in which the City does not impose time limitations on parking in City-owned parking lots.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Ordinance No. 881
 - a. Exhibit A attached thereto