

# Implementation Guidance

## OAR 660-012-0430

### Parking Reform for Equity Uses



DLCD and LCDC developed the Climate-Friendly and Equitable Communities program to support communities taking action to meet Oregon’s climate pollution reduction targets while providing more housing and transportation choices and improving equitable outcomes.

DLCD is providing this resource as part of our technical assistance program. Please see our website at [www.oregon.gov/lcd/CL/Pages/CFEC](http://www.oregon.gov/lcd/CL/Pages/CFEC) for more information or to sign up for notices.

### Application and Deadline for Action (Section 1)

Section (1)(a) states the rule applies to all cities in Oregon’s eight metropolitan areas.

Per Section (1)(a) and OAR 660-012-0400, the rule applies to portions of counties in a metropolitan area within an urban growth boundary, where the population of the unincorporated area within the urban growth boundary is 5,000 or more, and the area is served with urban water and sanitary services. The department believes this includes Clackamas, Marion, and Washington counties, but not others.

OAR 660-012-0012(5)(e) requires cities and counties to implement requirements when reviewing development applications submitted after December 31, 2022. That deadline is not eligible for extension.

OAR 660-012-0012(4)(f) requires:

*Cities and counties shall adopt comprehensive plan amendments and land use regulations meeting requirements as provided in ... OAR 660-012-0415 through OAR 660-012-0450 no later than June 30, 2023...*

Jurisdictions may apply for an extension or “alternative date,” as explained in [other guidance, for the adoption of comprehensive plan amendments and land use regulations. Implementation of the rule to land use applications received after December 31, 2022, as noted above, is mandatory and not eligible for an extension.](#)

Section (1)(b) of the rule reminds readers that communities without parking mandates have no requirements under this rule, as it is focused on reducing parking mandates.

### Section 2 – More than one dwelling unit

Section (2) prohibits requiring more than one parking space per unit for residential developments with more one dwelling unit on a single legally-established property. The department reads this to include visitor parking.

Mixed-use developments are a good target for parking reforms, as they often have staggered use demands (that is, residential parking overnight and parking for business during the day), allowing for efficiency in shared parking arrangements. The department does not consider them explicitly covered by this language.

When amending code, communities should be sure to conform with parking mandate limits in OAR 660-046 for traditional “missing middle” housing including duplexes, triplexes, quadplexes, townhouses and cottage clusters. In some cases those rules set tighter limits on mandates than those in OAR 660-012; the smaller allowance applies in those situations.

### Section 3

Section (3) prohibits enforcing parking mandates for certain 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;*

These facilities may be defined in local code; if not, development types should be compared to ORS 433.400.

- (b) *Childcare facility as defined in [ORS 329A.250](#);*

The statutory definitions provide clarity on the types of facilities that qualify as such, based on ownership, function, timing, and purpose.

- (c) *Single-room occupancy housing;*

Many local codes define single-room occupancy housing. If your code does not have a definition, the following definition from HUD can be used: “A residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single eligible individual. The unit need not, but may, contain food preparation, or sanitary facilities, or both.”

The City of Portland has a longer definition and standards in its city code [section 29.30.290](#).

- (d) *Residential units smaller than 750 square feet;*

Local codes define how to measure the total square footage of a residential unit. The department reads this language to include any small residential units, whether in multifamily development, a mixed-use development, a development of two or more units, or a stand-alone unit.

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

[OAR 660-039-0010](#)(1) provides a three-part definition of affordable housing. Local

governments could request deed restrictions, draft CC&Rs, or additional evidence demonstrating the housing will be offered at the rates claimed.

Department staff may be available to assist local governments with codes and application, should communities need assistance.

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

Owners and developers of publicly supported housing typically agree to deed restrictions to maintain affordability and use of public support in the long term. Local codes often do not distinguish residential uses by affordability or level of public support in order to apply development standards. Cities can use mechanisms such as deed restrictions to apply particular development standards to publicly supported housing.

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

Shelters are usually defined in local code. Contact the department if you need assistance.

*(h) Domestic violence shelters*

Shelters are usually defined in local code. Contact the department if you need assistance.

## **What Do Cities and Counties Have to Do?**

Cities and counties retaining parking mandates must amend their local codes with the new parking standards. If a code hasn't been amended prior to the June 30, 2023 deadline in OAR 660-012-0012(4)(f) (or an approved alternative deadline), parking mandates cannot be enforced.

## **Language for Development Code**

A community may want to put the requirements directly into its code. Code language will vary depending on each community's code language and parking table. Department staff are available to review your community's code and suggest language for consideration, or review your draft language.

## **Clarification: Parking Mandates for ADA, Carpool, Vanpool, Trucks Allowed**

The rules allow communities to have parking mandates for ADA parking, carpool, vanpool and truck parking. This is a result of the definitions in 660-012-0005(27) and (29).

## **Best Practice: Parking to Serve People with Disabilities**

In thinking about parking, DLCD has published a [separate guidance document](#) about ensuring people with disabilities have access to parking.

## Resources and Contact Information

Evan Manvel, Climate Mitigation Planner

[evan.manvel@dlcd.oregon.gov](mailto:evan.manvel@dlcd.oregon.gov)

971-375-5979

## Disclaimer

This document aims to provide more details about the rules, and how the department intends to administer the rules. Nothing in this document should be construed as Oregon Administrative Rules. A current copy of the adopted Transportation Planning Rules should be acquired from the [Oregon Secretary of State](#) and used to fulfill planning requirements.

## Rules Language: OAR 660-012-0430

- (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 enforce parking mandates for the following development or use 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) Childcare 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.

### History:

[LCDD 9-2023, amend filed 11/07/2023, effective 11/07/2023](#)

[LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022](#)

[LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022](#)