

# Implementation Guidance

## OAR 660-012-0405(4)(a)(B)

### Parking Lot Fee-in-lieu Fund at Oregon Department of Energy



## Application and Deadline for Action

Cities and counties in Oregon's metro areas are required to adopt comprehensive plan amendments and land use regulations to meet the requirements in OAR 660-012-0405 no later than June 30, 2023. (OAR 660-012-0012)

Cities and counties may request an alternative deadline under OAR 660-012-0012(4), and cities under 10,000 population may request whole or partial exemptions under OAR 660-012-0100(4).

## Overview

*OAR 660-012-0405(4) says:*

- (4) Cities and counties shall adopt land use regulations for any new development that includes **more than one-half acre of new off-street surface parking on a lot or parcel** as provided below. 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.
- (a) Developments not required to comply with OAR 330-135-0010 must provide a **climate mitigation action**. Climate mitigation actions shall include at least one of the following. Cities and counties are not required to offer all these options:
- (A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property.
- (B) Payment of at least \$1,500 per new off-street parking space into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;
- (C) Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting; or
- (D) A mixture of actions under paragraphs (A) through (C) the city or county deems to meet the purpose of this section.

Jurisdictions allowing the fee-in-lieu option in (4)(a)(B) can collect funds from developers and transfer them to the Oregon Department of Energy (ODOE) on a quarterly basis.

The funds contributed to ODOE cannot be earmarked for use in any specific jurisdiction, but will be used for climate mitigation work consistent with the rule requirements.

## Program to be funded

ODOE will use any funds received for Oregon Solar + Storage Rebate Program ([OSSRP](#)). That program issues rebates for solar electric systems and paired solar and storage systems for residential customers and low-income service providers in Oregon. Rebates are issued to approved contractors, who pass the savings on to their customers.

## Fee collection and accountability

Developers who want to participate pay a fee to their local government. The local government should earmark those funds as being dedicated to this purpose. The local government is responsible for ensuring developer compliance with the parking fee-in-lieu program and any required reporting. ODOE is only providing a mechanism for distribution of the funds dedicated to equitable solar development.

## **Fund use, transfer, tracking, and reporting**

On defined dates, ODOE will accept quarterly transfers from local governments via electronic fund transfer (EFT) for deposit in the program. Deposited funds can be used for any allowed purpose of the fund, including paying incentives and program administration costs.

As state agencies may only spend funds up to their legislatively authorized spending limits, ODOE will work with the appropriate legislative committee to get spending authority for any amounts that would exceed pre-approved spending limitations.

Jurisdictions receiving funds from a developer should contact the staff listed under ‘Resources’, below, to find out when the next transfer can occur. After confirming interest and local funds available to be transferred, and just prior to the transfer period, ODOE will host a 30-minute drop-in session and may provide other guidance such as an instruction sheet to walk through and answer questions about the process to transfer funds to the OSSRP.

Prior to transferring the funds, the local government will acknowledge ODOE makes no guarantee and is under no obligation to ensure donated funds are spent in their jurisdiction and that they permanently release all claims to the funds.

Internally, ODOE will track the funds with a unique, identifiable accounting code. ODOE will not be tracking expenditures separately from other cost in the OSSRP.

ODOE already provides an annual report to Oregon legislature on the Oregon Solar + Storage Rebate program. The report provides metrics on program performance including the number and dollar amount of low- and moderate-income households and low-income service provider projects were reserved and rebated by county. In addition, ODOE will begin reporting the amount of funding received by local governments to the OSSRP during the reporting period and cumulatively. ODOE will not be expected to report or provide more detailed information about funding provided in lieu of parking fees.

## **Resources**

Evan Manvel, DLCD – the language of these rules, deadlines, etc.  
[evan.manvel@dlcd.oregon.gov](mailto:evan.manvel@dlcd.oregon.gov) (971) 375-5979

Ryan Marquart, DLCD – this guidance document  
[ryan.marquart@dlcd.oregon.gov](mailto:ryan.marquart@dlcd.oregon.gov) (971) 375-5659

Michael Williams, ODOE – general ODOE questions  
[michael.a.williams@energy.oregon.gov](mailto:michael.a.williams@energy.oregon.gov) (503) 559-1914

Maggie Carrasco, ODOT – fund transfer questions  
[maggie.carrasco@energy.oregon.gov](mailto:maggie.carrasco@energy.oregon.gov) (503) 400-4194

### **Disclaimer**

*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.*