

# Implementation Guidance

## OAR 660-012-0440

### Parking Reform Near Transit



**OREGON**  
Department of  
Land Conservation  
& Development

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 currently includes only Clackamas, Marion, and Washington counties.

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 is a reminder that communities without parking mandates have no requirements under this rule, as it is about reducing parking mandates.

### Section 2

Section (2) prohibits enforcing parking mandates for developments with lands within  $\frac{3}{4}$  mile of a rail transit stop. The department considers “rail transit stop,” as used in this context, to apply to rail service designed to meet everyday transit needs. This includes MAX light rail, streetcar, and WES services, but not Amtrak passenger rail, historic, tourist, or seasonal rail operations.

### Section 3

Section (3) prohibits enforcing parking mandates for developments with lands within ½ mile of designated or functional frequent transit corridors. Frequent service is relative to local conditions. The rule lists three types of corridors:

*(a) Priority transit corridors designated under OAR 660-012-0710;*

As rule 0710 is a new rule as of 2022, this subsection has no effect until cities have designated “priority transit corridors” under the OAR 660-012-0710(1)(a), through a major or minor Transportation System Plan update.

This provision does not directly apply to existing transit corridors local governments or transit providers have previously identified (such as TriMet’s Frequent Service map). It will apply when the local transportation system plan is updated to designate the identified corridors as priority transit corridors for the purposes of OAR 660-012-0710. However, communities may choose to do parking reform in these corridors, and these areas are likely covered under subsection (b).

*(b) Corridors with transit service arriving with a scheduled frequency of at least four times an hour during peak service;*

The department considers “transit service” in this context to be service from a bus or other rubber-tired automotive vehicle used primarily for the purpose of providing mass transportation service. “Arriving with a scheduled frequency” indicates a regular schedule. The department recommends local governments apply this provision based on regular published schedules that include at least one hour during the day where four buses along the corridor are scheduled to arrive.

Transit service schedules sometimes change. The department recommends local governments coordinate with their local transit providers to determine which routes are most likely to have or maintain frequent service into the future to avoid future changes in which areas are affected by this rule. This can be helpful to transit providers and local builders of housing, who sometimes make plans years into the future. Section (5) of this rule provides some flexibility regarding this topic.

The language states the *corridor* has bus service, so a place where two bus routes in different corridors intersect, resulting in a single intersection or bus stop with a qualifying number of arrivals, would not be included. Corridors where routes run together for a length of time where the services together combine into frequent service should be included.

Transit routes that have a qualifying service frequency on a portion of the route, where some runs are scheduled to terminate prior to the end of the route should be included for the portion of the route with a qualifying level of service.

Department staff are available and willing to review transit line schedules and assist in identifying applicable corridors. Depending on resources, department staff may be able to help map the corridor, in coordination with local transit providers.

The measurement is to the corridor rather than the stop, in contrast with section (2).

*(c) If a community has no corridor qualifying under subsection (b), corridors with the most frequent transit service in the community if the scheduled frequency is at least once per hour during peak service.*

This provision only applies if a community has no corridors qualifying under subsection (b), as those corridors would be the most frequent. This provision applies to the most frequent transit route(s) in a community if there are least two transit vehicles scheduled to arrive on the same transit route no more than 60 minutes apart.

Again, the measurement is to the corridor rather than the stop.

## **Section 4**

Section (4) permits local governments to either use a straight-line or walking distance for distances required in this rule. The department recommends local governments determine one method and use it consistently.

## **Section 5**

Section (5) outlines options for how cities and counties identify and update properties where parking mandates cannot be enforced. Transit service is subject to change over time and that can pose challenges for land use regulations based on service areas and levels.

### *Use Current Transit Schedules*

The option in (5)(a) allows a jurisdiction to use the transit provider's scheduled service frequencies on the date a land use application is submitted to determine corridors described in (3)(b) or (c). This allows developments to be eligible for parking mandate exemptions based on the actual currently available transit service schedules. Jurisdictions do not have to update maps each time service schedules change. It may, however, make application reviews and development assistance more complicated. It also introduces some long-term uncertainty based on changes to priority transit corridor designations.

Transit service schedules under this option are intended to be the transit provider's published regular service schedule. Route or service changes resulting from inclement weather, construction, or other similar temporary service changes should not factor into determining frequent transit corridors.

The statutes referenced in this subsection are the 'goal post' rules specifying that an application must be reviewed against the regulations in place at the time of application submittal. The 'goal post' rule applies as long as the application is complete for review within 180 days from submittal.

### *Mapped Frequent Service Transit Corridors*

The option in (5)(b) allows a jurisdiction to adopt a map to delineate the corridors described in (3)(b) or (c). A map provides more certainty for applicants as they prepare a development application about whether they are along a corridor exempt from parking mandates. Planners can

more easily identify areas exempt from parking mandates, making it easier to assist customers and review applications.

Jurisdictions and applicants can rely on an adopted map, regardless of changes to transit service, for up to one year. To continue use of the map, a jurisdiction must update it to include additional lands (if any) that became subject subsection (3)(b) or (c) based on service frequency changes, and adopt such updates within one year from the map's last adoption date. If this does not occur, application of this rule defaults to review based on current transit schedules per (5)(a).

Maps older than one year from adoption can continue to be used if there have not been service frequency changes resulting in additional lands subject to (3)(b) or (c). However, the jurisdiction would automatically have to use the review in (5)(a) if additional land becomes exempt from parking mandates due to service frequency change and the map is more than one year from its date of adoption. For this reason, it would be advisable for cities and counties that adopt a map to review service schedule changes and adopt an update on a regular basis.

Overall, this rule recognizes development review can be more efficient and certain when standards based on a property's location are mapped. It allows applicants, planners, and the public to clearly identify if a particular property does or does not qualify for exemption from parking mandates. A disadvantage of an adopted map is applicants may have to wait for service schedule changes to be mapped to qualify for exemption from parking mandates. This rule balances the benefits of an adopted map with the importance of ensuring that sites that are well-served by transit can be exempt from parking mandates without unnecessary delay.

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

Cities 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.

Cities and counties should decide and be clear on whether they will use straight-line or walking distance to measure distances during development review, and the points they will use to measure the corridor (from road edge, or other). These are discretionary decisions, but should be consistent.

## **Model Language for Development Code**

A community may want to put these parking requirements directly into its code. Code language will vary in each community's parking code language and parking table. Department staff are available to review your community's code and suggest language for consideration.

## **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**

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### **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.

## Rule Language: OAR 660-012-0440

- (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 enforce parking mandates for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops.
- (3) Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors, including:
  - (a) Priority transit corridors designated under OAR 660-012-0710;
  - (b) Corridors with transit service arriving with a scheduled frequency of at least four times an hour during peak service; and
  - (c) If a community has no corridor qualifying under subsection (b), corridors with the most frequent transit service in the community if the scheduled frequency is at least once per hour during peak service.
- (4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.
- (5) In determining the extent of lands subject to subsection (3)(b) or (c), a city or county shall either:
  - (a) Evaluate current service frequencies on the date a land use application is submitted, provided the application remains valid for review pursuant to ORS 215.427 or ORS 227.178, or
  - (b) Adopt a map designating these lands based on service frequency on the date development codes implementing this rule are adopted. The city or county must update the map at least once per year from the date of adoption if services frequencies change and additional lands become subject to subsection (3)(b) or (c). The city or county must use subsection (5)(a) if additional lands are subject to subsections (3)(b) or (c) and the adopted map is more than one year old.

### 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](#)