

Climate-Friendly and Equitable Communities Implementation Guide for January 1, 2023

Effective January 1, 2023, City of West Linn Planning staff will enforce the parking reforms as mandated by the Climate-Friendly and Equitable Communities changes as adopted into the Oregon Administrative Rules (OAR). All development applications received will be reviewed under the new parking mandates outlined below.

OAR 660-12-0430

1. The City **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.
2. The City **may not require parking for the following development types:**
 - a. Facilities and homes designed to serve people with psychological, 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.

OAR 660-12-0440

1. The City **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 660-12-0710; (not applicable)
 - b. Corridors with bus service arriving with a scheduled frequency of at least four times an hour during peak service; and (not applicable)
 - c. **Corridors with the most frequent transit route or routes in the community if the scheduled frequency is at least once per hour during peak service. (TriMet Route 35 qualifies – see map on page 4)**

See OAR and ORS references on following pages for more detail.

ORS 443.400

“Conversion Facility” facility means a facility that has applied for, or been issued, a conversion facility license as described in ORS 443.431 (conversion from a long term care facility to a residential care facility).

ORS 329A.250

(5) “Child care facility” means any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, but not including any:

(a) Preschool recorded program.

(b) Facility providing care for school-age children that is primarily a single enrichment activity, for eight hours or less a week.

(c) Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.

(d) Facility operated by:

(A) A school district as defined in ORS 332.002;

(B) A political subdivision of this state; or

(C) A governmental agency.

(e) Residential facility licensed under ORS 443.400 to 443.455.

(f) Babysitters.

(g) Facility operated as a parent cooperative for no more than four hours a day.

(h) Facility providing care while the child’s parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity.

(i) Facility operated as a school-age recorded program.

OAR 660-039-0010

(1) “Affordable housing” means:

(a) Housing units available for rent, with or without government assistance, by households who meet applicable maximum income limits, not to exceed 80 percent of the area median income, adjusted for family size, as determined based on data from the United States Department of Housing and Urban Development or its successor agency, and in a manner so that no more than 30 percent of the household’s gross income will be spent on rent and utilities;

(b) Housing units available for purchase, with or without government assistance, by households who meet applicable maximum income limits, not to exceed 80 percent of the area median income, adjusted for family size, as determined based on data from the United States Department of Housing and Urban Development or its successor agency, and in a manner so that no more than 30 percent of the household’s gross income will be spent on home loan or mortgage payments, amortized interest, property taxes, insurance, and condominium or association fees, if any; or

(c) Spaces in manufactured dwelling parks available for rent, with or without government assistance, by households who meet applicable maximum income limits, not to exceed 100 percent of the area median income, adjusted for family size, as determined based on data from the United States Department of Housing and Urban Development or its successor agency.

ORS 456.250

(6)(a) “Publicly supported housing” means a multifamily rental housing development of five or more units that receives or benefits from government assistance under:

(A) A contract for rent assistance from the United States Department of Housing and Urban Development, the United States Department of Agriculture or the Housing and Community Services Department that contains an affordability restriction; or

(B) A contract that is for any other type of government assistance or subsidy that includes an affordability restriction and that is identified in rules adopted by the Housing and Community Services Department.

(b) “Publicly supported housing” does not include a multifamily rental housing development:

(A) For which the development or developer receives only a construction excise tax waiver, a system development charge waiver, a fee waiver or a property tax abatement;

(B) That is part of an inclusionary housing program as defined by local government and authorized under ORS 197.309;

(C) That receives tenant-based federal rent subsidy payments under the Housing Choice Voucher Program authorized by 42 U.S.C. 1437f;

(D) That receives project-based rental assistance vouchers administered by a housing authority under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f (o)(13)); or

(E) That receives tenant vouchers from the United States Department of Agriculture under section 542 of the Housing Act of 1949 (42 U.S.C. 1471).



CITY OF
**West
Linn**

CFEC Implementation No Parking Mandate Areas Within 1/2 Mile of Transit

