# Planning Commission Agenda

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**Planning Commissioners:**
Matthew Salazar, Chair
Grace Bergen, Vice-Chair
Kuri Gill
Michael Koivula
Andrew Buck
Seth Thompson
Steven Schmunk

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**SpringfieldOregonSpeaks.org**

**October 18th, 2022**
**6:00 p.m. Work Session**
**City Council Chambers and via Zoom**

CALL TO ORDER

ATTENDANCE Chair Salazar _____, Vice Chair Bergen _____ , Koivula _____, Gill_____, Buck _____ Thompson_____, and Schmunk_____.

WORK SESSION ITEM(S)

1) **Overview of Climate-Friendly and Equitable Communities Rules**
   **Staff: Sandy Belson, Comprehensive Planning Manager**
   **50 Minutes**

ADJOURNMENT

**7:00 p.m. Planning Commission Regular Session**
**City Council Chambers and via Zoom**

CALL TO ORDER

ATTENDANCE Chair Salazar _____, Vice Chair Bergen _____ , Koivula _____, Gill_____, Buck _____, Thompson_____, and Schmunk_____.

PLEDGE OF ALLEGIENCE

APPROVAL OF THE MINUTES OF:

- August 16th, 2022

BUSINESS FROM THE AUDIENCE

BUSINESS FROM THE PLANNING COMMISSION

- Welcome to new Commissioners

BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DEPARTMENT

ADJOURNMENT

# Draft Minutes Planning Commission CCI & Regular Session

Springfield Planning Commission in its role as CCI & RS
Minutes for August 16th, 2022

Planning Commissioners Present: Chair Matt Salazar, Michael Koivula, Kuri Gill, and Andrew Buck

Excused Absence: Grace Bergen

Staff: Sandy Belson, Planning Manager; Monica Sather, Senior Planner; Melissa Cariño, Senior Planner; Sarah Weaver, Community Development Administrative Assistant; Kristina Kraaz, Assistant City Attorney

Chair Salazar called the meeting for Committee for Citizen Involvement to order at 6:00 pm.

**Item(s)**

1. **Floodplain Map Update: Community Engagement Plan**

   **Staff: Sandy Belson, Interim Planning Manager**

- **Staff Report**
  Sandy Belson: (See presentation)

Comments from the Commissioners:

Commissioner Buck: suggested changing the verbiage under "Key Messages" # 6 to avoid appearing to promote only FEMA's flood insurance. Suggested verbiage: #6 – To protect against damage and loss from flood, consider purchasing flood insurance through insurance programs **such as** the National Flood Insurance Program.

Commissioner Koivula: suggested two additional outreach goals:

1) Explaining to the community that participation in the program is required to be able to access disaster relief in the event of flooding.
2) Remind the community about the significant floods the city experienced in 1996 and 1997.

Commissioner Salazar: Once the Floodplain Map is approved, a link of the FEMA story map will be posted to our website. Navigating to FEMA story maps to get to specifically Springfield Oregon maps is complicated. In the interest of accessibility, we should post a link to FEMA's story map page, but also provide direct links to our own community maps as well.

Commissioner Gill: suggested that we post the Floodplain Map outside of the Springfield City Library for the general public to see. We could also send the community a post card, which would provide basic information about the Floodplain Map.

Staff / Sandy Belson: responded to the Commissioners comments and suggestions: She noted that one outreach goal would be added explaining that participation in the program is required to be able to access disaster relief. It would also be productive to mention the 1996/97 floods but not as an independent key message since they were not considered 100-year floods. Key Message #6 would be modified to "consider purchasing flood insurance through insurance programs **such as** the National Flood Insurance Program". Under # 1 "Tactics – Local Adoption" we can include the link to the FEMA Floodplain Maps as well as the City of Springfield Floodplain maps. Also, under #1 "Tactics – Local Adoption" we can find placement for an informational poster somewhere in City Hall. Staff will reach out to SUB and ask them about adding this topic to their Newsletter. SUB typically has a long lead time that will preclude them from making a timely announcement. DPW can reach out to the Red Cross about the measures they are taking. The Lane County Emergence response team is certainly involved in the Emergency Management, but Staff will clarify.

Commissioner Buck: wanted to state for the public record that the 51 properties located in the Floodplain zone have been identified as being in the area of risk and should be made aware of the impact this will have on their mortgages, insurance coverage, etc. Now is the time to investigate the ramifications before they are officially notified.

Commissioner Buck: moved that the Commission adopt the Floodplain Map Update: Community Engagement Plan with the identified changes noted by Staff to the items listed and discussed during this meeting. Commissioner Koivula seconded the motion.

Roll call vote:

Buck – Aye
Koivula – Yes
Salazar – Aye
Gill – Aye

Motion carries 4:0 1 Absent

2. **Comprehensive Plan Map Clarification Project: PAC Bylaws**

   **Staff: Monica Sather, Senior Planner**

Staff / Monica Sather: informed the Commissioners that the Project Advisory Committee agreed upon an updated version of the Comprehensive Plan Map Clarification Project Bylaws (see draft document). The primary updates concerned: 1) adding options for the Advisory Committee's ability to provide input between meetings and; 2) Further clarify the roles of both

the Committee and Staff within the context of the Comprehensive Plan Map Clarification Project. The request before the Commission is to approve the final Bylaws for this Project.

Commissioner Gill: moved to approve the changes to the Comprehensive Plan Map Clarification Project Advisory Committee's Bylaws as shown in Attachment 1 for this Item. Commissioner Koivula seconded the motion.

Roll call vote:

Buck – Aye
Koivula – Yes
Salazar – Aye
Gill – Aye

Motion carries 4:0 1 Absent

ADJOURNMENT – 6:58 pm

**7:00 p.m. Planning Commission Regular Session**

Chair Salazar called the regular session to order at 7:00 pm.

Planning Commissioners present: Chair Matt Salazar, Michael Koivula, Kuri Gill, and Andrew Buck

Excused absence: Grace Bergen

Staff: Sandy Belson, Planning Manager; Melissa Cariño, Senior Planner; Sarah Weaver, Community Development Administrative Assistant; Kristina Kraaz, Assistant City Attorney

**Pledge of Allegiance** – Led by Chair Salazar

**Approval of the Minutes**

- May 17th, 2022 – Approved

**Business from the Audience** – None

**Regular Session Item(s)**

1. **Willamette Greenway Development Permit**
   **Case: 811-22-000106-TYP3**

   **Staff: Melissa Cariño, Senior Planner**

Assistant City Attorney Kristina Kraaz read the Quasi-Judicial Statement of Rights into the record.

The Planning Commissioners were called to disclose ex-parte contact, conflicts of interest, or independent knowledge of the property:

Buck - No conflicts of interest or ex-parte contact. He is a licensed insurance agent in the area but he does not believe this would impact his decision.
Koivula - No independent knowledge, conflicts of interest or ex-parte contact.
Gill – No independent knowledge, conflicts of interest, or ex-parte contact.
Salazar – No conflicts of interest or ex-parte contact. His independent knowledge is limited to driving past the site.

**Staff Report**

Staff / Melissa Cariño (see presentation)

Testimony from the Applicant – None

In Favor – None

Neutral – None

In Opposition – None

Commissioner Buck: Noted that the presentation in the last meeting was very detailed and he appreciated the effort.

Commissioner Koivula: wanted to confirm that the Applicant will make all effort to identify and reject all inappropriate fill, i.e., oil, chemical contaminant materials, treated wood, asphalt, asbestos, wallboard, oil or concrete road base material. He expanded the noxious weeds list from not only horsetail but also reed canary grass, false Brome, knotweed, and yellow flag iris. On page 220 in the statement on Condition of Approval, #3 of Finding 40: The statement that the Applicant under LDAP shall provide armoring conflicts with page 230 where it provides for vegetation at a 3-1 slope. Submittals are sometimes made at different times accounting for possible conflicting information. Was the bank armoring submitted at a different time?

Applicant / Kelly Wood, Safety and Land Manager, Wildish Sand and Gravel. There was undoubtedly a timing issue with parts of the submittal. Most of the property consists of fill with existing and historical riprap material armoring the edge of the river. Wildish intends to use the reminder of the Greenway setback for stormwater drainage and stormwater controls.

Commissioner Koivula: moved to close the public hearing and the written record on this item. Commissioner Gill seconded.

Roll call vote:

Koivula – Yes
Gill – Aye
Buck – Aye
Salazar – Aye

Motion carries 4:0  1 Absent

Commissioner Gill: moved to adopt the order approving the Willamette Greenway Development Overlay Permit that is in the Agenda Packet as Attachment 1 of this Item. Commissioner Buck seconded the motion.

Roll call vote:

Salazar – Aye
Koivula – Yes
Gill – Aye
Buck – Aye

Motion carries 4:0 1 Absent

**Business from the Planning Commission**

Commissioner Koivula: reported that there are several vacancies on the City's boards and commissions. He urged the commissioners and the general public to reach out to anyone who would be interested in serving the City and community by volunteering to be on a board or commission. There are vacancies on: Springfield History Museum Committee, Historic Commission, Springfield B-PAC, Springfield Arts Commission, Springfield Library Board, and the Springfield Police Advisory Committee. There is a link in the City of Springfield website that provides more detail about the vacancies and applications to submit, if someone is interested.

Commissioner Gill: The Oregon Main Street Network is having a conference in Klamath Falls from October 5th – 7th, which provides a lot of learning opportunities in the areas of economic development, downtown revitalization initiatives, and civic programs. Registration is currently open to all interested parties. More details about the conference can be found online at oregonheritage.org.

**Business from the Development and Public Works Department**

Staff / Sandy Belson: introduced the new Senior Planner for Code Development, Haley Campbell.

- **Planning Commission Recruitment** – Contacted:

  Springfield Chamber of Commerce, City Club, U of O Prof. Choquette PPPM,

City Manager's Office initiatives (notice boards, press releases, Facebook), Springfield Library, DPW notices (posted at the fee counter digitally and in hard copy), Rotary Club Springfield, Rotary Club Twin Rivers, NAACP, Lions Club Springfield, Springfield – Eugene Tennant's Association, Willamalane, Historic Preservation Listserves, Home Builders Association of Lane County, Better Eugene – Springfield Transportation (BEST), Springfield Alliance for Equity & Respect, ARC of Lane County, Downtown Languages, Springfield Public School District, League of Women Voters, 1,000 Friends

- **Development Code Update – Hard Copy Binders**

  Staff / Sarah Weaver: informed the Commissioners that the new hard copy of the updated Development Code was available at the Development Center, if they were interested in receiving a hard copy.

- **Next Planning Commission meeting**

Staff / Sandy Belson: Since there are no agenda items for September 7th, she suggested that the Planning Commission meet on September 20th for two trainings and a brief regular session. The two training sessions would be: 1) Land Use training – Monica Sather, Senior Planner and; 2) Making Findings for a Legally Defensible Decision – Assistant City Attorney Kristina Kraaz.

ADJOURNMENT – 7:35 pm

# AGENDA ITEM SUMMARY

**S P R I N G F I E L D**
**PLANNING COMMISSION**

| | |
|---|---|
| **Meeting Date:** | 10/18/2022 |
| **Meeting Type:** | Work Session |
| **Staff Contact/Dept.:** | Sandy Belson/DPW |
| **Staff Phone No:** | 541-736-7135 |
| **Estimated Time:** | 50 Minutes |
| **Council Goals:** | Mandate |

**ITEM TITLE:** OVERVIEW OF THE CLIMATE-FRIENDLY AND EQUITABLE COMMUNITIES RULES

**ACTION REQUESTED:** None

**ISSUE STATEMENT:** In response to Executive Order 20-04, the Department of Land Conservation and Development (DLCD) adopted administrative rules that have wide ranging requirements for metropolitan areas in Oregon. The City of Springfield is mandated to comply with these requirements affecting land use and transportation.

**ATTACHMENTS:**
Attachment 1: Briefing Memo
Attachment 2: DLCD's Overview of Climate-Friendly and Equitable Communities
Attachment 3: CFEC Overview PowerPoint Presentation
Attachment 4: Parking PowerPoint Presentation
Attachment 5: Springfield Implementation Schedule
Attachment 6: Interpretation of Goal 10 Housing (OAR 660-008)
Attachment 7: Transportation Planning (OAR 660-012)
Attachment 8: Metropolitan Greenhouse Gas Reduction Targets (OAR 660-044)

**DISCUSSION:** The impact of the requirements on staff time and resources is significant. At this work session, staff will provide an overview of the various components of the rules. It will also take a closer look at the rules affecting parking.

This work session aims to provide context for the new rules, information about implementation, and options for how to proceed with phase 2 of complying with DLCD's parking regulations.

**M E M O R A N D U M** **City of Springfield**

| | |
|---|---|
| **Date:** | 10/18/2022 |
| **To:** | Planning Commission |
| **From:** | Sandy Belson, Comprehensive Planning Manager<br>Sophie McGinley, Comprehensive Planner |
| **Subject:** | Overview of the Climate Friendly and Equitable Communities Rules |

**ISSUE:** In response to Executive Order 20-04, the Department of Land Conservation and Development (DLCD) adopted administrative rules that have wide ranging requirements for metropolitan areas in Oregon. The City of Springfield is mandated to comply with these requirements affecting land use and transportation.

**COUNCIL GOALS/**
**MANDATE:**

Council Goals: Mandate

**BACKGROUND:**

In March 2020, Governor Kate Brown issued Executive Order 20-04 directing state agencies to take actions to reduce and regulate greenhouse gas emissions and mitigate the impacts of climate change while also centering the needs of Oregon's most vulnerable communities. In response, the Oregon Land Conservation and Development Commission directed the Department of Land Conservation and Development (DLCD) to draft updates to Oregon's transportation and land use planning rules. The Commission adopted permanent rules on July 21, 2022. These rules set new standards for land use and transportation plans in Oregon's eight metropolitan areas - Albany, Bend, Corvallis, Eugene-Springfield, Grants Pass, Medford-Ashland, Portland Metro, and Salem-Keizer. For an overview of the rules, see Attachment 2: DLCD's Overview of Climate-Friendly and Equitable Communities. Staff will talk through Attachment 3: PowerPoint Presentation during the work session.

A main focus of the rules is to reduce the carbon emitted by vehicles. The intent is to encourage walking, biking, taking the bus, and switching to electrical vehicles. The rules also state an intent to require that the city allow more dense developments in areas of "high quality transit service", bring different land uses (housing, employment, shopping, and parks) close together, and make them walkable.

The second focus of the rules is to increase equity. As the state has articulated, Oregon has a long-standing history of discrimination and racism, including in land use and transportation planning decisions. As such, the rules attempt to increase housing and transportation choices, particularly for the most vulnerable.

The extent and complexity of the rules make them difficult to understand and fully grasp the implications of implementation. This work session is intended to provide Council with a broad brush look at the requirements of the rules to provide context for the coming work. The administrative rules are included as Attachments 6, 7, and 8. While the City Attorney's Office is pursuing legal review of the rules with other affected cities, the rules remain effective unless or until a court issues a stay on the rules; the City Attorney's Office has advised staff to work toward implementation of the rules in the meantime.

**MAIN COMPONENTS OF RULES:**

As noted above, the rules touch on many aspects of land use and transportation planning. Each of the components will involve the City Council and most will require amendments to adopted plans and the Springfield Development Code. These land use processes will provide opportunity for the public to be involved and include recommendations from the Planning Commission. Some amendments will need to be co-adopted by Lane County as they are applicable not just within the city limits, but also to Springfield's urbanizable area (outside the city limits, within the Urban Growth Boundary).

**Changing Parking Requirements**

As of December 31, 2022, the city will no longer be able to require on-site parking for any new development near frequent transit corridors. The city will also have a choice of removing all on-site parking requirements for development in the rest of the Urban Growth Boundary UGB, or to take a multi-faceted approach to regulating parking in certain areas and establishing parking management programs. Any resulting city-wide amendments need to be adopted and effective by June 30, 2023.

**Requiring Electric Vehicle Charging Infrastructure**

All buildings that include five or more dwellings will be required to install electrical capacity and conduit for electric vehicle-ready charging infrastructure for 40% of parking spaces provided on-site. This requirement is an increase from similar requirements in the state building code which took effect July 1, 2022. The new regulations will go into effect on March 31, 2023.

**Adopt Climate-Friendly Areas**

Springfield must establish one or more Climate Friendly Areas that will accommodate 30 percent of our estimated future population. In other words, we must plan that about 24,500 Springfield residents will live in these Climate Friendly Areas by 2030. Springfield must designate these areas in the Comprehensive Plan and adopt zoning to allow dense housing and a mix of uses. Development regulations for Climate Friendly Areas will limit auto-centric land uses and include pedestrian-oriented design standards. The city will identify investments needed in the walking, biking, and transit infrastructure to support the development. Springfield must propose Climate Friendly Areas by June 30, 2023, and adopt them along with the corresponding Development Code changes by December 31, 2024.

**Adopt a Preferred Scenario Plan**

A preferred scenario plan is the chosen regional transportation and land use plan (or scenario) that describes a future set of desired transportation facilities, alternative future land use patterns, and policies that together reduce greenhouse gas pollution from light vehicles. The plan must be designed to meet the State's greenhouse gas emission reduction targets and prioritize underserved populations so that the actions that reduce pollution also reduce historical inequities from prior transportation and land use development. The Central Lane Metropolitan Planning Organization's voluntary 2015 scenario plan may be used as a foundation for this plan. The jurisdictions (Springfield, Eugene, and Lane County) must submit a work program for this work to the State by June 30, 2023, and prepare a scenario plan by December 31, 2023.

**Update Transportation System Plan**

An update of Springfield's 2035 Transportation System Plan (TSP) will need to be adopted to incorporate the following components in conjunction with adoption of scenario plan implementation by December 31, 2026. The updated TSP will need to include the enhanced review for existing projects discussed separately below.

***Revise Transportation Modelling Methodology***

The current regional transportation model is based on the number of trips generated by land use. The rules require that the model instead be based on vehicle miles travelled on a per capita basis.

***Land Use Code for Compact, Pedestrian-friendly, Mixed-use Development***
The rules require high quality pedestrian, bicycle, and transit infrastructure planning through an update of the Transportation System Plan, as well as the adoption of associated land use code changes. The rules require planning for complete networks in climate-friendly areas and access to transit, schools, and other services for pedestrians and for a connected network of neighborhood greenways and protected bikeways on major corridors. The rules also require a focus on priority transit corridors, with investments to improve travel time, improve access to stops and stations, and promote compact, mixed-use development patterns near stops and stations.

***Prioritize Projects that Reduce Greenhouse Gas***
The rules require Springfield to prioritize and select capital projects within the Transportation System Plan that reduce greenhouse gas emissions. Rules will require plans to have a "financially constrained" list of planned projects based on estimated project costs and projected revenue. Pedestrian, bicycle, and transit projects will be given a relatively high level of priority. Springfield will be prevented from constructing, funding, or developing projects that are not on the "financially constrained list" with very few exceptions.

***Adopt Performance Standards***
The rules require Springfield to adopt new performance standards for use when planning for or reviewing the impact of development on transportation facilities, replacing the current motor vehicle congestion performance standards. New performance standards take effect on June 30, 2025 and must be adopted in conjunction with adoption of a major transportation system plan update.

***Adopt Bicycle Parking Standards***
Springfield must relook at our bicycle parking standards to ensure compliance with the rules; including provisions for covered parking, shared bicycles, other small-scale mobility devices, large bicycles, security, and adequate space.

**Enhanced Review of Already-Adopted Transportation Projects**
Engage in an enhanced review process for any existing transportation projects that increase roadway capacity, including increased outreach and alternatives review process. Springfield has identified seven projects already adopted in Springfield's Transportation System Plan that would require this review before they could be included in the updated Transportation System Plan.

**Engaging Underserved Communities and Equity Analysis**
The rules direct how cities engage the public, specifically underserved communities, in the development and approval of transportation system plans and related land use planning. Some Climate-Friendly and Equitable Communities components must demonstrate that they improve outcomes for underserved communities by using an equity analysis to identify impacts from proposed projects and policies and potentially inequitable consequences or burdens on impacted communities. While Springfield staff have supported the requirements to better engage with underrepresented populations in decision-making processes, there remains a concern that some of the proscriptive requirements in the rules will force the city to disregard or downgrade some of the public input received if it does not match the prescriptive rules requirements.

**Project Oversight**
City staff will need to learn the requirements of the rules, develop work programs, and coordinate the various project components. There will be a substantial amount of time

consultation with DLCD, legal counsel, and other jurisdictions to determine how best to comply with the rules which are problematic in terms of clarity and straight-forward implementation.

**Ongoing Monitoring and Reporting**
The rules require cities to undertake ongoing monitoring on the above items and produce an annual report to Department of Land Conservation and Development on progress, with the first report due May 31, 2024.

The deadlines are further detailed in Attachment 5: Springfield Implementation Schedule – Climate Friendly and Equitable Communities Rules. The rules allow jurisdictions to request alternative deadlines for some, but not all components.

**PARKING RULES:**
The parking rules are the first of the rules to come into effect. Some of the rules take effect December 31, 2022; others require action by June 30, 2023. The rules aim to provide more flexibility for developers to choose how much parking they would like to require. However, in some cases, the rules limit the amount of on-site parking allowed.

There are two main phases of the rules:

- Phase 1: As of December 31, 2022, the city will no longer be able to require a minimum amount of on-site parking[1] for any new development near frequent transit corridors. For Springfield, frequent transit corridors are the Route 11 and the EmX.

  The City may not require more than one parking space per residential unit in developments that have more than one dwelling on a single legally-established property.

  The City also may not require parking for the following uses:
  - Facilities and homes designed to serve people with disabilities;
  - Childcare facilities;
  - Single-room occupancy housing;
  - Residential units smaller than 750 square feet
  - Affordable housing (housing available to rent or buy by households with income that does not exceed 80% of AMI, or spaces in manufactured dwelling parks available for rent by households with income that does not exceed 100% AMI);
  - Publicly supported housing (multi-unit rental housing that receives financial assistance from the state or federal government);
  - Emergency and transitional shelters for people experiencing homelessness; and
  - Domestic violence shelters

- Phase 2: The City has a choice of removing all onsite parking requirements for development in the rest of the Urban Growth Boundary, OR to take a multi-faceted approach to regulating parking in certain areas and establishing parking management programs. Phase 2 includes 3 possible options for implementation. Option 1 is referred to as the "do nothing" approach and requires repealing all minimum parking requirements city-wide. Generally, options 2 and 3 require significant funding and staffing, and do not result in significant flexibility. If the city opts for option 2 or 3, the resulting Springfield Development Code amendments and parking management plans

[1] "Parking minimums" sets a minimum number of parking spaces provided on-site on conjunction with development.

must be effective by June 30, 2023. Amending the Springfield Development Code is a land use decision and therefore would involve public hearings with the Planning Commission and elected officials (Springfield City Council and Lane County Board of Commissioners.) For the code amendments to be effective by June 30, the city would need to identify the necessary amendments this fall and begin the public hearing process this winter.

**Springfield 2035 Transportation System Plan (TSP) and Development Code amendments:**
Although the state's rules were recently adopted, Springfield has already laid the groundwork for parking rules. The TSP was adopted in 2014 and includes policies that are explicitly intended to reduce dependance on the single-occupancy vehicles very similar to the climate goals of the CFEC rules. During 2016-2020, Springfield engaged with the community in an extensive process to figure out the right balance of tools for Springfield to meet these TSP objectives – Springfield was stricter than the CFEC rules require in some instances and more lenient in others. Springfield lowered minimum parking requirements, added parking maximums[2], and increased opportunities for developers to seek "right sized" parking requirements that are outside the code's limits. A few of these provisions, though not all, will help Springfield comply with CFEC rule requirements, such as Springfield's existing maximum parking requirements, bicycle parking standards, and maximum block length requirements.

**Local Implementation:**
Phase 1 Implementation will consist of referring to the applicable state administrative rules and approving eligible applications that propose less parking than the minimums outlined in the Springfield Development Code. The city would not undertake code amendments at this time, and developers and staff will refer to the state's rules in OAR Chapter 660, Division 12 until the state provides additional information.

Phase 2 Implementation depends on the direction given by the City Council. Option 1 (the "do nothing approach") would result in no minimum parking requirements city-wide. Implementation could be similar to Phase 1, referring to statewide rules and providing developers and staff the applicable resources to approve applications even if the applicant does not include the on-site parking required by the Springfield Development Code. If Option 1 is pursued, the already-adopted parking maximums would remain in place, however the parking minimums would no longer apply.

Options 2 and 3 would require significant code amendments, funding, and staffing. Both options would require:

- Reduced mandates[3] based on shared parking[4], solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking.
- Unbundled parking[5] for developments with five or more dwellings that are located near frequent transit.
- The City may not require garages/carports.
- Removing on-site parking requirements in and near climate-friendly areas or adoption of parking management policies; unbundled parking for multifamily units.

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[2] "Parking maximums" limit the number of off-street parking spaces that can be included in a development.

[3] "Parking mandates" means requirements to include a minimum number of off-street parking spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential development.

[4] "Shared parking" means parking spaces used to meet the parking mandates for two or more uses, structures, or parcels of land, to the extent that the owners or operators show the overall demand for parking spaces can be met by the shared parking.

[5] "Unbundled parking" means a requirement that parking spaces for each unit in a development be rented, leased, or sold separately from the unit itself.

In **addition**:

- Option 2 requires implementing 3 out of the 5 following policies to manage parking per OAR 660-012-0445 (1)(a):

  (A) A requirement that parking spaces for each residential unit in developments that include five or more leased or sold residential units on a lot or parcel be unbundled parking. Cities and counties may exempt townhouse and rowhouse development from this requirement;

  (B) A requirement that parking spaces serving leased commercial developments be unbundled parking;

  (C) A requirement for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of $50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking;

  (D) A tax on the revenue from commercial parking lots collecting no less than 10 percent of income, with revenues dedicated to improving transportation alternatives to drive-alone travel; and

  (E) A reduction of parking mandates for new multifamily residential development to no higher than one-half spaces per unit, including visitor parking.

- Option 3 requires implementing all of the following under OAR 660-012-0445 (1)(b):

  (A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;

  (B) A repeal of parking mandates for transit-oriented development and mixed-use development;

  (C) A repeal of parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;

  (D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in residential developments of five or more units on a lot or parcel;

  (E) A repeal of parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years. Cities and counties may require registration of a building as vacant two years prior to the waiving of parking mandates;

  (F) A repeal of requirements to provide additional parking for change of use or redevelopment;

  (G) A repeal of parking mandates for expansion of existing businesses by less than 30 percent of a building footprint;

  (H) A repeal of parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or on a local inventory of historic resources or buildings;

(I) A repeal of parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space;

(J) A repeal of parking mandates for developments built under the Oregon Residential Reach Code;

(K) A repeal of parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;

(L) A repeal of parking mandates for schools;

(M) A repeal of parking mandates for bars and taverns;

(N) Setting parking maximums consistent with OAR 660-012-0415(1), notwithstanding populations listed in that section; and

(O) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through permits, payments, or time limits.

**Implications:**
The parking rules are complex, particularly Options 2 and 3. Put simply, pursuing Option 2 or 3 would result in the being able to require some on-site parking for much of the residential development that would occur in the R-1 zone in areas outside of the ½ mile of the EmX or Route 11 bus. The city would be able to require some on-site parking for industrial and maybe some commercial development in the Jasper-Natron area. However, following Option 2 or 3 would require a lot of work and staff question if that level of control is worth the effort.

It is important to keep in mind that many developers will choose to provide on-site parking even when it is no longer required. They may provide parking to make their developments more attractive or because it is required by their lenders. Over time, with constraints on available land, changes in how people move about the city, and changing technology, developers may provide less area for parking allowing for more efficient development patterns.

**Education and Enforcement:**
Regardless of which option the City of Springfield pursues, people with vehicles may choose to park in places where they should not park. If they park on the street in a manner that impedes traffic, the police may need to take enforcement action. If they park on private property in an area not meant for parking, the city's code enforcement officers may need to take enforcement action. Therefore, there may be an increase in calls for code enforcement and police. Code enforcement may need to increase outreach and monitor and enforce on-site (private property) parking regulations and violations. Police enforcement may need to increase to monitor and enforce on-street (public right-of-way) parking violations, including vehicles blocking access for public safety.

Option 1 would allow the City to retain some of our existing policies and continue to manage parking. However, the effects of these rules are unpredictable and may necessitate the creation of a parking management plan in the future to deal with potential spill-over effects from certain uses into the surrounding streets. The creation of such a plan would require funding, staff, community input, and ongoing implementation.

**Note:**
The extent and complexity of the rules make them difficult to understand and fully grasp the implications of implementation. While the City Attorney's Office is pursuing legal review of

the rules with other affected cities, the rules remain effective unless or until a court issues a stay on the rules; the City Attorney's Office has advised staff to work toward implementation of the rules in the meantime.

**NEXT STEPS:**

At its work session on October 10, the City Council directed staff to explore Option 2 in comparison with Option 1. It also asked staff to consider impacts of the parking rules on the community, particularly those with low-incomes and/or disabilities.

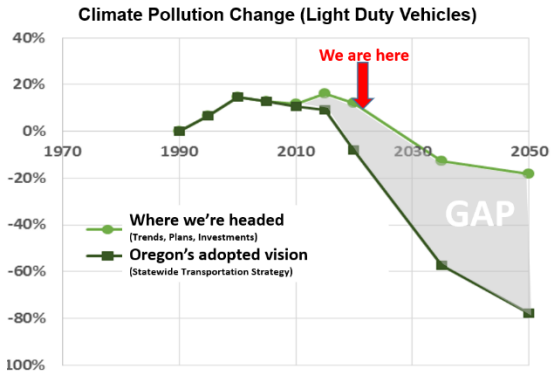
OREGON
Department of Land Conservation & Development

# Climate-Friendly and Equitable Communities

## Why this Rulemaking

In 2007, Oregon legislators adopted a goal to reduce Oregon's climate pollution by 75% by 2050. That's what the science calls for, if we're going to avoid catastrophic impacts to our environment, communities, and economy.

Fifteen years later, we're far off track in our efforts to meet those goals – and we're already experiencing real-world impacts of climate disruption, with increasing wildfires, in size, severity, and timing, and record heat waves that have cost Oregonians their homes, and their lives.




*Oregon is dramatically off-track. If current trends continue, Oregon will release more than 4 times more transportation pollution than our goal by 2050.*

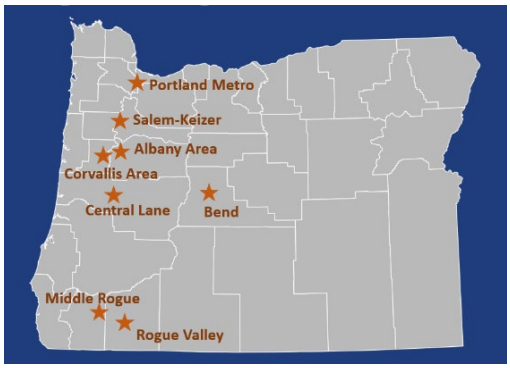
We're particularly off-track in reducing pollution from transportation, responsible for about 38% of Oregon's climate pollution. On our current path, Oregon will only reduce transportation pollution by about 20% by 2050. That means we're polluting far more than we hoped, meaning more extreme weather events, more wildfires, more ocean acidification, and more record heat waves. In response, Governor Brown directed state agencies to promote cleaner vehicles, cleaner fuels, and less driving.

*Thousands of Oregonians have lost their homes in recent wildfires. Missing our climate goals will mean more extreme and more frequent weather events such as heat bombs, droughts, and wildfires.*

Meanwhile, the State of Oregon is grappling with a troubling history and current patterns of inequity and discrimination, including in our land use, zoning, and transportation investment (and disinvestment) decisions. Wealth and health have been concentrated in the privileged, at the expense of others. This rulemaking aims to take some steps in redressing past harms.

## Rulemaking Overview and Desired Outcomes

The Land Conservation and Development Commission launched the Climate-Friendly and Equitable Communities rulemaking in response to Governor Brown's order. It directed the Department of Land Conservation and Development (DLCD), Oregon's land use planning agency, to draft changes in Oregon's planning system for communities in Oregon's eight most populated areas (see map at right).




*The rules apply in Oregon's eight metropolitan areas shown above.*

The rules require those communities to change their local transportation and land use plans to do more to ensure Oregonians have more safe, comfortable ways to get around, and don't have to drive long distances just to meet their daily needs. The rules also aim to improve equity, and help community transportation, housing, and

planning serve all Oregonians, particularly those traditionally underserved and discriminated against.

What does that mean on the ground? It means having some areas where rules don't get in the way of more walkable neighborhoods. The draft rules ask cities to designate climate-friendly areas, and to allow people to build taller buildings providing more housing. The rules don't *require* taller buildings, but make sure those buildings are *allowed*. In climate-friendly areas, a minimum density standard would help ensure transit can serve the neighborhood.

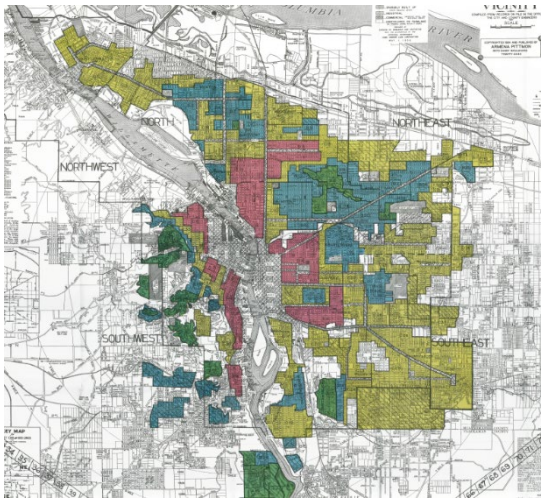
Other provisions of the rulemaking call for new buildings to support the growing electric vehicle transformation, reduce one-size-fits-all parking mandates, and increase local planning requirements to address critical gaps in our walking, biking, and transit networks. The rules ask communities to identify transportation projects needed so our climate goals could be met.

The rulemaking is mainly about letting climate-friendly development happen where people want to build it and the market calls for it. There's a lot of demand for housing where people can walk to where they want to go. While single-family homes will continue to be allowed and provide most housing, Oregonians have a diverse set of housing desires and deserve more affordable and climate-friendly choices. Those could better meet the changing shape of American households, as nearly a third of homes hold just one person. But again, people can choose what best meets their needs.

**Equitable Mapping, Engagement and Decision-Making**

One central outcome of this rulemaking is an increased emphasis on equity. The rulemaking has worked to integrate equity, starting with the rulemaking charge and title. Equity was key as DLCD attempted to have the composition of the advisory committee reflect the diversity of Oregon's communities, and equity was one of the first tasks tackled by the group.

The rulemaking advisory committee spent significant time at many of its meetings discussing equity, and developed an Equitable Outcomes Statement to guide the rulemaking drafting and implementation. The rulemaking conducted a racial equity analysis of the rules and an analysis on how the rules could be improved to serve people with disabilities. The committee subsequently reviewed a table listing how each item in the Equitable Outcomes Statement was or was not brought forth into the draft rules, and what next steps might be.



*1938 Redlining map of Portland. Redlining allowed white people to build wealth through homeownership.*

The rules define traditionally underserved populations to include Black and African American people, Indigenous people, People of Color, people with limited English proficiency, people with disabilities, low-income Oregonians, youth and seniors, and more. They require mapping of traditionally underserved populations, local consideration of a set of anti-displacement actions should decisions contribute toward displacement, centering the voices of underserved populations in decision-making, and regular reporting on efforts to engage traditionally underserved populations.

## Climate-Friendly Areas

*Oregon already has some climate-friendly areas, pleasant places to meet one's needs without needing to drive.*

A climate-friendly area is an area where residents, workers, and visitors can meet most of their daily needs without having to drive. They are urban mixed-use areas that contain, or are planned to contain, a greater mix and supply of housing, jobs, businesses, and services. These areas are served, or planned to be served, by high quality pedestrian, bicycle, and transit infrastructure to provide frequent, comfortable, and convenient connections to key destinations within the city and region.

Why are climate-friendly areas important? A key component of Oregon's plan to meet our climate pollution reduction and equity goals is facilitating development of urban areas in which residents are less dependent upon the single occupant vehicle. Before the automobile became common in American life, cities grew more efficiently, with a variety of uses in city centers and other areas that allowed for working, living, and shopping within a walkable or transit accessible area. Over the last 100 years, the automobile and planning practices have served to separate activities, creating greater inequities within cities and widespread dependence upon climate-polluting vehicles to meet daily needs. Climate-friendly areas will help to reverse these negative trends, with some actions taking place in the short term, and others that will occur with development and redevelopment over time.

The rules require cities, and some urbanized county areas, with a population over 5,000 within the seven metropolitan areas outside of Portland Metro to adopt regulations allowing walkable mixed-use development in defined areas within urban growth boundaries. The rules for the Portland Metro area support implementation of the region's 2040 Growth Concept. Areas will be sized to accommodate a portion of the community's housing, jobs, and services. Local governments will determine where these areas will be located, but many of these areas will likely be established in existing downtowns that may currently allow for mixed uses and higher densities.

Associated requirements will ensure high quality pedestrian, bicycle, and transit infrastructure is available within these areas to provide convenient transportation options. The rules provide a process for local governments to first identify potential climate-friendly areas, then later to adopt development standards for the areas best-suited for this purpose. The rules provide some minimum requirements for climate-friendly areas, with a set of clear and objective standards that may be adopted, or a process for local governments to craft their own standards. Cities of more than 10,000 will monitor housing production within these areas over time and develop strategies to facilitate desired development.

## Reforming Costly Parking Mandates

*Parking uses a huge amount of high-value land. Off-street parking in downtown Corvallis in red.*

Excess parking has a significant negative impact on housing costs, business costs, the feasibility of housing development and business redevelopment, walkability, air and water pollution, climate pollution, and general community character. Parking mandates force people who don't own or use cars to pay indirectly for other people's parking. Carless households tend to be the poorest households. Parking demand varies significantly

from development to development, and about one-sixth of Oregon renter households own zero vehicles. Planning practices of the past have imposed a one-size-fits-all requirement everywhere, creating incentives to own more cars and drive more.

The rules encourage the diversity of parking needs to be met by the diversity of development. The rules would reduce or remove costly parking mandates for desired types of development, such as smaller housing types, small businesses, childcare facilities, multi-family housing, and historic buildings. The rules would completely remove parking mandates within one-half mile of frequent transit and three-quarters of a mile of rail stops, where parking demand is lower per unit.

The rules give communities options to improve parking management. Those who adopt best practice parking policies would get more flexibility. The rules require cities with over 100,000 population that choose to continue to mandate off-street parking to eventually charge at least 50 cents per day for 10% of on-street parking spots.

## Getting Ready for Oregon's Electric Vehicle Future

Making our vehicles cleaner is a key part in meeting Oregon's climate goals. Oregon has a vision where 90% of new vehicles will be electric by 2035. To meet that goal, we need to ensure people can charge their vehicles. The most convenient place to do so is at home, but many Oregonians live in older multi-family homes that would be very expensive to retrofit.

Thus, the rules require *new* housing and mixed-use development with at least five units would include electrical conduit (pipes) to 40% of spots, ready for adding wiring and charging stations to support electric vehicles as the market expands.

*Building a complete network of EV charging stations at commercial and multi-family housing locations could cut up to 11.9% of climate pollution*

## Planning for a Future of Transportation Options

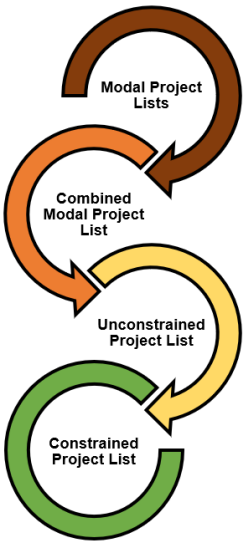
DLCD and other state agency partners including the Oregon Department of Transportation will provide a range of new and amplified services to help meet greenhouse gas reduction goals, including grants, technical assistance, tools, and publications, to help local governments adopt plans that meet or exceed the state's greenhouse gas reduction goals.

Local governments in Oregon have been required to make coordinated land use and transportation plans for decades. The updated rules would require local governments in metropolitan areas to:

- Plan for greater development in transit corridors and downtowns, where services are located and less driving is necessary;
- Prioritize system performance measures that achieve community livability goals;
- Prioritize investments for reaching destinations without dependency on single occupancy vehicles, including in walking, bicycling, and transit;
- Plan for needed infrastructure for electric vehicle charging; and
- Regularly monitor and report progress.

*Transportation options are critical for everyone, but particularly the roughly one-in-three Oregonians who cannot drive.*

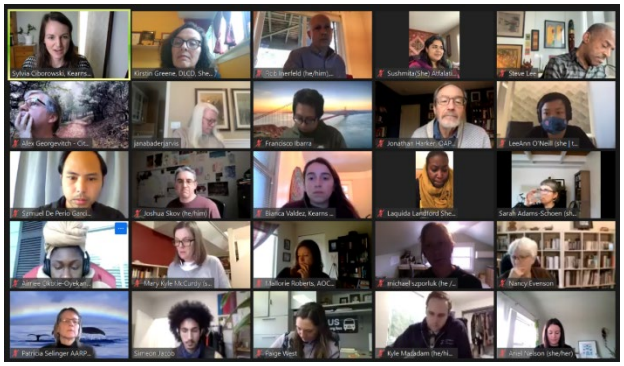
## Planning to Meet Our Climate Goals




DLCD's regional greenhouse gas reduction program allows areas to work together to consider statewide, regional, and local needs and issues. The flexible regional planning process allows communities to study economic development, fiscal impacts, resource use, pollution impacts, and the effects of different choices on the state, region, community, or households. The results are intended to help local government community members, elected and appointed leaders better understand issues and quantify the effect of potential policies as they review and update the area's long-range plans and make investment decisions.

The rules would expand requirements for regional plans to meet the state's climate pollution reduction targets from the Portland metropolitan area to the next largest metropolitan areas in the state (Eugene-Springfield and Salem-Keizer) initially. Other metropolitan areas will be required to evaluate their local plans towards meeting the state's climate pollution reduction targets and amend their local plans towards meeting the target.

## Community Engagement



*Some members of the rulemaking advisory committee*

We've heard from lots of Oregonians over the past eighteen months. We've heard from a 40-person advisory committee including representatives from all of Oregon's impacted eight urban areas, several people who are home builders, realtors, representatives of the trucking industry, affordable housing advocates, land use advocates, community-based and other community-serving organizations.

To supplement those deliberations, staff held two separate series of virtual community conversations in 2021 – five in the spring, and four in the fall. Staff have hosted a series of nine technical work group meetings on specific topics, a series of practitioner meetings with local government staff in each region, and dozens of additional meetings with local elected officials, planning staff, and interest groups.

Upcoming conversations include events focused on what will be needed at the community level to support implementation and ongoing engagement strategies.

We've heard from hundreds of Oregonians who have attended one or more of the scores of meetings, community conversations, work groups, or practitioner meetings, and from hundreds of people who've submitted comments (summary here). Our rules are better for it, having continued to evolve and improve.

But the engagement won't end there – the rules require local governments to engage their communities as they make key decisions on how the rules apply locally. If you're interested in these issues, we encourage you to stay engaged.

## Implementing the Rules: Resources and Timelines

Local governments are responsible for implementing the rules. Many of the rules take effect when a community next conducts a major update of its Transportation System Plan (TSP), a community's core document describing its transportation needs and future plans. The rules state most plans should be updated by December 31, 2029. The rules have Salem-Keizer and Eugene-Springfield areas on a schedule to do regional scenario plans and update their TSPs by the end of 2027.

The land use components of the rules have specific deadlines. Communities are asked to study potential Climate-Friendly Areas by December 31, 2023, and adopt Areas by December 31, 2024. Parking reform is scheduled to happen in two phases - the first at the end of 2022, and the second by June 30, 2023. Communities may ask for some flexibility around most of these dates.

DLCD is providing or working to find resources for local governments to do this work, along with our agency partners at the Oregon Department of Transportation (ODOT) and the Oregon Housing and Community Services Department. The Oregon Legislature provided $768,000 to assist with implementation on land use, and ODOT has identified another $18 million to assist with transportation plan updates.

## Learn More

Information on how to get implementation updates via email and many additional materials can be found at **www.oregon.gov/lcd/CL/Pages/CFEC.aspx**

## Contact Information

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Cody Meyer, Land Use and Transportation Planner
cody.meyer@dlcd.oregon.gov
971-239-9475

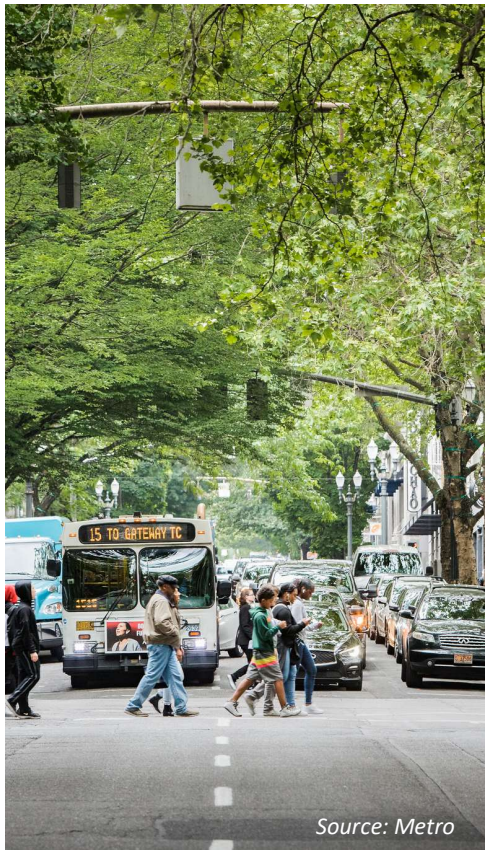
Kevin Young, Senior Urban Planner
kevin.young@dlcd.oregon.gov
503-602-0238

**July 2022**

DLCD

Rules

# Climate-Friendly and Equitable Communities



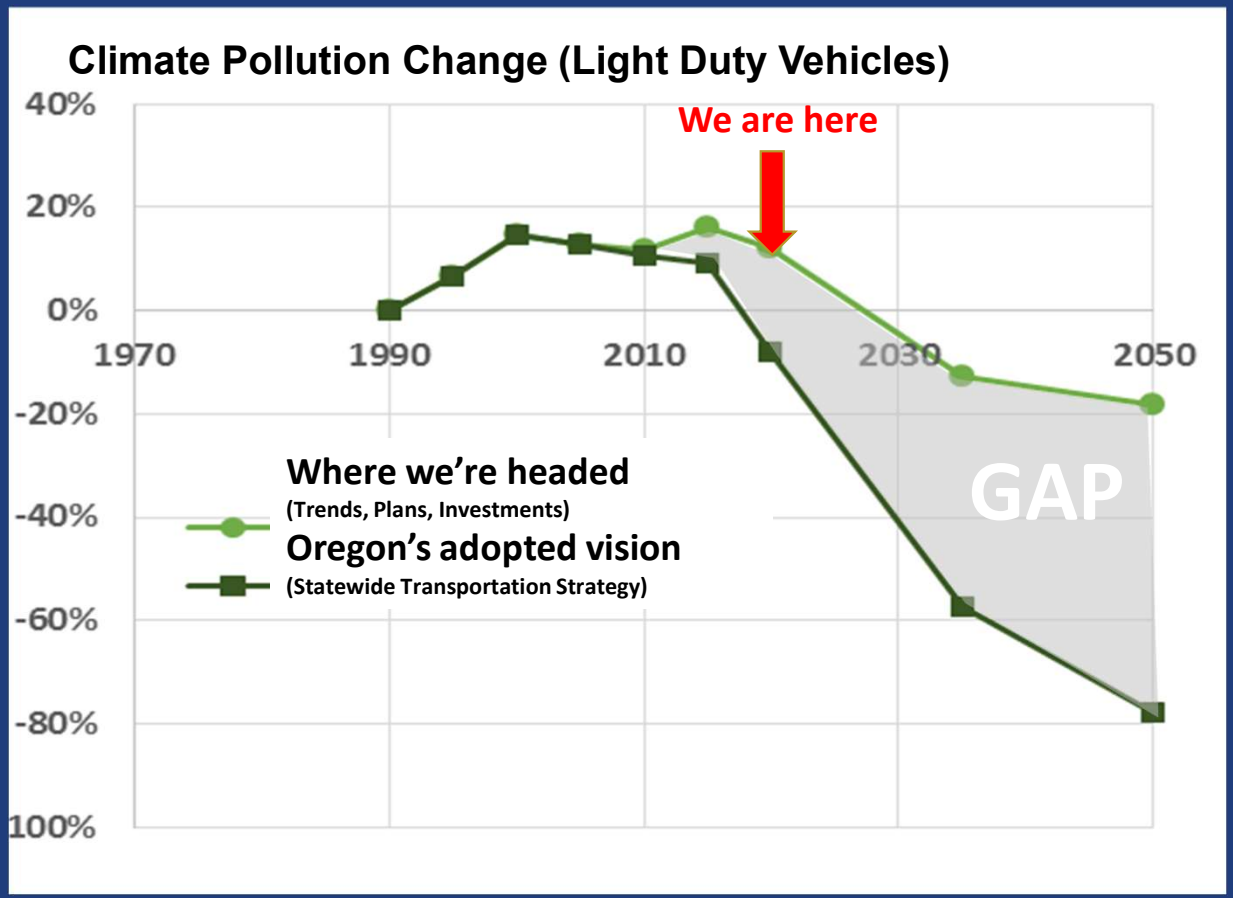

## Presentation to Planning Commission

October 18, 2022

## Statewide Transportation Strategy (2018)

- 38% of greenhouse gases from transportation (1990)
- Changes needed in:
  - Pricing
  - Fuel & Vehicle Technology
  - Transportation Options
  - Systems & Operations

# Why these Rules?
## Missing Oregon's Pollution Reduction Targets




2007 Statutory Goal:

- Reduce Oregon's greenhouse gas emissions by 75% by 2050
- 15 years later we still exceed 1990 levels

# Requirements:

- Increase density
- Bring land uses close together
- Improve transit
- Make it easier to walk and bike

# Parking Management

Phase I:

- No required on-site parking within ½ mile of frequent transit
- No required on-site parking for shelters, small units, affordable or public housing, childcare, facilities for people with disabilities
- Phase 2:

**Option 1:** Repeal all parking mandates

**Option 2:** Adopt Parking Management Policies

**Option 3:** Reduced Parking & Parking District

# Electric Vehicle Charging

Provide charging capacity (conduit) to:

40% of parking spaces

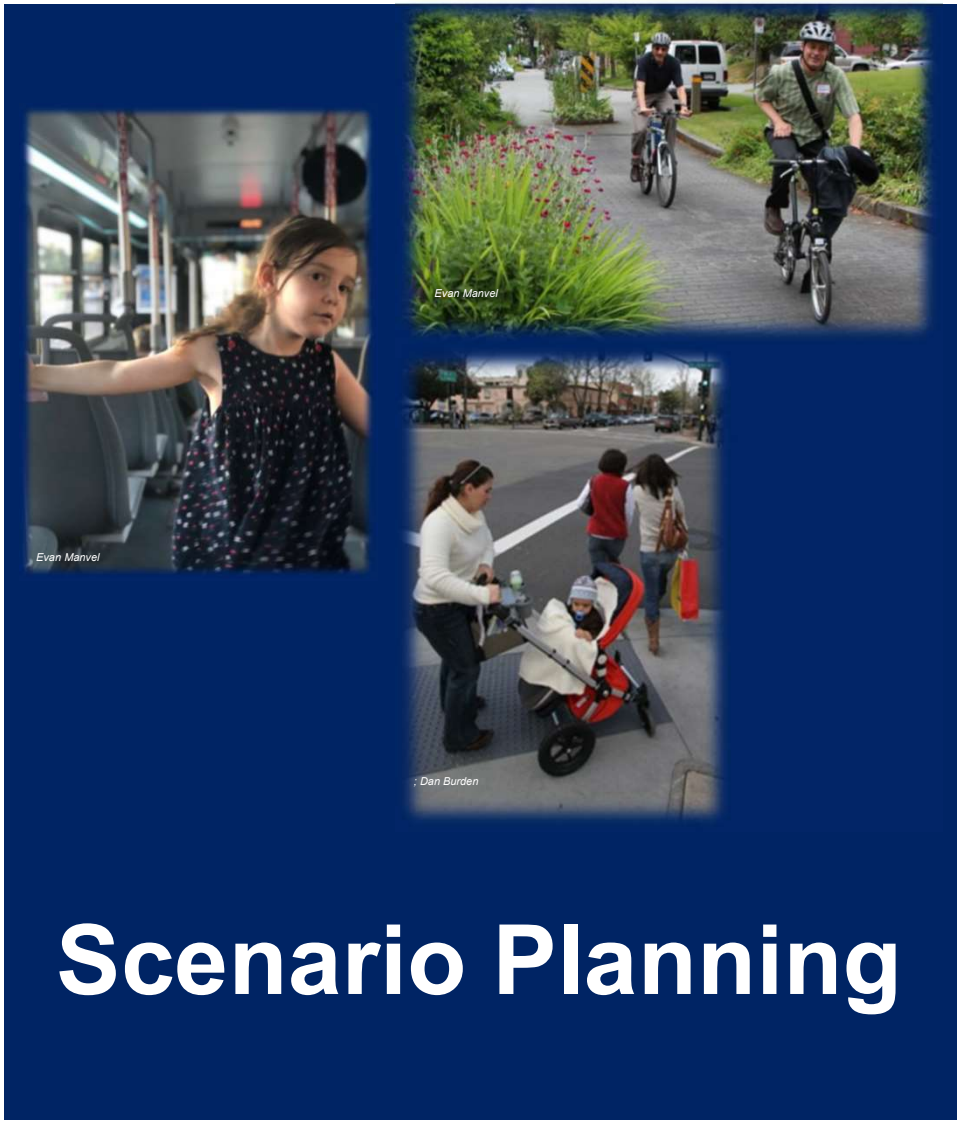
for buildings with

5+ dwelling units

# Establish Climate Friendly Areas (CFAs)

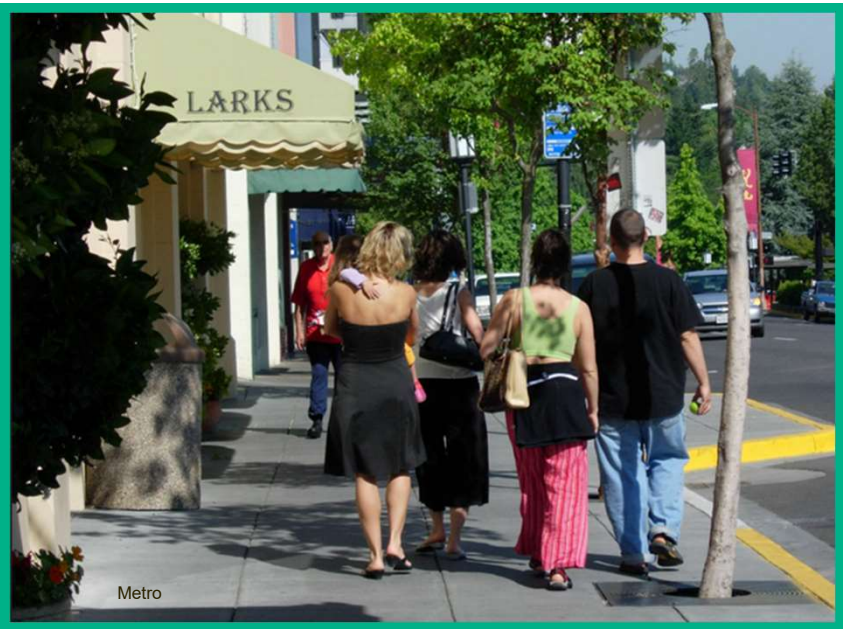
- Designate one or more CFAs
- High density (25 units/net acre)
- Mix of land uses
- Multi-modal
- Accommodate 30% of housing needs (approx. 24,500 residents)
- Displacement analysis and strategies

- Scenario plan to meet greenhouse gas reduction targets
- Can use 2015 scenario plan
- Amendments to: comprehensive plan, transportation plan, and land use regulations must be consistent with the adopted scenario plan



- Revise modelling methodology
- Code standards for compact, pedestrian-friendly, mixed-use development
- Prioritize projects that reduce greenhouse gas
- Adopt new performance standards
- Review bicycle parking
- Enhanced review of already adopted projects

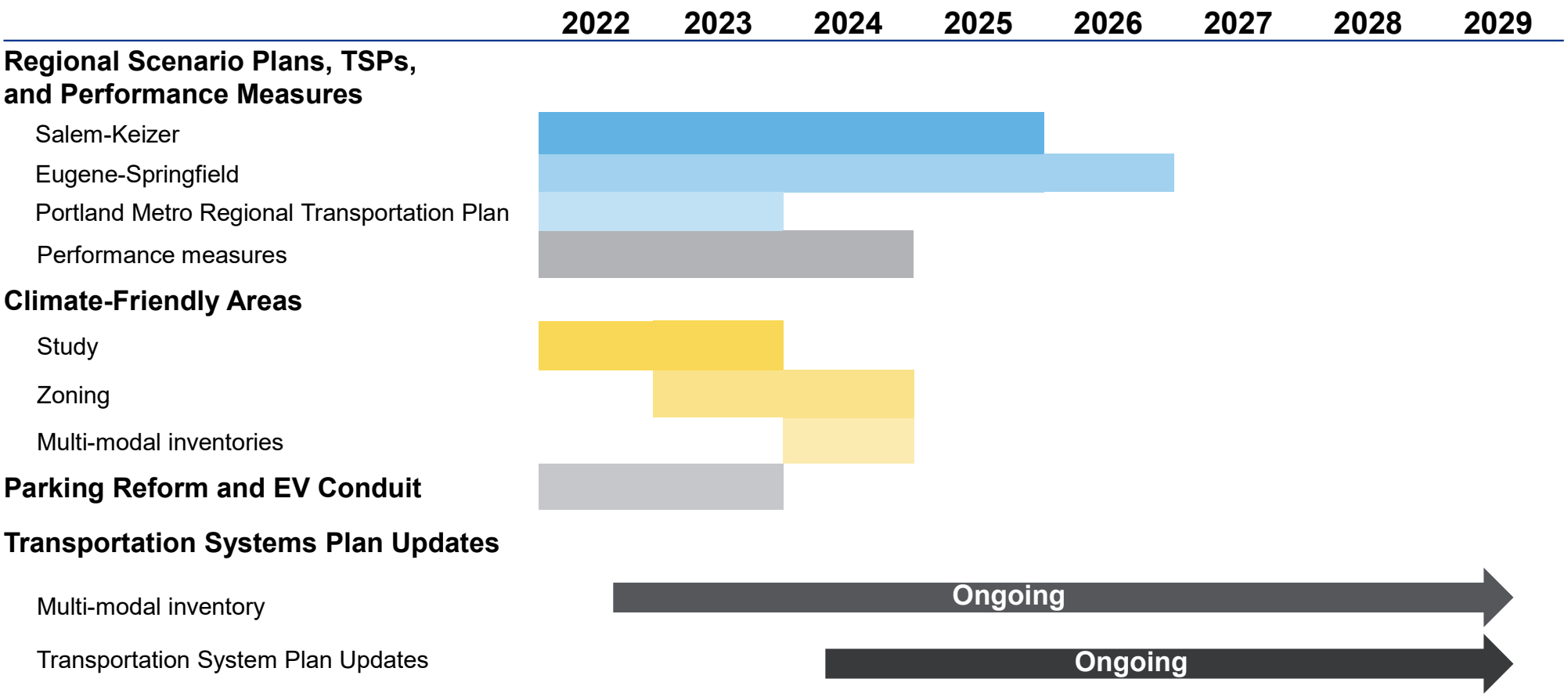
# Transportation Planning




# Engage Underserved Communities & Equity Analysis

- Outreach to underserved
- Equity analysis
  - Identify potentially inequitable impacts or burdens
  - Demonstrate improved outcomes for underserved

# Implementation Timeline



# Implementing Mandatory Climate Friendly and Equitable Communities Rulemaking *Parking Changes*

October 18, 2022

# Parking Progress in Springfield

- Transportation System Plan
  - Parking maximums
  - Added flexibility
  - Local incentives
- Downtown Parking Program
- Development Code Update Project

Set the groundwork for implementing new parking rules

# Parking Minimums

- *Requirements* to include a minimum number of off-street parking spaces with development or redevelopment
- Do not preclude developers from adding more than the minimum required

# Parking Maximums

- *Limits on the number* of off-street parking spaces that can be included in a development.
- Allow for less than the maximum to be provided
- In certain cases, allow for more to be built (if meeting certain conditions)

# Phases of Parking Rules

**December 31, 2022**

**Phase 1: Near Transit and Certain Uses**

**March 31, 2023**

**Electrical Vehicle Conduits**

This won't be covered itoday, but is included in the Climate Friendly and Equitable Communities Rulemaking

**June 30, 2023**

**Phase 2: Citywide Approach**

# Phase 1: Parking Near Transit and Certain Uses

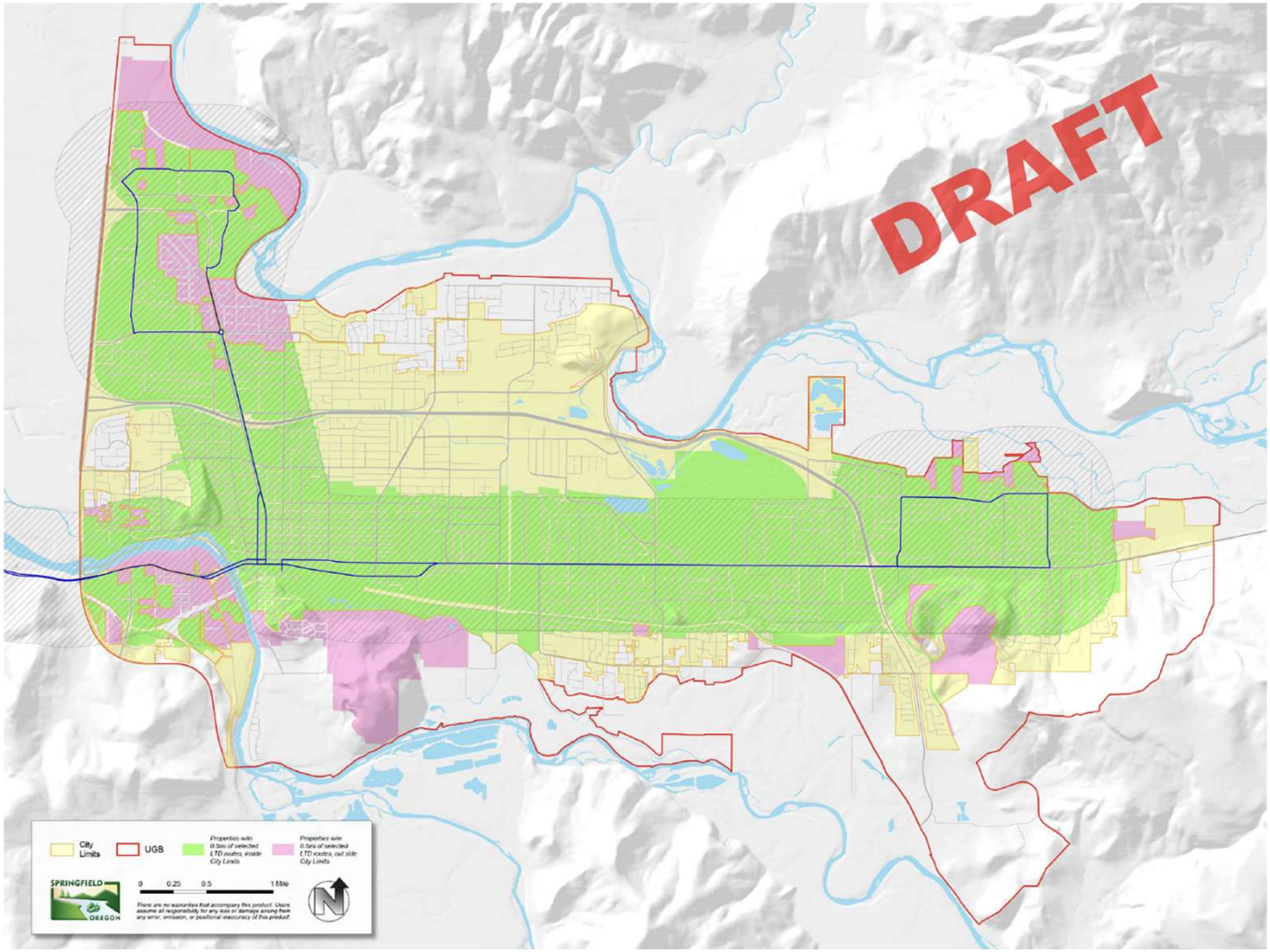
- December 31, 2022
- Apply to development applications submitted *after* December 31, 2022
- **0440** Cannot *require* parking for development within ½ mile of frequent transit corridors
- **0430** Cannot *require* parking for certain uses

# Near Transit

## Legend

Properties within City limits 0.5 miles from frequent transit corridors

Properties outside of City limits 0.5 miles from frequent transit corridors



# Certain Uses

## 0430

- Cannot mandate more than 1 space/unit for residential developments with more than 1 unit
- No mandates for small units, affordable units, child care, facilities for people with disabilities, shelters

# The Phase 1 Rules DON'T

- Mandate existing developments to reduce their on-site parking
- Prohibit providing parking along with development
- Interfere with the City of Springfield Parking Maximums
- Directly affect accessible parking (Americans with Disabilities Act)

# Implementation in Springfield

- *After* December 31, 2022, approve applications for new development that meet the criteria for Phase 1 Parking rules
- Internal staff training
- Reference to relevant OAR
- Do not, *at this time,* require code amendment process

# Phase 2: Citywide Approach

- **3 Options**:
  - **1)** Repeal all parking minimums, city-wide
  - **2** and **3)** Keep *some* requirements, but make modifications and add new requirements and programming
- Options 2 and 3 require **significant** funding and staff time and do not provide significant flexibility
- *Disclaimer: Still waiting for more information and legal guidance pertaining to these options and their feasibility*

# Parking Regulation: Choosing a Pathway

<table>
<tr><th>Option 1<br>660-012-0420</th><th colspan="2">Options 2 and 3<br>660-012-0425 through 0450</th></tr>
<tr><td rowspan="5">Repeal parking mandates<br><br>No additional action needed</td><td colspan="2">Reduce parking burdens – reduced mandates based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking. Must unbundle parking for multifamily units near frequent transit. May not require garages/carports.</td></tr>
<tr><td colspan="2">Climate-friendly area parking – remove mandates in and near climate-friendly areas or adopt parking management policies; unbundle parking for multifamily units</td></tr>
<tr><td>Option 2<br>enact at least three of five policies</td><td>Option 3<br>all of the below</td></tr>
<tr><td>1. Unbundle parking for residential units<br>2. Unbundle leased commercial parking<br>3. Flexible commute benefit for businesses with more than 50 employees<br>4. Tax on parking lot revenue<br>5. No more than ½ parking space/unit mandated for multifamily development</td><td>No mandates for a variety of specific uses, small sites, vacant buildings, studios/one bedrooms, historic buildings, LEED or Oregon Reach Code developments, etc.<br><br>No additional parking for changes in use, redevelopments, expansions of over 30%.<br><br>Adopt parking maximums.<br><br>No mandates within ½ mile walking distance of Climate-Friendly Areas.<br><br>Designate district to manage on-street residential parking.</td></tr>
</table>

# Choosing a Pathway

- **Option 1**- No minimum required parking city-wide
- **Option 2-** Limits parking and adds policies to manage parking
- **Option 3**- Limits parking further and requires at least one parking management district

*If* choose to pursue Options 2 or 3, would need to begin work *Fall 2022*

# Options 2 & 3 both require

- Reduce mandates based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking.
- Must unbundle parking for multifamily units near frequent transit.
- May not require garages/carports city-wide.
- In Climate Friendly Areas: remove mandates or adopt parking management policies; unbundle parking for multifamily units

# And…

# *Additional* Option 2 – Parking Management Polices

- Enact **3** out of the 5 policies:
  - Unbundle parking for residential units
  - Unbundle leased commercial parking
  - Flexible commute benefit for businesses with more than 50 employees
  - Tax on parking lot revenue
  - No more than ½ parking space per unit in multifamily development

- "**Unbundled Parking**" is a requirement that parking spaces for each unit in a development be rented, leased, or sold *separately* from the unit itself.

# *Additional* Option 3 – Reduced Parking & Parking District

- **All** of the below:
  - No mandates for a variety of specific uses, small sites, vacant buildings, studios/one bedrooms, historic buildings, LEED or Oregon Reach Code developments, etc
  - No additional parking for changes in use, redevelopments, expansions of over 30%
  - Adopt parking maximums
  - No mandates within ½ mile walking distance of Climate-Friendly Areas
  - Designate district to manage on-street residential parking.

# Questions

Springfield Implementation Schedule – Climate Friendly and Equitable Communities Rules

| | |
|---|---|
| 12/31/22 | Notify DLCD of comprehensive plan amendment for interim Transportation System Plan (TSP) updates to meet requirements in OAR 660-012-0015; only required if City chooses to do interim amendments to TSP |
| 12/31/22 | Implement: Stop parking mandates for certain development types and near transit corridors per OAR 660-012-0430 and -0440 for development applications submitted after this date |
| 3/31/23 | Implement: Start electric vehicle charging infrastructure regulations for multi-unit permits and mixed use permits of multi-unit with commercial, per OAR 660- 012-0410 [local adoption not required but is assumed] |
| 6/30/23 | Submit Scenario Plan work plan in OAR 660-044-0100, including scope of work, engagement plan, funding, timeline, etc.<br><br>May also include alternative dates proposal for effective dates or deadlines elsewhere in this table; eligible dates/items are listed in OAR 660-012-0012(4)(a-g) and OAR 660-012-0012(3)(e) for 660-044-0015<br>[not eligible items are listed in OAR 660-012-0012(5)(a-e)] |
| 6/30/23* | Adopt city-wide parking amendments to comprehensive plan, land use regulations, and parking programs per OAR 660-012-0400, -0405 and -0415 through -0445:<br>• Parking regulation improvements per OAR 660-012-0405 (e.g., employee parking areas, parking lot redevelopment, shared parking, surface parking, parking area trees and standards)<br>• Parking maximums in CFAs/centers/transit corridors for certain uses per OAR 660-012-0415<br>• Parking mandates (minimums) options:<br>○ **Option A:** Eliminate parking mandates citywide < OR ><br>○ **Option B:** If not eliminating parking mandates, then also:<br>▪ Parking minimum credits per OAR 660-012-0425<br>▪ No parking mandates for certain development types per -0430 or near transit corridors, per OAR 660-012-0440<br>▪ Fair parking policy approach of unbundled parking costs, employer subsidized parking, revenue tax, additional parking mandate repeals, per OAR 660-012-0445 |
| 12/31/23* | Submit Scenario Plan land use and transportation plan in OAR 660-044-0110; scenario plan analysis, equity performance measures, identify needed amendments, performance measures, etc. |
| 12/31/23 | Submit Climate Friendly Area (CFA) study of potential CFAs including technical analysis and engagement process, per OAR 660-012-0315(4) and (5) |
| 5/31/24 | Submit first monitoring report for year 2022 per OAR 660-012-0900 |
| 6/30/24 | Implement: Vehicle Miles Traveled (VMT) transportation modeling for land use decisions per OAR 660-012-0210 |
| 12/31/24* | Adopt CFA comprehensive plan and land use regulations per OAR 660-012-0315, including land use regulations in -0330, bicycle parking in -0630, and either amending the TSP per a multi-modal transportation gap summary or developing a standalone gap summary per -0325(2) |

| | |
|---|---|
| 12/31/24* | Adopt CFA parking regulations and parking program amendments with adoption of CFAs if using parking Option B (not eliminating parking mandates), including:<br>• No parking mandates in CFAs and within ¼ mile or reduced parking mandates and parking program amendments, per OAR 660-012-0435 |
| 6/30/25* | Takes effect: rules requiring adoption of performance standards at OAR 660-012-0215, TSP update after this date must include these performance measures |
| 12/31/25 | Adopt Housing Capacity Analysis (HCA) including a 20-year buildable lands inventory and identification of any housing deficit per OAR 660-008-0045, now includes planning for 30% of housing in CFAs per OAR 660-008-0010 |
| 12/31/26 | Adopt Housing Production Strategies report, now includes additional provisions fair and equitable housing, housing location, housing choice, homelessness, affordable housing, and gentrification, displacement and housing stability, per OAR 660-008-0050 |
| By major TSP update 12/31/26* | Adopt TSP update and adopt citywide walkability/mixed use/parking land use regulations in OAR 660-012-0330, including bicycle parking in OAR 660-012-0630 [assumed to be no later than the TSP update to adopt the Scenario Plan] |
| 12/31/26* | Adopt TSP update prioritizing projects for greenhouse gas reduction targets, per OAR 660-012-0100, and -0105 through -0200 [assumed to be no later than the TSP update to adopt the Scenario Plan] |
| 12/31/26* | Adopt Scenario Plan comprehensive plan, land use regulations, TSP amendments in OAR 660-044-0130 |
| 12/31/26* | Adopt major TSP update in OAR 660-012-0105, including -0100(2) and all other elements in -0100 (which includes adoption of performance measures at OAR - 0215), and engagement in -0120 [assumed to be no later than the TSP update to adopt the Scenario Plan] |
| 12/31/26 | Adopt Housing Capacity Analysis (HCA) including a 20-year buildable lands inventory and identification of any housing deficit, now includes planning for 30% of housing in CFAs per OAR 660-008-0010 |
| 6/30/2027 | CFAs must be incorporated into UGB expansions after this date |
| 12/31/2027 | Absolute deadline for completion of work program elements, except major TSP update |
| 12/31/2029 | Absolute deadline to adopt major TSP update and all related components |

* Denotes that DLCD may approve an alternative date under the Regional Scenario Planning work program

Department of Land Conservation and Development
Chapter 660

Division 8
INTERPRETATION OF GOAL 10 HOUSING

**660-008-0000**
**Purpose**

(1) The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs. This division is intended to provide standards for compliance with Goal 10 "Housing" and to implement ORS 197.303 through 197.307.

(2) OAR chapter 660, division 7, Metropolitan Housing, is intended to complement and be consistent with OAR chapter 660, division 8 and Statewide Planning Goal 10 Housing (OAR 660-015-0000(10). Should differences in interpretation between division 8 and division 7 arise, the provisions of division 7 shall prevail for cities and counties within the Metro urban growth boundary.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.295 - 197.314 & 197.475 - 197.490
History:
LCDD 2-2012, f. & cert. ef. 2-14-12
LCDD 3-2004, f. & cert. ef. 5-7-04
LCDC 3-1982, f. & ef. 7-21-82

**660-008-0005**
**Definitions**

For the purpose of this division, the definitions in ORS 197.015, 197.295, and 197.303 shall apply. In addition, the following definitions shall apply:

(1) “Attached Single Family Housing” means common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot.

(2) “Buildable Land” means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered “suitable and available” unless it:

(a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;

(b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;

(c) Has slopes of 25 percent or greater;

(d) Is within the 100-year flood plain; or

(e) Cannot be provided with public facilities.

(3) “Consumers of Needed Housing” means any persons who inhabit or are anticipated to inhabit Needed Housing.

(4) “Detached Single Family Housing” means a housing unit that is free standing and separate from other housing units.

(5) “Housing Capacity Analysis” means a document, incorporated into a city’s comprehensive plan by ordinance, which complies with the provisions of ORS 197.296. A Housing Capacity Analysis is an assessment of housing need and capacity that includes the inventory, determination, and analysis required under ORS 197.296(3).

(6) “Housing Needs Projection” refers to a local determination, justified in the plan, of the mix of housing types, amounts and densities that will be:

(a) Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period;

(b) Consistent with any adopted regional housing standards, state statutes and Commission administrative rules; and

(c) Consistent with Goal 14 requirements.

(7) “Housing Production Strategy” means a specific tool, action, policy, or measure a city will implement to meet the housing needs described in a Housing Capacity Analysis. A Housing Production Strategy is one component of a Housing Production Strategy Report.

(8) “Housing Production Strategy Report” means the report cities must adopt within one year of their deadline to complete an updated Housing Capacity Analysis, pursuant to OAR 660-008-0050.

(9) “Multiple Family Housing” means attached housing where each dwelling unit is not located on a separate lot.

(10) “Needed Housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(11) “Producers of Needed Housing” means developers, builders, service providers, or other persons or entities providing materials and funding needed to build Needed Housing. Producers of Needed Housing may include non-profit organizations, for-profit organizations, or public entities.

(12) “Redevelopable Land” means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive residential uses during the planning period.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.295 - 197.314 & ORS 197.475 - 197.490
History:
LCDD 17-2020, amend filed 12/22/2020, effective 01/01/2021
LCDD 2-2012, f. & cert. ef. 2-14-12
LCDD 3-2008, f. & cert. ef. 4-18-08
LCDD 3-2004, f. & cert. ef. 5-7-04
LCDC 3-1990, f. & cert. ef. 6-6-90
LCDC 3-1982, f. & ef. 7-21-82

**660-008-0010**
**Allocation of Buildable Land**

(1) The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

(2) For purposes of preparing Housing Capacity Analyses as provided in OAR 660-008-0045, the following provisions apply to local governments that are subject to OAR 660-012-0310(2):

(a) Following the initial designation of climate-friendly areas as required in OAR 660-012-0315, local governments shall maintain climate-friendly area zones with sufficient zoned residential building capacity to contain at least 30 percent of current and projected housing needs. However, the local government shall determine housing capacity within the climate-friendly area for the purpose of meeting identified housing needs as required by Goal 10 and this division in a manner consistent with ORS 197.296(5).

(b) The local government shall calculate the zoned residential building capacity within climate-friendly areas consistent with the provisions of OAR 660-012-0315(2), or utilizing an alternative methodology as provided in OAR 660-012-0320(10). The local government shall include demonstration of compliance with this requirement in each subsequent Housing Capacity Analysis.

(c) The local government shall establish land use requirements in climate-friendly areas as provided in OAR 660-012-0320 for any newly designated climate-friendly area concurrent with or prior to the adoption of a Housing Capacity Analysis.

(3) Beginning June 30, 2027:

(a) A local government subject to OAR 660-012-0310(2) that has identified a need to expand its urban growth boundary to accommodate an identified residential land need shall designate and zone additional climate-friendly area as provided in OAR 660-012-0315 concurrent with expansion of the urban growth boundary.

(b) A local government shall designate and zone climate-friendly area of sufficient size to accommodate the number of housing units equivalent to one-half of the number of additional housing units that cannot reasonably be accommodated within the current urban growth boundary.

(c) The local government shall calculate the climate-friendly area needed based on zoned residential building capacity as provided in OAR 660-012-0315(2), or utilizing an alternative methodology as provided in OAR 660-012-0320(10), while the local government shall determine housing capacity within the climate-friendly area for the purpose of meeting identified housing needs as required by Goal 10 and this division in a manner consistent with ORS 197.296(5). Identified housing needs that would otherwise necessitate an urban growth boundary expansion shall only be accommodated in climate-friendly areas to the extent that the production of needed housing types within the climate-friendly areas may be anticipated consistent with ORS 197.296(5).

(d) The local government may choose to designate a portion of the newly expanded urban growth boundary area as climate-friendly area if the area qualifies for designation as provided in OAR 660-012-0310(2), or may choose to designate additional climate-friendly area in other locations within the urban growth boundary that qualify for designation.

(e) The local government may accommodate additional climate-friendly areas within one or more locations within the urban growth boundary. The designation and zoning of additional climate friendly area shall comply with all applicable requirements for climate-friendly areas as provided in OAR 660-012-0310 through OAR 660-012-0325.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.296 - 197.314, 197.475 - 197.490, ORS 197.012 & ORS 197.286
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 2-2012, f. & cert. ef. 2-14-12
LCDC 3-1982, f. & ef. 7-21-82

**660-008-0015**
**Clear and Objective Approval Standards Required**

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:(a) Set approval standards under which a particular housing type is permitted outright;(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.295 - 197.314 & 197.475 - 197.490
History:
LCDD 2-2012, f. & cert. ef. 2-14-12
LCDC 3-1982, f. & ef. 7-21-82

**660-008-0020**
**Specific Plan Designations Required**

(1) Plan designations that allow or require residential uses shall be assigned to all buildable land. Such designations may allow nonresidential uses as well as residential uses. Such designations may be considered to be "residential plan designations" for the purposes of this division. The plan designations assigned to buildable land shall be specific so as to accommodate the varying housing types and densities identified in the local housing needs projection.

(2) A local government may defer the assignment of specific residential plan designations only when the following conditions have been met:

(a) Uncertainties concerning the funding, location and timing of public facilities have been identified in the local comprehensive plan;

(b) The decision not to assign specific residential plan designations is specifically related to identified public facilities constraints and is so justified in the plan; and

(c) The plan includes a time-specific strategy for resolution of identified public facilities uncertainties and a policy commitment to assign specific residential plan designations when identified public facilities uncertainties are resolved.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: 197.295 - 197.314 & 197.475 - 197.490
History:
LCDD 2-2012, f. & cert. ef. 2-14-12
LCDD 5-1999, f. & cert. ef. 7-2-99
LCDC 3-1982, f. & ef. 7-21-82

**660-008-0025**
**The Rezoning Process**

A local government may defer rezoning of land within an urban growth boundary to maximum planned residential density provided that the process for future rezoning is reasonably justified. If such is the case, then:

(1) The plan shall contain a justification for the rezoning process and policies which explain how this process will be used to provide for needed housing.

(2) Standards and procedures governing the process for future rezoning shall be based on the rezoning justification and policy statement, and must be clear and objective and meet other requirements in OAR 660-008-0015.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.295 - 197.314 & 197.475 - 197.490
History:
LCDD 2-2012, f. & cert. ef. 2-14-12
LCDC 3-1982, f. & ef. 7-21-82

**660-008-0030**
**Regional Coordination**

(1) Each local government shall consider the needs of the relevant region in arriving at a fair allocation of housing types and densities.

(2) The local coordination body shall be responsible for ensuring that the regional housing impacts of restrictive or expansive local government programs are considered. The local coordination body shall ensure that needed housing is provided for on a regional basis through coordinated comprehensive plans.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.295 - 197.314 & 197.475 - 197.490
History:
LCDD 2-2012, f. & cert. ef. 2-14-12
LCDC 3-1982, f. & ef. 7-21-82

**660-008-0035**
**Substantive Standards for Taking a Goal 2, Part II Exception Pursuant to ORS 197.303(3)**

(1) A local government may satisfy the substantive standards for exceptions contained in Goal 2, Part II, upon a demonstration in the local housing needs projection, supported by compelling reasons and facts, that:

(a) The needed housing type is being provided for elsewhere in the region in sufficient numbers to meet regional needs;

(b) Sufficient buildable land has been allocated within the local jurisdiction for other types of housing which can meet the need for shelter at the particular price ranges and rent levels that would have been met by the excluded housing type; and

(c) The decision to substitute other housing types for the excluded needed housing type furthers the policies and objectives of the local comprehensive plan, and has been coordinated with other affected units of government.

(2) The substantive standards listed in section (1) of this rule shall apply to the ORS 197.303(3) exceptions process in lieu of the substantive standards in Goal 2, Part II.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.295 - 197.314 & 197.475 - 197.490
History:
LCDD 2-2012, f. & cert. ef. 2-14-12
LCDC 3-1982, f. & ef. 7-21-82

**660-008-0040**
**Restrictions on Housing Tenure**

Any local government that restricts the construction of either rental or owner occupied housing shall include a determination of housing need according to tenure as part of the local housing needs projection.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.295 - 197.314 & 197.475 - 197.490
History:
LCDD 2-2012, f. & cert. ef. 2-14-12
LCDC 3-1982, f. & ef. 7-21-82

**660-008-0045**
**Housing Capacity Analysis Deadline**

Cities described in ORS 197.296(2)(a)(B) and (10)(c)(B) shall demonstrate sufficient Buildable Lands as scheduled by the Commission.

(1) The Department shall publish the calendar of Housing Capacity Analyses deadlines for cities identified under ORS 197.296(2)(a)(B) or (10)(c)(B) in Exhibit A.

(2) The deadline for adoption of a Housing Capacity Analysis in a given year is December 31st.

(3) A city will be considered to have met its obligation to adopt a Housing Capacity Analysis upon adoption of the Housing Capacity Analysis by ordinance. A subsequent appeal of the

Housing Capacity Analysis will not be considered a failure to comply with the deadline provided in Exhibit A provided in section (1).

(4) Upon adoption of a Housing Capacity Analysis, the deadline for a subsequent Housing Capacity Analysis is as follows:

(a) Eight years subsequent for cities that are not within a metropolitan service district; or

(b) Six years subsequent for cities that are within a metropolitan service district.

(5) If a population estimate developed under ORS 195.033 and OAR 660-032-0020 and OAR 660-032-0030 results in a city qualifying under ORS 197.296(2)(a)(B) or (10)(c)(B), the city must adopt a Housing Capacity Analysis within two years of its qualification or the interval provided in section (4), whichever is the longer period.

[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296 & ORS 197.303
History:
LCDD 1-2022, amend filed 02/14/2022, effective 02/14/2022
LCDD 17-2020, adopt filed 12/22/2020, effective 01/01/2021

**660-008-0050**
**Housing Production Strategy Report Structure**

As provided in ORS 197.290(2), a city with a population of more than 10,000 people must develop and adopt a Housing Production Strategy Report that includes a list of specific actions, including the adoption of measures and policies that the city shall undertake to promote development within the city to address a housing need identified under ORS 197.296(3) or (10) for the most recent 20-year period described in the city's Housing Capacity Analysis. At a minimum, this Report must include the following components:

(1) Contextualized Housing Need – A contextualization and incorporation of information from the most recent Housing Capacity Analysis that describes current and future housing needs in the context of population and market trends.

(a) At a minimum, this must include a discussion of:

(A) Socio-economic and demographic trends of households living in existing Needed Housing. This must include a disaggregation of households living in existing Needed Housing by race and ethnicity;

(B) Measures already adopted by the city to promote the development of Needed Housing;

(C) Market conditions affecting the provision of Needed Housing;

(D) Existing and expected barriers to the development of Needed Housing;

(E) An estimate of the number of people or households experiencing homelessness. Estimates must include, as available, the following data sources:

(i) An estimate of regional housing need for people experiencing homelessness provided by the state or regional entity;

(ii) The applicable Housing and Urban Development Point-in-Time count conducted by the Continuum of Care that the city is located within;

(iii) The applicable Housing and Urban Development Annual Homelessness Assessment Report; and

(iv) The applicable McKinney-Vento Homeless Student Data for all school districts that overlap with the city boundary.

(F) Percentage of Rent Burdened Households, as determined in the report described in OAR 813-112- 0020(2);

(G) Housing tenure, including rental and owner households; and

(H) Housing needs for people with disabilities, including hearing, vision, cognitive, ambulatory, self-care difficulty, and independent living as provided in the applicable American Community Survey and other data sets, as available.

(b) A city may use the following types and sources of data to further contextualize housing need for the purposes of this section:

(A) The percentage of housing stock that is market rate compared to the percentage of housing stock that is subsidized to make it affordable;

(B) Units that the city has permitted but which have not yet been produced;

(C) Population groups that are not typically accounted for in a Housing Capacity Analysis, including but not limited to college and university students or second homeowners;

(D) Redevelopment rates that impact the preservation of existing affordable market-rate units; and

(E) Other types and sources of data to refine housing need for those experiencing homelessness, including:

(i) Data collected by local Coordinated Care Organizations;

(ii) Data collected by community action agencies;

(iii) The capacity of existing emergency shelters;

(iv) Rental and homeowner vacancy rates;

(v) Change in gross or net property values or rent over time;

(vi) Qualitative data that illustrate specific needs of people experiencing homelessness; and

(vii) Other local houseless population datasets

(2) Engagement – A Housing Production Strategy Report must include a narrative summary of the process by which the city engaged Consumers of Needed Housing and Producers of Needed Housing, especially with regard to state and federal protected classes. A city may conduct engagement for a Housing Production Strategy concurrent with other housing planning efforts within the city including, but not limited to, a Housing Capacity Analysis, Consolidated Plans for Community Development Block Grant Entitlement Communities, and public engagement for Severely Rent Burdened Households as described in OAR 813-112-0010. The narrative summary must include the following elements:

(a) A list and description of stakeholders who will be impacted by potential Housing Production Strategies, stating who was engaged and why, including Consumers of Needed Housing and Producers of Needed Housing;

(b) A summary of feedback received from each stakeholder group;

(c) A description of how the information from stakeholders influenced implementation of Housing Production Strategies adopted by the city as provided in section (3); and

(d) An evaluation of how to improve engagement practices for future housing engagement efforts conducted by the city.

(3) Strategies to Meet Future Housing Need – A Housing Production Strategy Report must identify a list of specific actions, measures, and policies needed to address housing needs identified in the most recent Housing Capacity Analysis. The strategies proposed by a city must collectively address the next 20-year housing need identified within the most recent Housing Capacity Analysis and contextualized within the Report as provided in section (1). A Housing Production Strategy Report may identify strategies including, but not limited to, those listed in

the Housing Production Strategy Guidance for Cities published by the Commission under Exhibit B. For each identified Housing Production Strategy, the Housing Production Strategy Report must include:

(a) A description of the Housing Production Strategy chosen;

(b) A timeline for adoption of the Housing Production Strategy;

(c) A timeline for implementation of the Housing Production Strategy; and

(d) An estimated magnitude of impact of the Housing Production Strategy, including:

(A) Housing need addressed by the identified Housing Production Strategy by tenure and income;

(B) An estimate of the number of housing units that are anticipated to be created through implementation of the identified Housing Production Strategy;

(C) An analysis of the income and demographic populations that are anticipated to receive benefit or burden from the Housing Production Strategy, including:

(i) Low-income communities;

(ii) Communities of color;

(iii) People with disabilities; and

(iv) Other state and federal protected classes; and

(D) A time frame over which the Housing Production Strategy is expected to impact Needed Housing.

(4) Achieving Fair and Equitable Housing Outcomes – A Housing Production Strategy Report must include a narrative summarizing how the selected Housing Production Strategies, in combination with other city actions, will achieve equitable outcomes with regard to the following factors:

(a) Location of Housing - How the city is striving to meet statewide greenhouse gas emission reduction goals, established under Executive Order No. 20-04, by creating compact, mixed-use neighborhoods available to people who are members of state and federal protected classes. Within Metro, cities subject to this rule shall describe actions taken by the city to promote the production of regulated affordable units, as defined in ORS 456.586(1)(b); to promote the production of accessible dwelling units; to mitigate or avoid the displacement of members of state and federal protected classes; and to remove barriers and increase housing choice for

members of state and federal protected classes within Region 2040 centers. Cities subject to this rule and OAR 660-012-0310(2) shall describe actions taken by the city to promote the production of regulated affordable units, as defined in ORS 456.586(1)(b); to promote the production of accessible dwelling units; to mitigate or avoid the displacement of members of state and federal protected classes; and to remove barriers and increase housing choice for members of state and federal protected classes within climate-friendly areas. An accessible dwelling unit is a dwelling unit constructed to accommodate persons with disabilities, in compliance with the Americans with Disabilities Act and applicable construction requirements in adopted building codes;

(b) Fair Housing - How the city is affirmatively furthering fair housing for all state and federal protected classes. Affirmatively furthering fair housing means addressing disproportionate housing needs, patterns of integration and segregation, racially or ethnically concentrated areas of poverty, and disparities in access to housing opportunity;

(c) Housing Choice – How the city is facilitating access to housing choice for communities of color, low- income communities, people with disabilities, and other state and federal protected classes. Housing choice includes access to existing or new housing that is located in neighborhoods with high-quality community amenities, schooling, employment and business opportunities, and a healthy and safe environment.

(d) Housing options for residents experiencing homelessness – How the city is advocating for and enabling the provision of housing options for residents experiencing homelessness and how the city is partnering with other organizations to promote services that are needed to create permanent supportive housing and other housing options for residents experiencing homelessness;

(e) Affordable Homeownership and Affordable Rental Housing – How the city is supporting and creating opportunities to encourage the production of affordable rental housing and the opportunity for wealth creation via homeownership, primarily for state and federal protected classes that have been disproportionately impacted by past housing policies; and

(f) Gentrification, Displacement, and Housing stability – How the city is increasing housing stability for residents and mitigating the impacts of gentrification, as well as the economic and physical displacement of existing residents resulting from investment or redevelopment.

(5) A Housing Production Strategy Report must include the following additional elements:

(a) A description of any opportunities, constraints, or negative externalities associated with adoption of the elements of proposed Housing Production Strategies;

(b) A description of actions that the city and other stakeholders must take to implement the proposed Housing Production Strategies;

(c) If the Housing Production Strategy Report is the first produced under this division, a description of how the city will measure strategy implementation and progress;

(d) If the Housing Production Strategy Report is not the first produced under this section, a summary of strategies that the city has previously adopted and implemented, and a reflection on the efficacy of each implemented strategy; and

(e) A copy of the city's most recently completed survey to meet the requirements of ORS 456.586.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296, ORS 197.303 & ORS 197.012
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 1-2022, amend filed 02/14/2022, effective 02/14/2022
LCDD 17-2020, adopt filed 12/22/2020, effective 01/01/2021

**660-008-0055**
**Review of Housing Production Strategy Reports**

(1) No later than 20 days after a city's adoption or amendment of a Housing Production Strategy Report, a city must submit the adopted Report or amended Report to the Department.

(2) On the same day the city submits notice of the Housing Production Strategy Report or amended Report to the Department, the city must provide a notice to persons who participated in the proceedings that led to the adoption of the Housing Production Strategy Report and requested notice in writing.

(3) Within ten days of receipt of the submission under section (1), the Department must provide notice to persons described under ORS 197.615 (3).

(4) Notices given under sections (2) and (3) must state:

(a) How and where materials described under section (5) may be freely obtained;

(b) That comments on the Housing Production Strategy Report may be submitted to the Department within 45 days after the Department has received the submission under section (1); and

(c) That there is no further right of appeal of the Department's decision under section (7).

(5) The submission under section (1) must include copies of:

(a) The signed decision adopting the Housing Production Strategy Report or amended Report;

(b) The text of the Housing Production Strategy Report as provided in OAR 660-008-0050 and any amendments to the most recent Report submitted under section (1);

(c) A brief narrative summary of the Housing Production Strategy Report; and

(d) The information that the city reviewed and considered under section (6).

(6) The Department shall review the accuracy and sufficiency of the Housing Production Strategy Report based upon the following:

(a) Unmet housing need as described in ORS 197.296(6);

(b) Unmet housing need in proportion to the city's population;

(c) Percentage of households identified as severely rent burdened;

(d) Recent housing development;

(e) Recent adoption of a Housing Production Strategy or implementation of actions therein;

(f) The city's response to address the housing needs of those experiencing homelessness;

(g) Increased access to housing opportunity including the elimination of barriers to fair and equitable housing options;

(h) Other attributes that the Commission considers relevant; and

(i) Recent or frequent failure to address the metrics listed in the criteria in this subsection.

(7) The Department shall, within 120 days after receiving the submission under section (1):

(a) Approve the Housing Production Strategy Report;

(b) Approve the Housing Production Strategy Report, subject to further review and actions recommended by the Department based on its review under section (6); or

(c) Remand the Housing Production Strategy Report for further modification as identified by the Department.

(8) A determination by the Department under section (7) is not a land use decision and is final and not subject to appeal.

(9) The Department will maintain an annual summary of proposed Housing Production Strategies included in Reports submitted under section (1) and reports submitted under OAR 660-008-0060.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296 & ORS 197.303
History:
LCDD 17-2020, adopt filed 12/22/2020, effective 01/01/2021

**660-008-0060**
**Reporting on Housing Production Strategy Implementation**

(1) Cities required to adopt a Housing Production Strategy Report under ORS 197.290(1), must submit a narrative report to the Department for review and comment based on the following schedule:

(a) For cities that are within a metropolitan service district boundary, no later than December 31st three years after the city adopted a Housing Production Strategy Report; or

(b) For cities that are not within a metropolitan service district boundary, no later than December 31st four years after the city adopted a Housing Production Strategy Report.

(2) The narrative report a city submits under section (1) must include the following:

(a) A summary of the actions already taken by the city to implement the Strategies to Meet Future Housing Need adopted in the city's most recent Housing Production Strategy Report. If the city has not implemented Strategies to Meet Future Housing Need on the schedule adopted in their most recent Housing Production Strategy Report, the city must provide an explanation of the circumstances or factors that posed a barrier to implementation and a plan for addressing the identified need that the strategy addressed;

(b) A reflection of the relative efficacy of implemented Strategies to Meet Future Housing Need adopted in the city's most recent Housing Production Strategy Report; and

(c) A reflection of the actions taken in response to the factors identified in OAR 660-008-0050(4).

(3) Upon submittal of the narrative report developed under section (1), the Department will review the report for consistency with the Housing Production Strategy Report approved under criteria provided in OAR 660-008-0055(6). The Department may also consider reporting under ORS 456.586(4) as part of this review.

(4) Within ten days of receipt of the submission under section (1), the Department must provide notice to persons described under ORS 197.615 (3).

(5) Should the Department find the narrative report submitted under section (1) does not substantially comply with the criteria in OAR 660-008-0055(3), the Department may take action identified in OAR 660-008-0070.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296 & ORS 197.303
History:
LCDD 17-2020, adopt filed 12/22/2020, effective 01/01/2021

**660-008-0065**
**Non-Compliance in Adoption of Housing Capacity Analysis or Housing Production Strategy Report**

The Department will review a city's Housing Capacity Analysis and a city's Housing Production Strategy Report for compliance with the applicable portions ORS 197.296 and this division. If the city does not sufficiently meet the criteria provided in ORS 197.296 or this division, the Department may engage with the city in one or more of the following actions:

(1) If a city determines that it will be unable to adopt a Housing Capacity Analysis or Housing Production Strategy Report by the prescribed deadline, the city must notify the Department of the expected delinquency at least 60 days before the applicable deadline for a Housing Capacity Analysis or Housing Production Strategy Report. In response, the Department and the city may agree to remediation either through enhanced review of documents, directed technical assistance to overcome the impediment as available, or other similar measures, and include timelines for completion.

(2) If the city has not submitted a Housing Production Strategy Report for Department review by the deadline provided in OAR 660-008-0050 and has not notified the Department of an expected delinquency, the Department may work with the city and may seek mitigation of the delinquency through an Intergovernmental Agreement outlining specific compliance actions, timeline of deliverables, and subsequent enforcement actions. The Intergovernmental Agreement may include directed technical assistance or financial resources.

(3) If the Department and the city have entered into an Intergovernmental Agreement under section (2) and the city, at the discretion of the Department, has not sufficiently mitigated the identified delinquency, the Department may remove the city from consideration of technical assistance or other financial resource awards.

(4) If the city does not adopt a Housing Capacity Analysis or Housing Production Strategy Report as provided in this division, does not enter into an Intergovernmental Agreement with the

Department to remedy the deficiency, or does not comply with the terms of an Intergovernmental Agreement to remedy the deficiency, the Department may request the Commission to act under ORS197.319 to 197.335 to require the city to comply with ORS 197.295 to 197.314, this division, or statewide land use planning goals related to housing or urbanization.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296 & ORS 197.303
History:
LCDD 17-2020, adopt filed 12/22/2020, effective 01/01/2021

**660-008-0070**
**Non-Compliance in Adoption and Implementation of Strategies to Meet Future Housing Need Identified in a Housing Production Strategy Report**

The Department shall review a city's Housing Production Strategy Report and narrative reports pursuant to OAR 660-008-0060 based upon criteria provided in OAR 660-008-0055. If there is a delinquency in the adoption or implementation of an identified strategy, the Department may engage with the city in one or more of the following actions:

(1) If circumstances impede a city's ability to implement one or more Strategies to Meet Future Housing Need in coherence with the timeline adopted in the city's Housing Production Strategy Report, the city must notify the Department of the expected delinquency within 90 days of the end of the timeline to implement the specific Strategy to Meet Future Housing Need adopted in the city's Housing Production Strategy Report. The notice must identify specific actions, or a combination of actions, that the city is currently taking, or will take, to address the delinquency. This may include, but is not required to include, amendments to the adopted Housing Production Strategy Report such that the city identifies a different action, or combination of actions, to address the specific housing need. The Department and the city may agree to remediation either through enhanced review of the documents, directed technical assistance to overcome the impediment as available, or other similar agreement.

(2) If a city does not take sufficient action to mitigate the identified delinquency, either through a failure to provide notice to the Department as provided in section (1) or through a failure to implement the specific actions, or combination of actions, by the timeline identified in the notice to the Department pursuant to section (1), the Department shall work with the city and may seek mitigation of the issues through an Intergovernmental Agreement outlining specific compliance actions, a timeline of deliverables, and subsequent enforcement actions. The Intergovernmental Agreement may or may not include directed technical assistance or financial resources.

(3) If the Department and the city have entered into an Intergovernmental Agreement under section (2) and the city, at the discretion of the Department, has not sufficiently mitigated the

identified delinquency, the Department may remove the city from consideration of technical assistance or financial resource awards.

(4) If the Department finds that the city consistently or routinely does not satisfy the terms of Intergovernmental Agreements and the criteria provided in OAR 660-008-0055 or this section, the Department may petition the Commission to act under ORS 197.319 to 197.335 to require the city to comply with ORS 197.295 to 197.314, this division, or statewide land use planning goals related to housing or urbanization.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.290, ORS 197.291, ORS 197.293, ORS 197.296 & ORS 197.303
History:
LCDD 17-2020, adopt filed 12/22/2020, effective 01/01/2021

Department of Land Conservation and Development
Chapter 660

Division 12
TRANSPORTATION PLANNING

**660-012-0000**
**Purpose**

(1) This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage a safe, convenient, and economic transportation system. This division also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in close coordination with urban and rural development. The purpose of this division is to direct transportation planning in coordination with land use planning to:

(a) Provide for safe transportation for all Oregonians;

(b) Promote the development of transportation systems adequate to serve statewide, regional, and local transportation needs;

(c) Provide a transportation system that serves the mobility and access needs of those who cannot drive and other underserved populations;

(d) Provide for affordable, accessible and convenient transit, pedestrian, and bicycle access and circulation, with improved connectivity to destinations people want to reach, such as education facilities, workplaces, services, shopping, places of worship, parks, open spaces, and community centers;

(e) Reduce pollution from transportation to meet statewide statutory and executive goals to reduce climate pollution;

(f) Recognize and remedy impacts of past practices that have harmed underserved populations, such as redlining, displacement, exclusionary zoning, inaccessible design, and roadway and other public infrastructure siting;

(g) Engage underserved populations in decision-making and prioritize investments serving those communities;

(h) Facilitate the safe flow of freight, goods, and services within regions and throughout the state through a variety of modes including road, air, rail, and marine transportation;

(i) Protect the functions of existing and planned transportation facilities, corridors, and sites;

(j) Provide for the construction and implementation of transportation facilities, improvements, and services necessary to support acknowledged comprehensive plans;

(k) Identify how transportation facilities are provided on rural lands consistent with the statewide planning goals;

(l) Protect and restore safe passage for fish and wildlife, flood waters, and other natural system functions at roadway crossings of waterbodies and other native habitat corridors;

(m) Require coordination among affected local governments and transportation service providers and consistency between state, regional, and local transportation plans; and

(n) Encourage changes to comprehensive plans to be supported by adequate planned transportation facilities for all modes.

(2) In meeting the purposes described in section (1), coordinated land use and transportation plans should ensure the transportation system supports a pattern of travel and land use in urban areas that will avoid common air pollution, climate pollution, inequity, wasteful spending, and health and livability problems, through measures designed to increase transportation options and make more efficient use of the existing transportation system.

(3) The extent of planning required by this division and the outcome of individual transportation plans will vary depending on community size, needs and circumstances. Generally, larger and faster growing communities and regions will need to prepare more comprehensive and detailed plans, while smaller communities and rural areas will have more general plans. For all communities, the mix of planned transportation facilities and services should be sufficient to promote economic, sustainable, and environmentally sound mobility and accessibility for all Oregonians. Coordinating land use and transportation planning will also complement efforts to meet other state and local objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water, and noise pollution, conserving energy, and reducing climate pollution.

(a) In all urban areas, coordinated land use and transportation plans are intended to provide safe transportation and to enhance, promote and facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected network of streets, sidewalks, paths, and trails, and supporting improvements for non-driving travel modes.

(b) In urban areas with a population greater than 25,000 persons, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting the provision of transit service and more efficient performance of existing transportation facilities through transportation system management and demand management measures.

(c) Within metropolitan areas, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting changes in the transportation system and land

use patterns. A key outcome of this effort is a reduction in dependence on single occupant automobile use, particularly during peak periods. To accomplish this outcome, this division promotes increased planning for non-driving modes and street connectivity and encourages land use patterns throughout urban areas that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs. The result of applying these portions of the division will vary within metropolitan areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments, climate-friendly areas, areas along priority transit corridors, and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking, bicycling and transit, while others will be more auto-oriented while still providing safe and convenient access and circulation by other modes. In all instances, infrastructure shall be designed and constructed to deliver safety and convenience for all Oregonians.

(4) This division sets requirements for coordination among affected levels of government and transportation service providers for preparation, adoption, refinement, implementation, and amendment of transportation system plans. Transportation system plans adopted pursuant to this division fulfill the requirements for public facilities required under ORS 197.712(2)(e), Goal 11 and OAR chapter 660, division 11, as they relate to transportation facilities. The rules in this division are not intended to make local government determinations “land use decisions” under ORS 197.015(10). The rules recognize, however, that under existing statutory and case law, many determinations relating to the adoption and implementation of transportation plans will be land use decisions.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 195.012, ORS 197.040, ORS 197.712, ORS 197.717 & ORS 197.732
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDD 6-1998 f. & cert. ef. 10-30-98
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0005**
**Definitions**

(1) “Access Management” means measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.

(2) “Accessible dwelling unit” means a dwelling unit constructed to accommodate persons with disabilities, in compliance with the Americans with Disabilities Act and applicable construction requirements in adopted building codes.

(3) “Accessible” means complying with the American with Disabilities Act.

(4) “Accessway” means a walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

(5) “Affected Local Government” means a city, county, or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.

(6) “Approach Road” means a legally constructed, public or private connection that provides vehicular access either to or from or to and from a highway and an adjoining property.

(7) “Area, net” means the total area of a development site exclusive of proposed or existing public rights of way, public parks, public open space, protected natural features, and any other areas permanently precluded from development due to development constraints, easements, or similar legal instruments.

(8) “At or near a major transit stop”: “At” means a parcel or ownership that is adjacent to or includes a major transit stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. “Near” generally means a parcel or ownership that is within 300 feet of a major transit stop. The term “generally” is intended to allow local governments through their plans and ordinances to adopt more specific definitions of these terms considering local needs and circumstances consistent with the overall objective and requirement to provide convenient pedestrian access to transit.

(9) “Bicycle boulevard” means bicycle facilities on streets with low motorized traffic volumes and speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs, markings, traffic diverters, or other measures to discourage through trips by motor vehicles. A bicycle boulevard may also include traffic control features to create safe, convenient bicycle crossings of intersecting streets.

(10) “Climate-friendly area” means an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and

services to provide frequent and convenient connections to key destinations within the city and region. These areas feature a well-designed and connected pedestrian environment. To maximize community benefits these areas typically do not contain or require large parking lots, and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors, residents, and employees. Climate-friendly areas will reduce the reliance on light duty motor vehicle trips for residents, workers, and visitors by providing more proximate destinations within climate-friendly areas, improved connectivity to key destinations elsewhere in the community, and enhanced alternative transportation options.

(11) “Commercial parking lot” means a site without a primary use where vehicle parking spaces are rented or leased. It does not include shared parking.

(12) “Committed transportation facilities” means those proposed transportation facilities and improvements that are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.

(13) “Demand management” means actions that are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include, but are not limited to, the use of non-driving modes, ride-sharing and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid parking.

(14) “Equitable outcomes” means outcomes that burdens underserved populations less than and benefits underserved populations as much or more as the city or county population as a whole. Examples of equitable outcomes include:

(a) Increased stability of underserved populations, lowering the likelihood of displacement due to gentrification from public and private investments;

(b) More accessible, safe, affordable and equitable transportation options with better connectivity to destinations people want to reach;

(c) Adequate housing with access to employment, education, fresh food, goods, services, recreational and cultural opportunities, and social spaces;

(d) Increased safety for people in public spaces, transportation and community development;

(e) Equitable access to parks, nature, open spaces, and public spaces;

(f) Better and more racially equitable health outcomes across the lifespan, particularly health outcomes connected to transportation choices, air pollution, and food;

(g) Recognizing and remedying impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure siting decisions that harmed underserved communities; and

(h) Fairly-distributed benefits to residents and local governments across cities and counties within metropolitan areas.

(15) “Freeway” means a limited-access highway with access points exclusively from interchanges with other streets and highways. Limited access may be provided for rural land uses in rural areas where no other access is available.

(16) “Horizon year” means the final year of the twenty-year planning period.

(17) “Influence area of an interchange” means the area 1,320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.

(18) “Local streets” means streets that are functionally classified as local streets to serve primarily local access to property and circulation within neighborhoods or specific areas. Local streets do not include streets functionally classified as collector or arterials.

(19) “Local Street Standards” include but are not limited to standards for right-of-way, pavement width, travel lanes, parking lanes, curb turning radius, and accessways.

(20) “Major” means, in general, those facilities or developments that, considering the size of the urban or rural area and the range of size, capacity or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the immediate neighborhood:

(a) “Major” as it modifies transit corridors, stops, transfer stations, and new transportation facilities means those facilities that are most important to the functioning of the system or that provide a high level, volume, or frequency of service;

(b) “Major” as it modifies industrial, institutional, and retail development means such developments that are larger than average, serve more than neighborhood needs, or that have traffic impacts on more than the immediate neighborhood;

(c) Application of the term “major” will vary from area to area depending upon the scale of transportation improvements, transit facilities, and development that occur in the area. A facility considered to be major in a smaller or less densely developed area may, because of the relative significance and impact of the facility or development, not be considered a major facility in a larger or more densely developed area with larger or more intense development or facilities.

(21) “Major transit stop” means existing and planned transit stations, including light rail stations and other transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in a transportation system plan and existing stops that:

(a) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to region wide service. In urban areas of 1,000,000 or more population, major transit stops are generally located along routes that have or are planned for 15-minute or better service frequency throughout the day and on weekends; and

(b) Are located in a transit-oriented development or within one-quarter mile of an area planned and zoned for:

(A) Medium or high-density residential development; or

(B) Intensive commercial or institutional uses within one-quarter mile of land uses in paragraph (A); or

(C) Uses likely to generate a relatively high level of transit ridership.

(22) “Metropolitan area” means the local governments that are responsible for adopting local or regional transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities, counties, and, in the Portland Metropolitan Area, Metro.

(23) “Metropolitan Planning Organization (MPO)” means an organization located within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state including such designations made subsequent to the adoption of this rule. The Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the purposes of this division.

(24) “Minor transportation improvements” include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways, or expressways; new collector or arterial streets, road realignments or addition of travel lanes.

(25) “ODOT” means the Oregon Department of Transportation.

(26) “Parking benefit district” means a designated area where some of the revenues from parking fees or permits for public parking within the designated area are dedicated to public improvements in the area.

(27) “Parking mandates” means requirements to include a minimum number of off-street parking spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential development.

(28) “Parking maximums” means limits on the number of off-street parking spaces that can be included in a development.

(29) “Parking spaces” means on and off-street spaces designated for automobile parking, other than parking spaces reserved for carpools, vanpools, or parking under the Americans with Disabilities Act.

(30) “Pedestrian district” means a comprehensive plan designation or implementing land use regulations, such as an overlay zone, that establish requirements to provide a safe and convenient pedestrian environment in an area planned for a mix of uses likely to support a relatively high level of pedestrian activity. Such areas include but are not limited to:

(a) Lands planned for a mix of commercial or institutional uses near lands planned for medium to high-density housing; or

(b) Areas with a concentration of employment and retail activity; and

(c) That have, or could develop, or have planned a network of streets and accessways that provide convenient pedestrian circulation.

(31) “Pedestrian facility” means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian facilities include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian facilities are generally hard surfaced. In parks and natural areas, pedestrian facilities may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities may also include rights of way or easements for future pedestrian improvements.

(32) “Pedestrian plaza” means a small semi-enclosed area usually adjoining a sidewalk or a transit stop that provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete, pavers, bricks, or similar material and include seating, pedestrian scale lighting, and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance, or an intersection and connect directly to adjacent sidewalks, walkways, transit stops, and buildings. A plaza including 150-250 square feet would be considered “small.”

(33) “Pedestrian scale” means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow, and buffering. Examples include

ornamental lighting of limited height; bricks, pavers, or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

(34) “People with disabilities” means people who have a record or history of physical, mental, intellectual, or sensory impairments that in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

(35) “Planning period” means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this division.

(36) “Preliminary Design” means an engineering design that specifies in detail the location and alignment of a planned transportation facility or improvement.

(37) “Priority transit corridor” means a corridor that has a high existing or planned level of transit service relative to other transit service in the community, including service frequency and span of service. The corridor may be described as a series of stations when served by high-capacity transit services with widely spaced stations.

(38) “Reasonably direct” means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

(39) “Refinement Plan” means an amendment to the transportation system plan, that resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.

(40) “Regional Transportation Plan” or “RTP” means the long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.

(41) “Roads” means streets, roads, and highways.

(42) “Rural community” means areas defined as resort communities and rural communities in accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need only meet the definitions contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

(43) “Separated or protected bicycle facilities” means bicycle facilities that are physically separated or protected from motor vehicle traffic by barriers that inhibit intrusion into the bicycle facility. Protection may include parked motor vehicles. Separated or protected bicycle

facilities may be unidirectional or two-way. Separated or protected bicycle facilities are designed to address conflicting traffic at intersections and other vehicular accesses to the street or highway.

(44) “Shared parking” means parking spaces used to meet the parking mandates for two or more uses, structures, or parcels of land, to the extent that the owners or operators show the overall demand for parking spaces can be met by the shared parking.

(45) “Transit-Oriented Development (TOD)” means a mix of residential, retail, and office uses and a supporting network of roads, bicycle, and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit-oriented development include:

(a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;

(b) High density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD;

(c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.

(46) “Transportation Facilities” means any physical facility that moves or assist in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage, and water systems.

(47) “Transportation System Management Measures” means techniques for increasing the efficiency, safety, capacity, or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.

(48) “Transportation Needs” means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this division. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this division, and attaining the state’s goals for greenhouse gas emissions reduction, especially those for avoiding principal reliance on any one mode of transportation.

(49) “Transportation Needs, Local” means needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.

(50) “Transportation Needs, Regional” means needs for movement of people and goods between and through communities and accessibility to regional destinations within a metropolitan area, county, or associated group of counties.

(51) “Transportation Needs, State” means needs for movement of people and goods between and through regions of the state and between the state and other states.

(52) “Transportation Options Provider” means an entity providing services that work to change travel behavior in order to increase transportation system efficiency.

(53) “Transportation Project Development” means implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.

(54) “Transportation Service” means a service for moving people and goods, such as intercity bus service and passenger rail service.

(55) “Transportation System Plan (TSP)” means a plan for one or more transportation facilities that are planned, developed, operated, and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

(56) “Urban Area” means lands within an urban growth boundary, two or more contiguous urban growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). For the purposes of this division, the area need only meet the definition contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

(57) “Unbundled parking” means a requirement that parking spaces for each unit in a development be rented, leased, or sold separately from the unit itself. The parking space(s) must be rented, leased, or sold at market rates for comparable local off-street parking. The renter, lessor, or buyer of the unit must be allowed to opt out of renting, leasing, or buying the parking space.

(58) “Urban Fringe” means:

(a) Areas outside the urban growth boundary that are within five miles of the urban growth boundary of an MPO area; and

(b) Areas outside the urban growth boundary within two miles of the urban growth boundary of an urban area containing a population greater than 25,000.

(59) “Vehicle Miles Traveled (VMT)” means all jurisdiction household-based light vehicle travel regardless of where the travel occurs.

(60) “Walkway” means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.712, ORS 197.717, ORS 197.732 & ORS 197.012
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 1-2014, f. & cert. ef. 8-15-14
LCDD 11-2011, f. 12-30-11, cert. ef. 1-1-12
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDD 3-2005, f. & cert. ef. 4-11-05
LCDD 6-1998, f. & cert. ef. 10-30-98
LCDC 4-1995, f. & cert. ef. 5-8-95
LCDC 3-1995, f. & cert. ef. 3-31-95
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0010**
**Transportation Planning**

(1) As described in this division, transportation planning shall be divided into two phases: transportation system planning and transportation project development. Transportation system planning establishes land use controls and a network of facilities and services to meet overall transportation needs. Transportation project development implements the TSP by determining the precise location, alignment, and preliminary design of improvements included in the TSP.

(2) It is not the purpose of this division to cause duplication of or to supplant existing applicable transportation plans and programs. Where all or part of an acknowledged comprehensive plan, TSP either of the local government or appropriate special district, capital improvement program, regional functional plan, or similar plan or combination of plans meets all or some of the requirements of this division, those plans or programs may be incorporated by reference into the TSP required by this division. Only those referenced portions of such documents shall be considered to be a part of the TSP and shall be subject to the administrative procedures of this division and ORS Chapter 197.

(3) It is not the purpose of this division to limit adoption or enforcement of measures to provide convenient bicycle and pedestrian circulation or convenient access to transit that are otherwise consistent with the requirements of this division.

Statutory/Other Authority: ORS 183, 197.040 & 197.245

Statutes/Other Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712 & 197.717
History:
LCDC 4-1995, f. & cert. ef. 5-8-95
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0011**
**Applicable Rules**

(1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-12-0050, OAR 660-012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide, where this division is applicable.

(2) OAR 660-012-0012 and OAR 660-012-0100 through OAR 660-012-0920 apply to the following local governments:

(a) Cities within metropolitan areas;

(b) Portions of counties within urban growth boundaries of cities in metropolitan areas; and

(c) Metro and cities and portions of counties within the Metro urban growth boundary.

(3) OAR 660-012-0010 through OAR 660-012-0045 and OAR 660-012-0055 apply to all local governments other than those listed in section (2) of this rule, where this division is applicable.

(4) Cities or counties that otherwise would be required to use rules as provided in section (3), may choose to instead adopt a transportation system plan meeting the rules that apply to jurisdictions as provided in section (2). Upon acknowledgement of such a transportation system plan, the city shall continue to be subject to these rules in all respects.

(5) All cities are either subject to the rules in section (2) or section (3), but not both.

(6) Counties may have different applicable rules in different parts of the county.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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

**660-012-0012**
**Effective Dates and Transition**

(1) The rules in this division adopted on July 21, 2022, and amendments to rules in this division adopted on that date, are effective August 17, 2022, except as provided in this rule.

(2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make interim updates to the local transportation system plan using requirements as provided in OAR 660-012-0015 if the city or county:

(a) Has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than December 31, 2022; or

(b) The interim update is not a major transportation system plan update as provided in OAR 660-012-0105, and the city or county has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than June 30, 2027. Interim updates must comply with applicable requirements in this division within the scope of the transportation system plan amendment but need not bring the entire transportation system plan in compliance with all applicable regulations.

(3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or deadlines in section (4) of this rule.

(a) A submitted proposal for alternative dates shall include:

(A) A description of any work already underway to begin complying with the new or amended requirements of this division;

(B) Proposed dates for accomplishing requirements in lieu of effective dates or deadlines provided in this rule; and

(C) A schedule for updating local transportation system plans to comply with new or amended requirements of this division.

(b) Proposed alternative dates must demonstrate consistent progress toward meeting the updated requirements of this division. Proposed alternative dates must include at least some work implemented by December 31, 2023. Proposed alternative dates must include completion of all elements included in the alternative dates, except for a major update to the transportation system plan, by June 30, 2027.

(c) Proposed alternative dates should be designed to sequence work in a logical progression, considering acknowledged plans, other work, and the work of other jurisdictions within the metropolitan area. Cities and counties in a metropolitan area may submit joint proposed alternative dates for a metropolitan area.

(d) Proposed alternative dates may not be submitted to the department after January 31, 2023.

(e) Local governments in regions required to submit a work program as provided in OAR 660-044-0015 may submit a single combined work program that proposes alternative dates as

provided in this rule and meets the requirements as provided in OAR 660-044-0100. Notwithstanding subsection (d), the combined work program must be submitted by the date provided in OAR 660-044-0015.

(f) The director shall review the proposed alternative dates to determine whether the proposed alternative dates meet the following criteria:

(A) Ensures urgent action;

(B) Coordinates actions across jurisdictions within the metropolitan area;

(C) Coordinates with work required as provided in OAR 660-044-0100;

(D) Sequences elements into a logical progression; and

(E) Considers availability of funding and other resources to complete the work.

(g) Upon the director finding the proposed alternative dates meet the criteria in (f), the alternative dates shall be used.

(h) The director may modify alternative dates at any time as necessary to achieve the purposes of this division.

(4) The dates in this section apply unless alternative dates are approved by the director as provided in section (3).

(a) Cities outside the Portland Metropolitan Area with a population over 5,000 in the urban area, and counties outside the Portland Metropolitan Area with an unincorporated population over 5,000 in the urban area, must adopt a major transportation system plan update as provided in OAR 660-012-0105 by December 31, 2029.

(b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation performance standards take effect on June 30, 2025.

(c) A city or county that is subject to the requirements of OAR 660-012-0310 shall adopt land use requirements for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-0315 by December 31, 2024.

(d) Metro shall amend the urban growth management functional plan in conjunction with its next growth management analysis under ORS 197.296 and no later than December 31, 2024, to require local government adoption of Region 2040 centers and land use regulations as described in the acknowledged urban growth management functional plan. Within the Metro urban growth boundary, a county with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services, or a city shall

comply with the adopted requirements of the urban growth management functional plan by December 31, 2025.

(e) Cities and counties shall adopt land use regulations to meet the requirements of OAR 660-012-0330 no later than the date of adoption of a major transportation system plan update as provided in OAR 660-012-0105.

(f) Cities and counties shall adopt comprehensive plan amendments and land use regulations meeting requirements provided in OAR 660-012-0400, OAR 660-012-0405, and OAR 660-012-0415 through OAR 660-012-0450 no later than June 30, 2023, except as provided below. If a city or county has not done so, it may not apply parking mandates after that date.

(A) Cities and counties that pass population thresholds in OAR 660-012-0400, OAR 660-012-0415, or OAR 660-012-0450 must adopt comprehensive plan amendments and land use regulations meeting requirements within 12 months of passing those population thresholds.

(B) If cities and counties adopt an approach in OAR 660-012-0445, policies must take effect no later than June 30, 2023.

(C) Cities and counties adopting an approach in OAR 660-012-0435 shall do so concurrently with adoption of any climate-friendly area under OAR 660-012-0315.

(g) Cities choosing to report on the share of on-street parking spaces that are priced as provided in OAR 660-012-0450(1)(b) must:

(A) Demonstrate at least five percent of on-street parking spaces are priced by September 30, 2023; and

(B) Demonstrate at least 10 percent of on-street parking spaces are priced by September 30, 2025.

(5) The following dates may not be adjusted through proposed alternative dates as provided in section (3):

(a) The provisions of OAR 660-012-0210 take effect June 30, 2024.

(b) A city or county that is subject to the requirements of OAR 660-012-0310 shall submit a study of climate-friendly areas as provided in OAR 660-012-0315(4) and (5) by December 31, 2023.

(c) The provisions of OAR 660-012-0310(4)(a) and (b) take effect June 30, 2023.

(d) Cities shall implement the requirements for electric vehicle charging as provided in OAR 660-012-0410 no later than March 31, 2023.

(e) Cities and counties shall implement the requirements of OAR 660-012-0430 and 660-012-0440 when reviewing development applications submitted after December 31, 2022.

(6) Cities and counties with voter-approved bond-funded projects where the election occurred before January 1, 2022 may use approved bond funding as a factor when prioritizing projects in an unconstrained project list as provided in OAR 660-012-0170(4).

(7) The first reporting year for the reporting requirements provided in OAR 660-012-0900 is 2023, with reports due no later than May 31, 2024.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.712, ORS 197.296 & ORS 455.417
History:
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

**660-012-0015**
**Preparation and Coordination of Transportation System Plans**

(1) ODOT shall prepare, adopt, and amend a state TSP in accordance with ORS 184.618, its program for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-0035, 660-012-0050, 660-012-0065 and 660-012-0070. The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs:

(a) The state TSP shall include the state transportation policy plan, modal systems plans, and transportation facility plans as set forth in OAR chapter 731, division 15;

(b) State transportation project plans shall be compatible with acknowledged comprehensive plans as provided for in OAR chapter 731, division 15. Disagreements between ODOT and affected local governments shall be resolved in the manner established in that division.

(2) Counties shall prepare and amend regional TSPs in compliance with this division. Counties shall prepare regional TSPs for areas and facilities:

(a) Regional TSPs shall establish a system of transportation facilities and services adequate to meet identified regional transportation needs and shall be consistent with adopted elements of the state TSP;

(b) Where elements of the state TSP have not been adopted, the county shall coordinate the preparation of the regional TSP with ODOT to ensure that state transportation needs are accommodated;

(c) Regional TSPs prepared by counties shall be adopted by the county.

(3) Cities and counties shall prepare, adopt, and amend local TSPs for lands within their planning jurisdiction in compliance with this division:

(a) Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP;

(b) Where the regional TSP or elements of the state TSP have not been adopted, the city or county shall coordinate the preparation of the local TSP with the regional transportation planning body and ODOT to ensure that regional and state transportation needs are accommodated.

(4) Cities and counties shall adopt regional and local TSPs required by this division as part of their comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be adopted as a supporting document to the comprehensive plan.

(5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services.

(6) Mass transit, transportation, airport, and port districts shall participate in the development of TSPs for those transportation facilities and services they provide. These districts shall prepare and adopt plans for transportation facilities and services they provide. Such plans shall be consistent with and adequate to carry out relevant portions of applicable regional and local TSPs. Cooperative agreements executed under ORS 195.020(2) shall include the requirement that mass transit, transportation, airport, and port districts adopt a plan consistent with the requirements of this section.

(7) Where conflicts are identified between proposed regional TSPs and acknowledged comprehensive plans, representatives of affected local governments shall meet to discuss means to resolve the conflicts. These may include:

(a) Changing the draft TSP to eliminate the conflicts; or

(b) Amending acknowledged comprehensive plan provision to eliminate the conflicts.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 195.025, ORS 197.180, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 1-2014, f. & cert. ef. 8-15-14

LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0020**
**Elements of Transportation System Plans**

(1)A TSP shall establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs.

(2) The TSP shall include the following elements:

(a) A determination of transportation needs as provided in OAR 660-012-0030;

(b) A road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections. Functional classifications of roads in regional and local TSP's shall be consistent with functional classifications of roads in state and regional TSP's and shall provide for continuity between adjacent jurisdictions. The standards for the layout of local streets shall provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045(3)(b). New connections to arterials and state highways shall be consistent with designated access management categories. The intent of this requirement is to provide guidance on the spacing of future extensions and connections along existing and future streets which are needed to provide reasonably direct routes for bicycle and pedestrian travel. The standards for the layout of local streets shall address:

(A) Extensions of existing streets;

(B) Connections to existing or planned streets, including arterials and collectors; and

(C) Connections to neighborhood destinations.

(c) A public transportation plan which:

(A) Describes public transportation services for the transportation disadvantaged and identifies service inadequacies;

(B) Describes intercity bus and passenger rail service and identifies the location of terminals;

(C) For areas within an urban growth boundary which have public transit service, identifies existing and planned transit trunk routes, exclusive transit ways, terminals and major transfer stations, major transit stops, and park-and-ride stations. Designation of stop or station locations may allow for minor adjustments in the location of stops to provide for efficient transit or traffic operation or to provide convenient pedestrian access to adjacent or nearby uses.

(D) For areas within an urban area containing a population greater than 25,000 persons, not currently served by transit, evaluates the feasibility of developing a public transit system at

buildout. Where a transit system is determined to be feasible, the plan shall meet the requirements of paragraph (2)(c)(C) of this rule.

(d) A bicycle and pedestrian plan for a network of bicycle and pedestrian routes throughout the planning area. The network and list of facility improvements shall be consistent with the requirements of ORS 366.514;

(e) An air, rail, water and pipeline transportation plan which identifies where public use airports, mainline and branchline railroads and railroad facilities, port facilities, and major regional pipelines and terminals are located or planned within the planning area. For airports, the planning area shall include all areas within airport imaginary surfaces and other areas covered by state or federal regulations;

(f) For areas within an urban area containing a population greater than 25,000 persons a plan for transportation system management and demand management;

(g) A parking plan in MPO areas as provided in OAR 660-012-0045(5)(c);

(h) Policies and land use regulations for implementing the TSP as provided in OAR 660-012-0045;

(i) For areas within an urban growth boundary containing a population greater than 2500 persons, a transportation financing program as provided in OAR 660-012-0040.

(3) Each element identified in subsections (2)(b)–(d) of this rule shall contain:

(a) An inventory and general assessment of existing and committed transportation facilities and services by function, type, capacity and condition:

(A) The transportation capacity analysis shall include information on:

(i) The capacities of existing and committed facilities;

(ii) The degree to which those capacities have been reached or surpassed on existing facilities; and

(iii) The assumptions upon which these capacities are based.

(B) For state and regional facilities, the transportation capacity analysis shall be consistent with standards of facility performance considered acceptable by the affected state or regional transportation agency;

(C) The transportation facility condition analysis shall describe the general physical and operational condition of each transportation facility (e.g., very good, good, fair, poor, very poor).

(b) A system of planned transportation facilities, services and major improvements. The system shall include a description of the type or functional classification of planned facilities and services and their planned capacities and performance standards;

(c) A description of the location of planned facilities, services and major improvements, establishing the general corridor within which the facilities, services or improvements may be sited. This shall include a map showing the general location of proposed transportation improvements, a description of facility parameters such as minimum and maximum road right of way width and the number and size of lanes, and any other additional description that is appropriate;

(d) Identification of the provider of each transportation facility or service.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 195.012, 197.040, 197.712, 197.717 & 197.732
History:
LCDD 1-2014, f. & cert. ef. 8-15-14
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDC 4-1995, f. & cert. ef. 5-8-95
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0025**
**Complying with the Goals in Preparing Transportation System Plans; Refinement Plans**

(1) Except as provided in section (3) of this rule, adoption of a TSP shall constitute the land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location.

(2) Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP.

(3) A local government or MPO may defer decisions regarding function, general location and mode of a refinement plan if findings are adopted that:

(a) Identify the transportation need for which decisions regarding function, general location or mode are being deferred;

(b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;

(c) Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;

(d) Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and

(e) Set a deadline for adoption of a refinement plan prior to initiation of the periodic review following adoption of the TSP.

(4) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements of the National Environmental Policy Act of 1969, the development of the refinement plan shall be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted prior to the issuance of the Final EIS.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712 & 197.717
History:
LCDD 1-2014, f. & cert. ef. 8-15-14
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0030**
**Determination of Transportation Needs**

(1) The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:

(a) State, regional, and local transportation needs;

(b) Needs of the transportation disadvantaged;

(c) Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development).

(2) Counties or MPO's preparing regional TSP's shall rely on the analysis of state transportation needs in adopted elements of the state TSP. Local governments preparing local TSP's shall rely on the analyses of state and regional transportation needs in adopted elements of the state TSP and adopted regional TSP's.

(3) Within urban growth boundaries, the determination of local and regional transportation needs shall be based upon:

(a) Population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan, including those policies that implement Goal 14. Forecasts and distributions shall be for 20 years and, if desired, for longer periods; and

(b) Measures adopted pursuant to OAR 660-012-0045 to encourage reduced reliance on the automobile.

(4) In MPO areas, calculation of local and regional transportation needs also shall be based upon accomplishment of the requirement in OAR 660-012-0035(4) to reduce reliance on the automobile.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712 & 197.717
History:
LCDD 1-2014, f. & cert. ef. 8-15-14
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0035**
**Evaluation and Selection of Transportation System Alternatives**

(1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology. The following shall be evaluated as components of system alternatives:

(a) Improvements to existing facilities or services;

(b) New facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs;

(c) Transportation system management measures;

(d) Demand management measures; and

(e) A no-build system alternative required by the National Environmental Policy Act of 1969 or other laws.

(2) The following standards shall be used to evaluate and select alternatives:

(a) The transportation system shall support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan;

(b) The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan;

(c) The transportation system shall minimize adverse economic, social, environmental, and energy consequences;

(d) The transportation system shall minimize conflicts and facilitate connections between modes of transportation; and

(e) The transportation system shall avoid principal reliance on any one mode of transportation by increasing transportation choices to reduce principal reliance on the automobile.

(3) Where existing and committed transportation facilities and services have adequate capacity to support the land uses in the acknowledged comprehensive plan, the local government shall not be required to evaluate alternatives as provided in this rule.

(4) Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and located in an urban fringe may be included in a TSP only if the project identified in the transportation system plan as described in section (6) of this rule, will not significantly reduce peak hour travel time for the route as determined pursuant to section (5) of this rule, or the jurisdiction determines that the following alternatives cannot reasonably satisfy the purpose of the improvement project:

(a) Improvements to transportation facilities and services within the urban growth boundary;

(b) Transportation system management measures that do not significantly increase capacity; or

(c) Transportation demand management measures. The jurisdiction needs only to consider alternatives that are safe and effective, consistent with applicable standards and that can be implemented at a reasonable cost using available technology.

(5) A project significantly reduces peak hour travel time when, based on recent data, the time to travel the route is reduced more than 15 percent during weekday peak hour conditions over the length of the route located within the urban fringe. For purposes of measuring travel time, a route shall be identified by the predominant traffic flows in the project area.

(6) A “transportation improvement project” described in section (4) of this rule:

(a) Is intended to solve all of the reasonably foreseeable transportation problems within a general geographic location, within the planning period; and

(b) Has utility as an independent transportation project.

Statutory/Other Authority: ORS 197.040 & ORS 197.245
Statutes/Other Implemented: ORS 195.025, ORS 197.230, ORS 197.245, ORS 197.712, ORS 197.717 & ORS 197.012
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 1-2014, f. & cert. ef. 8-15-14
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDD 6-1998, f. & cert. ef. 10-30-98
LCDC 4-1995, f. & cert. ef. 5-8-95
LCDC 3-1995, f. & cert. ef. 3-31-95
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0040**
**Transportation Financing Program**

(1) For areas within an urban growth boundary containing a population greater than 2,500 persons, the TSP shall include a transportation financing program.

(2) A transportation financing program shall include the items listed in (a)–(d):

(a) A list of planned transportation facilities and major improvements;

(b) A general estimate of the timing for planned transportation facilities and major improvements;

(c) A determination of rough cost estimates for the transportation facilities and major improvements identified in the TSP; and

(d) In metropolitan areas, policies to guide selection of transportation facility and improvement projects for funding in the short-term to meet the standards and benchmarks established pursuant to 0035(4)–(6). Such policies shall consider, and shall include among the priorities, facilities and improvements that support mixed-use, pedestrian friendly development and increased use of alternative modes.

(3) The determination of rough cost estimates is intended to provide an estimate of the fiscal requirements to support the land uses in the acknowledged comprehensive plan and allow jurisdictions to assess the adequacy of existing and possible alternative funding mechanisms. In addition to including rough cost estimates for each transportation facility and major

improvement, the transportation financing plan shall include a discussion of the facility provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each transportation facility and major improvement. These funding mechanisms may also be described in terms of general guidelines or local policies.

(4) Anticipated timing and financing provisions in the transportation financing program are not considered land use decisions as specified in ORS 197.712(2)(e) and, therefore, cannot be the basis of appeal under 197.610(1) and (2) or 197.835(4).

(5) The transportation financing program shall provide for phasing of major improvements to encourage infill and redevelopment of urban lands prior to facilities and improvements which would cause premature development of urbanizable lands or conversion of rural lands to urban uses.

Statutory/Other Authority: ORS 183 & 197
Statutes/Other Implemented: ORS 197.040
History:
LCDD 6-1998, f. & cert. ef. 10-30-98
LCDC 11-1995, f. & cert. ef. 12-22-95
LCDC 4-1995, f. & cert. ef. 5-8-95
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0045**
**Implementation of the Transportation System Plan**

(1) Each local government shall amend its land use regulations to implement the TSP.

(a) The following transportation facilities, services and improvements need not be subject to land use regulations except as necessary to implement the TSP and, under ordinary circumstances do not have a significant impact on land use:

(A) Operation, maintenance, and repair of existing transportation facilities identified in the TSP, such as road, bicycle, pedestrian, port, airport, and rail facilities, and major regional pipelines and terminals;

(B) Dedication of right-of-way, authorization of construction, and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards;

(C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k), consistent with the provisions of OAR 660-012-0065; and

(D) Changes in the frequency of transit, rail, and airport services.

(b) To the extent, if any, that a transportation facility, service or improvement concerns the application of a comprehensive plan provision or land use regulation, it may be allowed without further land use review if it is permitted outright or if it is subject to standards that do not require interpretation or the exercise of factual, policy, or legal judgment;

(c) In the event that a transportation facility, service, or improvement is determined to have a significant impact on land use or to concern the application of a comprehensive plan or land use regulation and to be subject to standards that require interpretation or the exercise of factual, policy, or legal judgment, the local government shall provide a review and approval process that is consistent with OAR 660-012-0050. To facilitate implementation of the TSP, each local government shall amend its land use regulations to provide for consolidated review of land use decisions required to permit a transportation project.

(2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors, and sites for their identified functions. Such regulations shall include:

(a) Access control measures, for example, driveway and public road spacing, median control, and signal spacing standards, that are consistent with the functional classification of roads and consistent with limiting development on rural lands to rural uses and densities;

(b) Standards to protect future operation of roads, transitways, and major transit corridors;

(c) Measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation;

(d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors, or sites;

(e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors, or sites;

(f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of:

(A) Land use applications that require public hearings;

(B) Subdivision and partition applications;

(C) Other applications that affect private access to roads; and

(D) Other applications within airport noise corridors and imaginary surfaces that affect airport operations; and

(g) Regulations ensuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities, and performance standards of facilities identified in the TSP.

(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and that avoids wherever possible levels of automobile traffic that might interfere with or discourage pedestrian or bicycle travel.

(a) Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots;

(b) On-site facilities shall be provided that accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.

(A) “Neighborhood activity centers” include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers;

(B) Bikeways shall be required along arterials and major collectors. Sidewalks shall be required along arterials, collectors, and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways;

(C) Cul-de-sacs and other dead-end streets may be used as part of a development plan, consistent with the purposes set forth in this section;

(D) Local governments shall establish their own standards or criteria for providing streets and accessways consistent with the purposes of this section. Such measures may include but are not limited to: standards for spacing of streets or accessways; and standards for excessive out-of-direction travel;

(E) Streets and accessways need not be required where one or more of the following conditions exist:

(i) Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;

(ii) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

(iii) Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

(c) Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors;

(d) For purposes of subsection (b) “safe and convenient” means bicycle and pedestrian routes, facilities and improvements that:

(A) Are reasonably free from hazards, particularly types or levels of automobile traffic that would interfere with or discourage pedestrian or cycle travel for short trips;

(B) Provide an accessible and reasonably direct route of travel between destinations such as between a transit stop and a store; and

(C) Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the most common trip length of pedestrians is generally under one-half mile.

(e) Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, walkways and similar techniques.

(4) To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in subsections (a)–(g) below:

(a) Transit routes and transit facilities shall be designed to support transit use through provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking restrictions and similar facilities, as appropriate;

(b) New retail, office, and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the measures listed in paragraphs (A) and (B) below.

(A) Accessible walkways shall be provided connecting building entrances and streets adjoining the site;

(B) Accessible pedestrian facilities connecting to adjoining properties shall be provided except where such a connection is impracticable as provided for in paragraph (3)(b)(E). Pedestrian facilities shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property;

(C) In addition to paragraphs (A) and (B) above, on sites at major transit stops provide the following:

(i) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection;

(ii) An accessible and reasonably direct pedestrian facility between the transit stop and building entrances on the site;

(iii) A transit passenger landing pad accessible to people with disabilities;

(iv) An easement or dedication for a passenger shelter if requested by the transit provider; and

(v) Lighting at the transit stop.

(c) Local governments may implement paragraphs (b)(A) and (B) through the designation of pedestrian districts and adoption of appropriate implementing measures regulating development within pedestrian districts. Pedestrian districts must comply with the requirement of paragraph (b)(C);

(d) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(e) Existing development shall be allowed to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate;

(f) Road systems for new development shall be provided that can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate accessways to minimize travel distances;

(g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.

(5) In developing a bicycle and pedestrian circulation plan as required by OAR 660-012-0020(2)(d), local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet local travel needs in developed areas. Appropriate improvements should provide for more direct, convenient, accessible, and safer bicycle or pedestrian travel within and between residential areas and neighborhood activity centers (i.e., schools, shopping, transit stops). Specific measures include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing walkways between buildings, and providing direct access between adjacent uses.

(6) Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. The intent of this requirement is that local governments consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Notwithstanding section (1) or (3) of this rule, local street standards adopted to meet this requirement need not be adopted as land use regulations.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 1-2014, f. & cert. ef. 8-15-14
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDD 3-2004, f. & cert. ef. 5-7-04
LCDD 6-1998, f. & cert. ef. 10-30-98
LCDC 11-1995, f. & cert. ef. 12-22-95
LCDC 4-1995, f. & cert. ef. 5-8-95
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0050**
**Transportation Project Development**

(1) For projects identified by ODOT pursuant to OAR chapter 731, division 15, project development shall occur in the manner set forth in that division.

(2) Regional TSPs shall provide for coordinated project development among affected local governments. The process shall include:

(a) Designation of a lead agency to prepare and coordinate project development;

(b) A process for citizen involvement, including public notice and hearing, if project development involves land use decision-making. The process shall include notice to affected transportation facility and service providers, MPOs, and ODOT;

(c) A process for developing and adopting findings of compliance with applicable statewide planning goals, if any. This shall include a process to allow amendments to acknowledged comprehensive plans where such amendments are necessary to accommodate the project; and

(d) A process for developing and adopting findings of compliance with applicable acknowledged comprehensive plan policies and land use regulations of individual local governments, if any. This shall include a process to allow amendments to acknowledged comprehensive plans or land use regulations where such amendments are necessary to accommodate the project.

(3) Project development addresses how a transportation facility or improvement authorized in a TSP is designed and constructed. This may or may not require land use decision-making. The focus of project development is project implementation, e.g. alignment, preliminary design and mitigation of impacts. During project development, projects authorized in an acknowledged TSP shall not be subject to further justification with regard to their need, mode, function, or general location. For purposes of this section, a project is authorized in a TSP where the TSP makes decisions about transportation need, mode, function and general location for the facility or improvement as required by this division.

(a) Project development does not involve land use decision-making to the extent that it involves transportation facilities, services or improvements identified in OAR 660-012-0045(1)(a); the application of uniform road improvement design standards and other uniformly accepted engineering design standards and practices that are applied during project implementation; procedures and standards for right-of-way acquisition as set forth in the Oregon Revised Statutes; or the application of local, state or federal rules and regulations that are not a part of the local government's land use regulations.

(b) Project development involves land use decision-making to the extent that issues of compliance with applicable requirements requiring interpretation or the exercise of policy or legal discretion or judgment remain outstanding at the project development phase. These requirements may include, but are not limited to, regulations protecting or regulating development within floodways and other hazard areas, identified Goal 5 resource areas, estuarine and coastal shoreland areas, and the Willamette River Greenway, and local regulations establishing land use standards or processes for selecting specific alignments. They also may include transportation improvements required to comply with ORS 215.296 or 660-012-0065(5). When project development involves land use decision-making, all unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to project approval.

(c) To the extent compliance with local requirements has already been determined during transportation system planning, including adoption of a refinement plan, affected local

governments may rely on and reference the earlier findings of compliance with applicable standards.

(4) Except as provided in section (1) of this rule, where an Environmental Impact Statement (EIS) is prepared pursuant to the National Environmental Policy Act of 1969, project development shall be coordinated with the preparation of the EIS. All unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to issuance of the Final EIS.

(5) If a local government decides not to build a project authorized by the TSP, it must evaluate whether the needs that the project would serve could otherwise be satisfied in a manner consistent with the TSP. If identified needs cannot be met consistent with the TSP, the local government shall initiate a plan amendment to change the TSP or the comprehensive plan to assure that there is an adequate transportation system to meet transportation needs.

(6) Transportation project development may be done concurrently with preparation of the TSP or a refinement plan

Statutory/Other Authority: ORS 183 & 197.040
Statutes/Other Implemented: ORS 195.025, 197.040, 197.230, 197.245 & 197.712 197.717
History:
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDD 2-1999, f. & cert. ef. 1-12-99
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0055**
**Timing of Adoption and Update of Transportation System Plans; Exemptions**

(1) MPOs shall complete regional TSPs for their planning areas by May 8, 1996. For those areas within a MPO, cities and counties shall adopt local TSPs and implementing measures within one year following completion of the regional TSP:

(a) If by May 8, 2000, a Metropolitan Planning Organization (MPO) has not adopted a regional transportation system plan that meets the VMT reduction standard in OAR 660-012-0035 and the metropolitan area does not have an approved alternative standard established pursuant to OAR 660-012-0035, then the cities and counties within the metropolitan area shall prepare and adopt an integrated land use and transportation plan as outlined in OAR 660-012-0035. Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years;

(b) When an area is designated as an MPO or is added to an existing MPO, the affected local governments shall, within one year of adoption of the regional transportation plan, adopt a regional TSP in compliance with applicable requirements of this division and amend local transportation system plans to be consistent with the regional TSP.

(c) Local governments in metropolitan areas may request and the commission may by order grant an extension for completing an integrated land use and transportation plan required by this division. Local governments requesting an extension shall set forth a schedule for completion of outstanding work needed to complete an integrated land use and transportation plan as set forth in OAR 660-012-0035. This shall include, as appropriate:

(A) Adoption of a long-term land use and transportation vision for the region;

(B) Identification of centers and other land use designations intended to implement the vision;

(C) Adoption of housing and employment allocations to centers and land use designations; and

(D) Adoption of implementing plans and zoning for designated centers and other land use designations.

(d) Local governments within metropolitan areas that are not in compliance with the requirements of this division to adopt or implement a standard to increase transportation choices or have not completed an integrated land use and transportation plan as required by this division shall review plan and land use regulation amendments and adopt findings that demonstrate that the proposed amendment supports implementation of the region's adopted vision, strategy, policies or plans to increase transportation choices and reduce reliance on the automobile.

(2) A plan or land use regulation amendment supports implementation of an adopted regional strategy, policy or plan for purposes of this section if it achieves the following as applicable:

(a) Implements the strategy or plan through adoption of specific plans or zoning that authorizes uses or densities that achieve desired land use patterns;

(b) Allows uses in designated centers or neighborhoods that accomplish the adopted regional vision, strategy, plan or policies; and

(c) Allows uses outside designated centers or neighborhood that either support or do not detract from implementation of desired development within nearby centers.

(3) For areas outside an MPO, cities and counties shall complete and adopt regional and local TSPs and implementing measures by May 8, 1997.

(4) By November 8, 1993, affected cities and counties shall, for non-MPO urban areas of 25,000 or more, adopt land use and subdivision ordinances or amendments required by OAR 660-012-0045(3), (4)(a)–(f) and (5)(d). By May 8, 1994 affected cities and counties within MPO areas shall adopt land use and subdivision ordinances or amendments required by 660-012-0045(3), (4)(a)–(e) and (5)(e). Affected cities and counties which do not have acknowledged ordinances

addressing the requirements of this section by the deadlines listed above shall apply 660-012-0045(3), (4)(a)–(g) and (5)(e) directly to all land use decisions and all limited land use decisions.

(5)(a) Affected cities and counties that either:

(A) Have acknowledged plans and land use regulations that comply with this rule as of May 8, 1995, may continue to apply those acknowledged plans and land use regulations; or

(B) Have plan and land use regulations adopted to comply with this rule as of April 12, 1995, may continue to apply the provisions of this rule as they existed as of April 12, 1995, and may continue to pursue acknowledgment of the adopted plans and land use regulations under those same rule provisions provided such adopted plans and land use regulations are acknowledged by April 12, 1996. Affected cities and counties that qualify and make this election under this paragraph shall update their plans and land use regulations to comply with the 1995 amendments to OAR 660-012-0045 as part of their transportation system plans.

(b) Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, shall apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule have been adopted.

(6) Cities and counties shall update their TSPs and implementing measures as necessary to comply with this division at each periodic review subsequent to initial compliance with this division. Local governments within metropolitan areas shall amend local transportation system plans to be consistent with an adopted regional transportation system plan within one year of the adoption of an updated regional transportation system plan or by a date specified in the adopted regional transportation system plan.

(7) The director may grant a whole or partial exemption from the requirements of this division to cities under 10,000 population and counties under 25,000 population, and for areas within a county within an urban growth boundary that contains a population less than 10,000. Eligible jurisdictions may request that the director approve an exemption from all or part of the requirements in this division. Exemptions shall be for a period determined by the director or until the jurisdiction's next periodic review, whichever is shorter.

(a) The director's decision to approve an exemption shall be based upon the following factors:

(A) Whether the existing and committed transportation system is generally adequate to meet likely transportation needs;

(B) Whether the new development or population growth is anticipated in the planning area over the next five years;

(C) Whether major new transportation facilities are proposed which would affect the planning areas;

(D) Whether deferral of planning requirements would conflict with accommodating state or regional transportation needs; and

(E) Consultation with the Oregon Department of Transportation on the need for transportation planning in the area, including measures needed to protect existing transportation facilities.

(b) The director's decision to grant an exemption under this section is appealable to the commission as provided in OAR 660-002-0020 (Delegation of Authority Rule)

(8) Portions of TSPs and implementing measures adopted as part of comprehensive plans prior to the responsible jurisdiction's periodic review shall be reviewed pursuant to OAR chapter 660, division 18, Post Acknowledgment Procedures.

Statutory/Other Authority: ORS 183, 197.040 & 197.245
Statutes/Other Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712 & 197.717
History:
LCDD 1-2014, f. & cert. ef. 8-15-14
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDD 3-2004, f. & cert. ef. 5-7-04
LCDD 2-2000, f. & cert. ef. 2-4-00
LCDD 6-1998, f. & cert. ef. 10-30-98
LCDC 4-1995, f. & cert. ef. 5-8-95
LCDC 1-1993, f. & cert. ef. 6-15-93
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0060**
**Plan and Land Use Regulation Amendments**

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the performance standards of the facility measured or projected at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in subsections (a) through (e) below, unless the amendment meets the balancing test in subsection (e) or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses consistent with the requirements of this division. Such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without ensuring that the allowed land uses are consistent with the performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements, and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements, and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements, or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements, or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement, or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in paragraphs (b)(A)–(C) are considered planned facilities, improvements, and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205, and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement, or service is a planned transportation facility, improvement, or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements, and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional, or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) If a local government is determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2) using a performance standard based on projected levels of motor vehicle traffic, then the local government shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d);

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10 percent fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly

development. The 10 percent reduction allowed for by this subsection shall be available only if uses that rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10 percent reduction required in subsection (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b), it shall ensure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with OAR 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that ensure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments that accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a). The commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances that provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations that meet all of the criteria listed in subsections (a)–(c) shall include an amendment to the comprehensive plan, transportation system plan, the adoption of a local street plan, access management plan, future street plan, or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan that complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's

requirement for street connectivity as contained in Title 1, Section 3.08.110 of the Regional Transportation Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A “mixed-use, pedestrian-friendly center or neighborhood” for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center, or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit-oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space that is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan, or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay, or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay, or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) “Industrial” means employment activities generating income from the production, handling, or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment, and research and development.

(ii) “Traded-sector” means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within 45 days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 195.025, ORS 197.230, ORS 197.245, ORS 197.610 – 197.625, ORS 197.628 – 197.646, ORS 197.712, ORS 197.717, ORS 197.732 & ORS 197.798
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 7-2016, f. 7-29-16, cert. ef. 8-1-16

LCDD 11-2011, f. 12-30-11, cert. ef. 1-1-12
LCDD 3-2005, f. & cert. ef. 4-11-05
LCDD 6-1999, f. & cert. ef. 8-6-99
LCDD 6-1998, f. & cert. ef. 10-30-98
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0065**
**Transportation Improvements on Rural Lands**

(1) This rule identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goals 3, 4, 11, and 14 without a goal exception.

(2) For the purposes of this rule, the following definitions apply:

(a) "Access Roads" means low volume public roads that principally provide access to property or as specified in an acknowledged comprehensive plan;

(b) "Collectors" means public roads that provide access to property and that collect and distribute traffic between access roads and arterials or as specified in an acknowledged comprehensive plan;

(c) "Arterials" means state highways and other public roads that principally provide service to through traffic between cities and towns, state highways and major destinations or as specified in an acknowledged comprehensive plan;

(d) "Accessory Transportation Improvements" means transportation improvements that are incidental to a land use to provide safe and efficient access to the use;

(e) "Channelization" means the separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. "Channelization" does not include continuous median turn lanes;

(f) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan;

(g) "New Road" means a public road or road segment that is not a realignment of an existing road or road segment.

(3) The following transportation improvements are consistent with Goals 3, 4, 11, and 14 subject to the requirements of this rule:

(a) Accessory transportation improvements for a use that is allowed or conditionally allowed by ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);

(b) Transportation improvements that are allowed or conditionally allowed by ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);

(c) Channelization not otherwise allowed under subsections (a) or (b) of this section;

(d) Realignment of roads not otherwise allowed under subsection (a) or (b) of this section;

(e) Replacement of an intersection with an interchange;

(f) Continuous median turn lane;

(g) New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(h) Bikeways, footpaths and recreation trails not otherwise allowed as a modification or part of an existing road;

(i) Park and ride lots;

(j) Railroad mainlines and branchlines;

(k) Pipelines;

(l) Navigation channels;

(m) Replacement of docks and other facilities without significantly increasing the capacity of those facilities;

(n) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes; and

(o) Transportation facilities, services and improvements other than those listed in this rule that serve local travel needs. The travel capacity and performance standards of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land

uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.

(4) Accessory transportation improvements required as a condition of development listed in subsection (3)(a) of this rule shall be subject to the same procedures, standards and requirements applicable to the use to which they are accessory.

(5) For transportation uses or improvements listed in subsections (3)(d) to (g) and (o) of this rule within an exclusive farm use (EFU) or forest zone, a jurisdiction shall, in addition to demonstrating compliance with the requirements of ORS 215.296:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(6) Notwithstanding any other provision of this division, if a jurisdiction has not met the deadline for TSP adoption set forth in OAR 660-012-0055, or any extension thereof, a transportation improvement that is listed in section (5) of this rule and that will significantly reduce peak hour travel time as provided in OAR 660-012-0035(10) may be allowed in the urban fringe only if the jurisdiction applies either:

(a) The criteria applicable to a “reasons” exception provided in Goal 2 and OAR 660, division 4; or

(b) The evaluation and selection criteria set forth in OAR 660-012-0035.

Statutory/Other Authority: ORS 183, 197.040, 197.245, 215.213, 215.283 & 215.296
Statutes/Other Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717, 197.232, 215.213 & 215.283
History:
LCDD 15-2020, temporary amend filed 11/10/2020, effective 11/10/2020 through 05/08/2021
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDC 3-1995, f. & cert. ef. 3-31-95
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0070**
**Exceptions for Transportation Improvements on Rural Land**

(1) Transportation facilities and improvements which do not meet the requirements of OAR 660-012-0065 require an exception to be sited on rural lands.

(a) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons that demonstrate that the standards in this rule have been met. A local government denying a proposed exception shall adopt findings of fact and a statement of reasons explaining why the standards in this rule have not been met. However, findings and reasons denying a proposed exception need not be incorporated into the local comprehensive plan.

(b) The facts and reasons relied upon to approve or deny a proposed exception shall be supported by substantial evidence in the record of the local exceptions proceeding.

(2) When an exception to Goals 3, 4, 11, or 14 is required to locate a transportation improvement on rural lands, the exception shall be taken pursuant to ORS 197.732(1)(c), Goal 2, and this division. The exceptions standards in OAR chapter 660, division 4 and OAR chapter 660, division 14 shall not apply. Exceptions adopted pursuant to this division shall be deemed to fulfill the requirements for goal exceptions required under ORS 197.732(1)(c) and Goal 2.

(3) An exception shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement:

(a) The general location shall be specified as a corridor within which the proposed facility or improvement is to be located, including the outer limits of the proposed location. Specific sites or areas within the corridor may be excluded from the exception to avoid or lessen likely adverse impacts. Where detailed design level information is available, the exception may be specified as a specific alignment;

(b) The size, design and capacity of the proposed facility or improvement shall be described generally, but in sufficient detail to allow a general understanding of the likely impacts of the proposed facility or improvement and to justify the amount of land for the proposed transportation facility. Measures limiting the size, design or capacity may be specified in the description of the proposed use in order to simplify the analysis of the effects of the proposed use;

(c) The adopted exception shall include a process and standards to guide selection of the precise design and location within the corridor and consistent with the general description of the proposed facility or improvement. For example, where a general location or corridor crosses a river, the exception would specify that a bridge crossing would be built but would defer to project development decisions about precise location and design of the bridge within

the selected corridor subject to requirements to minimize impacts on riparian vegetation, habitat values, etc.;

(d) Land use regulations implementing the exception may include standards for specific mitigation measures to offset unavoidable environmental, economic, social or energy impacts of the proposed facility or improvement or to assure compatibility with adjacent uses.

(4) To address Goal 2, Part II(c)(1) the exception shall provide reasons justifying why the state policy in the applicable goals should not apply. Further, the exception shall demonstrate that there is a transportation need identified consistent with the requirements of OAR 660-012-0030 which cannot reasonably be accommodated through one or a combination of the following measures not requiring an exception:

(a) Alternative modes of transportation;

(b) Traffic management measures; and

(c) Improvements to existing transportation facilities.

(5) To address Goal 2, Part II(c)(2) the exception shall demonstrate that non-exception locations cannot reasonably accommodate the proposed transportation improvement or facility. The exception shall set forth the facts and assumptions used as the basis for determining why the use requires a location on resource land subject to Goals 3 or 4.

(6) To determine the reasonableness of alternatives to an exception under sections (4) and (5) of this rule, cost, operational feasibility, economic dislocation and other relevant factors shall be addressed. The thresholds chosen to judge whether an alternative method or location cannot reasonably accommodate the proposed transportation need or facility must be justified in the exception.

(a) In addressing sections (4) and (5) of this rule, the exception shall identify and address alternative methods and locations that are potentially reasonable to accommodate the identified transportation need.

(b) Detailed evaluation of such alternatives is not required when an alternative does not meet an identified threshold.

(c) Detailed evaluation of specific alternative methods or locations identified by parties during the local exceptions proceedings is not required unless the parties can specifically describe with supporting facts why such methods or locations can more reasonably accommodate the identified transportation need, taking into consideration the identified thresholds.

(7) To address Goal 2, Part II(c)(3), the exception shall:

(a) Compare the long-term economic, social, environmental and energy consequences of the proposed location and other alternative locations requiring exceptions. The exception shall describe the characteristics of each alternative location considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the location for the proposed transportation facility or improvement, and the typical positive and negative consequences resulting from the transportation facility or improvement at the proposed location with measures designed to reduce adverse impacts;

(b) Determine whether the net adverse impacts associated with the proposed exception site, with mitigation measures designed to reduce adverse impacts, are significantly more adverse than the net impacts from other locations which would also require an exception. A proposed exception location would fail to meet this requirement only if the affected local government concludes that the impacts associated with it are significantly more adverse than the other identified exception sites. The exception shall include the reasons why the consequences of the needed transportation facility or improvement at the proposed exception location are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed location. Where the proposed goal exception location is on resource lands subject to Goals 3 or 4, the exception shall include the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base; and

(c) The evaluation of the consequences of general locations or corridors need not be site-specific, but may be generalized consistent with the requirements of section (3) of this rule. Detailed evaluation of specific alternative locations identified by parties during the local exceptions proceeding is not required unless such locations are specifically described with facts to support the assertion that the locations have significantly fewer net adverse economic, social, environmental and energy impacts than the proposed exception location.

(8) To address Goal 2, Part II(c)(4), the exception shall:

(a) Describe the adverse effects that the proposed transportation improvement is likely to have on the surrounding rural lands and land uses, including increased traffic and pressure for nonfarm or highway oriented development on areas made more accessible by the transportation improvement;

(b) Demonstrate how the proposed transportation improvement is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses; and

(c) Adopt as part of the exception, facility design and land use measures which minimize accessibility of rural lands from the proposed transportation facility or improvement and support continued rural use of surrounding lands.

(9)(a) Exceptions taken pursuant to this rule shall indicate on a map or otherwise the locations of the proposed transportation facility or improvement and of alternatives identified under subsection (4)(c), sections (5) and (7) of this rule.

(b) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

(10) An exception taken pursuant to this rule does not authorize uses other than the transportation facilities or improvements justified in the exception.

(a) Modifications to unconstructed transportation facilities or improvements authorized in an exception shall not require a new exception if the modification is located entirely within the corridor approved in the exception.

(b) Modifications to constructed transportation facilities authorized in an exception shall require a new exception, unless the modification is permitted without an exception under OAR 660-012-0065(3)(b)–(f). For purposes of this rule, minor transportation improvements made to a transportation facility or improvement authorized in an exception shall not be considered a modification to a transportation facility or improvement and shall not require a new exception.

(c) Notwithstanding subsections (a) and (b) of this section, the following modifications to transportation facilities or improvements authorized in an exception shall require new goal exceptions:

(A) New intersections or new interchanges on limited access highways or expressways, excluding replacement of an existing intersection with an interchange.

(B) New approach roads located within the influence area of an interchange.

(C) Modifications that change the functional classification of the transportation facility.

(D) Modifications that materially reduce the effectiveness of facility design measures or land use measures adopted pursuant to subsection (8)(c) of this rule to minimize accessibility to rural lands or support continued rural use of surrounding rural lands, unless the area subject to the modification has subsequently been relocated inside an urban growth boundary.

Statutory/Other Authority: ORS 183 & 197.040
Statutes/Other Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717 & 197.732
History:
LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06
LCDD 3-2004, f. & cert. ef. 5-7-04
LCDC 1-1991, f. & cert. ef. 5-8-91

**660-012-0100**
**Transportation System Plans in Metropolitan Areas**

(1) Cities shall develop and adopt a transportation system plan. Cities shall develop a transportation system plan and amendments to that plan consistent with the provisions of OAR 660-012-0105 through OAR 660-012-0215. A transportation system plan includes the following elements:

(a) The core transportation system plan elements as provided in section (2);

(b) Funding projections as provided in OAR 660-012-0115;

(c) A transportation options element as provided in OAR 660-012-0145;

(d) An unconstrained project list as provided in OAR 660-012-0170;

(e) A financially-constrained project list as provided in OAR 660-012-0180;

(f) Any refinement plans adopted as provided in OAR 660-012-0190;

(g) A pedestrian system element as provided in OAR 660-012-0500;

(h) A bicycle system element as provided in OAR 660-012-0600;

(i) A public transportation system element as provided in OAR 660-012-0700; and

(j) A street and highway system element as provided in OAR 660-012-0800.

(2) A transportation system plan shall include the following core elements:

(a) The base and planning horizon years as provided in section (3) of this rule;

(b) The land use assumptions as provided in OAR 660-012-0340;

(c) A list of all elements of the plan, and the date of adoption or amendment of each;

(d) The coordinated land use and transportation system planning policies in the city's comprehensive plan;

(e) The local transportation system plan goals and policies;

(f) Areas with concentrations of underserved populations as provided in OAR 660-012-0125, identified using best available data;

(g) A record of the engagement, involvement, and decision-making processes used in development of the plan, as provided in OAR 660-012-0130;

(h) A major equity analysis as provided in OAR 660-012-0135 or an engagement-focused equity analysis as provided in OAR 660-012-0135 for urban areas under 5,000 in population; and

(i) The dates of each report made to the director as provided in OAR 660-012-0900, including all applicable city and county reports for the planning area.

(3) Cities shall determine the base and horizon years of a transportation system plan as follows:

(a) The base year is the present or past year which is used for the development of plan elements. The base year shall be the year of adoption of a major update to the Transportation System Update, or no earlier than five years prior.

(b) The horizon year is the future year for which the plan contains potential projects and shall be at least twenty years from the year of adoption of a major update to the transportation system plan.

(4) The director may grant a whole or partial exemption from the requirements of this division to cities and counties with a population of less than 10,000 within the urban area. The director may also grant a whole or partial temporary exemption from the requirements of this division to jurisdictions of any size that are newly included in an existing metropolitan area or a newly designated metropolitan area. The director shall use the criteria and process as provided in OAR 660-012-0055(7) to decide to approve an exemption.

(5) The development of a transportation system plan shall be coordinated with affected cities, counties, transportation facility owners, and transportation service providers, and transportation options providers.

(6) Adoption or amendment of a transportation system plan shall constitute the land use decision regarding the function, mode, general location, and need for transportation facilities, services, and major improvements.

(7) Adoption or amendment of a transportation system plan shall include findings of compliance with applicable statewide planning goals, acknowledged comprehensive plan policies, and land use regulations.

(8) Cities and counties shall design transportation system plans to achieve transportation performance targets as provided in OAR 660-012-0910.

(9) Metro shall adopt a regional transportation system plan provided in OAR 660-012-0140.

(10) Cities and counties in the Portland Metropolitan Area shall additionally meet the requirements as provided in OAR 660-012-0140.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.180, ORS 197.200, ORS 197.274 & ORS 197.712
History:
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

**660-012-0105**
**Transportation System Plan Updates**

(1) Any amendment to a transportation system plan must be either a major update as provided in section (2), or a minor update, which is any update that is not a major update.

(2) A major update to a transportation system plan is any update that:

(a) Includes a change to the horizon year of the plan;

(b) Is adopted after January 1 of the planning horizon year of the acknowledged plan; or

(c) Adds a facility authorized as provided in OAR 660-012-0830.

(3) A city or county making a major update to a transportation system plan shall:

(a) Update the core transportation system plan elements provided in OAR 660-012-0100(2);

(b) Include all other applicable transportation system plan elements provided in OAR 660-012-0100; and

(c) Comply with the engagement requirements of OAR 660-012-0120.

(4) A city or county making a minor update to a transportation system plan shall, at a minimum:

(a) Update core transportation system plan elements provided in OAR 660-012-0100(2) that are applicable to the scope of the minor update;

(b) Comply with the engagement requirements of OAR 660-012-0120; and

(c) Identify areas with concentrations of underserved populations as provided in OAR 660-012-0125 using best available data; and

(d) Conduct an engagement-focused equity analysis as provided in OAR 660-012-0135.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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

**660-012-0110**
**Transportation System Planning Area**

(1) The planning area for transportation system plans is the area within the acknowledged urban growth boundary. The unincorporated area within urban growth boundaries is the urbanizable area.

(2) Cities and counties are responsible for cooperatively developing transportation system plans within the urban area, including the urbanizable area. Cities and counties shall jointly determine and agree how transportation system planning will occur in the urbanizable area, including plan adoption.

(a) Cities may develop and adopt a single transportation system plan for the entire urban area;

(b) A county may choose to develop and adopt a separate transportation system plan for areas in the urbanizable area; or

(c) A city and county may jointly determine the geographic extent of each of their transportation system plans within the urban area.

(3) Counties planning for urban areas as provided in this rule, and associated cities, shall meet these requirements:

(a) Counties shall meet the applicable requirements of this division as if they were a city, even when requirements only refer to cities.

(b) Both the city and county shall meet all applicable requirements of this division based on the population of the entire urban area, except where a population threshold in a rule specifically refers to the population of the urban unincorporated area.

(c) When a county develops a transportation system plan for a portion of the urban area within an urban growth boundary, both transportation system plans must have the same planning horizon year. This subsection does not apply in urban areas with more than one city.

(4) Counties shall plan areas outside urban growth boundaries as rural, regardless of location within a metropolitan area. Counties planning for unincorporated communities within a metropolitan area must meet requirements provided in OAR chapter 660, division 22.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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

**660-012-0115**
**Funding Projections**

(1) Cities and counties must include funding projections in the transportation system plan. Funding projections must include the list of funding sources and amount of funding available, as provided in this rule.

(2) The required list of funding sources must include all funding sources that the city or county expects to use over the planning period to operate, maintain, or construct the transportation system. These sources include, but are not limited to:

(a) Local, regional, state, and federal funding sources; and

(b) Sources expected from any transportation facility or service operator within the planning area.

(3) The list of funding sources shall include, for each source of funding identified:

(a) The expected funding over the remainder of the planning period;

(b) The purpose of the source of funding and any key limitations on the use of the funding; and

(c) Reasons that the funding source is expected to be available during the planning period. These reasons may include, but are not limited to, that the funding is provided by:

(A) Transportation facility pricing revenues, including parking revenues;

(B) Tax or bond revenues;

(C) Fees, charges, or other local revenues;

(D) Grants given using a formula or other regular disbursement;

(E) Regional funds from a Metropolitan Planning Organization; or

(F) A source that previously provided funds to the city or county and can reasonably expected to provide more in the future.

(4) The city or county shall use the list of funding sources to determine the amount of funding expected to be available to develop transportation projects over the planning period. Funding to maintain and operate the transportation system, or used for purposes other than development of transportation projects, shall be excluded. The transportation system plan shall clearly describe the amounts that are included and excluded.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0120**
**Transportation System Planning Engagement**

(1) Cities and counties shall develop transportation system plans using methods of public engagement and decision making consistent with the statewide planning goals and the local acknowledged comprehensive plan.

(2) Public engagement and decision making shall follow the practices provided in OAR 660-012-0130 to place an increased emphasis on centering the voices of underserved populations identified in OAR 660-012-0125.

(3) Cities or counties engaged in an update of the transportation system plan as provided in OAR 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-012-0340, shall make a special effort to ensure underserved populations, as identified in OAR 660-012-0125, are:

(a) Informed about the choices that need to be made in the planning process;

(b) Given a meaningful opportunity to inform the planning process; and

(c) Given an equitable share of the decision-making power over key decisions, to the extent possible.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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

**660-012-0125**
**Underserved Populations**

(1) Cities and counties shall prioritize community-led engagement and decision-making, with specific attention to the underserved populations listed in section (2) of this rule.

(2) Underserved populations deserve prioritized attention regarding transportation and land use planning due to historic and current marginalization. Underserved populations include, but are not limited to:

(a) Black and African American people;

(b) Indigenous people (including Tribes, American Indian/Alaska Native and Hawaii Native);

(c) People of Color (including but not limited to Hispanic, Latina/o/x, Asian, Arabic or North African, Middle Eastern, Pacific Islander, and mixed-race or mixed-ethnicity populations);

(d) Immigrants, including undocumented immigrants and refugees;

(e) People with limited English proficiency;

(f) People with disabilities;

(g) People experiencing homelessness;

(h) Low-income and low-wealth community members;

(i) Low- and moderate-income renters and homeowners;

(j) Single parents;

(k) Lesbian, gay, bisexual, transgender, queer, intersex, asexual, or two-spirit community members; and

(l) Youth and seniors.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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

**660-012-0130**
**Decision-Making with Underserved Populations**

(1) Cities and counties shall, as a part of an involvement program required as provided in OAR 660-015-0000(1), center the voices of underserved populations in processes at all levels of decision-making under this division. Actions that may accomplish this include, but are not limited to:

(a) Reporting regularly on progress made under this rule as provided by section (3);

(b) Conducting equity analyses as provided in OAR 660-012-0135;

(c) Considering the effect on underserved populations when developing plans, including land use plans and plans for public investment;

(d) Developing decision-making factors that recognize and work to reduce historic and current inequities; and,

(e) Engaging in additional outreach activities with underserved populations and in areas with concentrations of underserved populations. Such outreach activities should include activities in multiple languages and formats, and be accessible to:

(A) People with disabilities,

(B) People without internet access, and

(C) People with limited transportation and child care options, and with schedule constraints around employment or other critical responsibilities.

(2) Cities and counties shall identify federally recognized sovereign tribes whose ancestral lands include the planning area. The city or county shall engage with affected tribes to notify them of coordinated land use and transportation planning activities and projects under this division.

(3) Cities and counties shall regularly assess and report on progress made under this rule by:

(a) Reporting to the department annually as provided in OAR 660-012-0900;

(b) Making regular reports to the planning commission and governing body of the city or county; and

(c) Making regular public reports to the community.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0135**
**Equity Analysis**

(1) Cities and counties shall determine whether the land use and transportation plans required in this division improve outcomes for underserved populations by using an equity analysis. An equity analysis is intended to determine benefits and burdens on underserved populations, as identified in OAR 660-012-0125.

(2) A city or county engaging in a major equity analysis shall conduct all the actions in the engagement-focused equity analysis in section (3). In addition, a city or county shall:

(a) Assess, document, acknowledge, and address where current and past land use, transportation, and housing policies and effects of climate change have harmed or are likely to harm underserved populations;

(b) Assess, document, acknowledge, and address where current and past racism in land use, transportation, and housing has harmed or is likely to harm underserved populations;

(c) Identify geographic areas with significantly disproportionate concentrations of underserved populations;

(d) Develop key performance measures as required in OAR 660-012-0905, or review existing performance measures, for key community outcomes as provided in subsection (3)(a) over time; and

(e) Use the best available data in conducting sections (a) through (d).

(3) A city or county conducting an engagement-focused equity analysis shall:

(a) Engage with members of underserved populations as identified in OAR 660-012-0125 to develop key community outcomes;

(b) Gather, collect, and value qualitative and quantitative information, including lived experience, from the community on how the proposed change benefits or burdens underserved populations;

(c) Recognize where and how intersectional discrimination compounds disadvantages;

(d) Analyze the proposed changes for impacts and alignment with desired key community outcomes and key performance measures under OAR 660-012-0905;

(e) Adopt strategies to create greater equity or minimize negative consequences; and

(f) Report back and share the information learned from the analysis and unresolved issues with people engaged as provided in subsection (a).

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0140**
**Transportation System Planning in the Portland Metropolitan Area**

(1) This rule applies to cities and counties in the Portland Metropolitan Area, and Metro. In the Portland Metropolitan Area, cities and counties shall develop and adopt local transportation system plans as provided in OAR 660-012-0100. Metro shall develop and adopt a regional transportation system plan as provided in this rule.

(2) Cities and counties shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with Metro's regional transportation system plan. Consistent means city and county comprehensive plans and implementing ordinances conform with the policies and projects in the regional transportation system plan. If Metro finds a local transportation system plan is consistent with the Regional Transportation Functional Plan, the transportation system plan shall be deemed consistent with the regional transportation system plan.

(3) Metro shall prepare, adopt, amend, and update a regional transportation system plan in coordination the with regional transportation plan required by federal law. Insofar as possible, the regional transportation system plan shall be accomplished through a single coordinated process that complies with the applicable requirements of federal law and this division.

(a) When Metro adopts or amends the regional transportation plan to comply with this division as provided in this section, Metro shall review the adopted plan or amendment and either:

(A) Adopt findings that the proposed regional transportation plan amendment or update is consistent with the applicable provisions of adopted regional transportation system plan and compliant with applicable provisions of this division; or

(B) Adopt amendments to the regional transportation system plan that make the regional transportation plan consistent and compliant with applicable provisions of this division. Necessary plan amendments or updates shall be prepared and adopted in coordination with the federally-required plan update or amendment. Such amendments shall be initiated no later than 30 days from the adoption of the regional transportation plan amendment or update and shall be adopted no later than one year from the adoption of the regional transportation plan amendment or update or according to a work program approved by the commission. A plan

amendment is initiated for purposes of this subsection where the affected local government files a post-acknowledgement plan amendment notice with the department as provided in OAR 660-018-0020.

(b) Adoption or amendment of the regional transportation plan relates to compliance with this division for purposes of this section if it does one or more of the following:

(A) Changes plan policies;

(B) Adds or deletes a project from the list of planned transportation facilities, services, or improvements or from the financially-constrained project list required by federal law;

(C) Modifies the general location of a planned transportation facility or improvement;

(D) Changes the functional classification of a transportation facility; or

(E) Changes the planning period or adopts or modifies the population or employment forecast or allocation upon which the plan is based.

(c) The following amendments to the regional transportation plan do not relate to compliance with this division for purposes of this section:

(A) Adoption of an air quality conformity determination;

(B) Changes to a federal revenue projection;

(C) Changes to estimated cost of a planned transportation project; or

(D) Deletion of a project from the list of planned projects where the project has been constructed or completed.

(4) Notwithstanding any requirement in this division, Metro may adopt provisions into a regional functional plan that require cities and counties to meet an additional requirement for transportation system planning where Metro finds that the additional requirement is necessary to meet regional planning objectives and supports the purposes of this division.

(5) Notwithstanding requirements for transportation system planning areas provided in OAR 660-012-0110:

(a) Metro shall work cooperatively with cities and counties to determine responsibility for planning areas in the urbanizable area. Where a county has responsibility for a planning area, the county must meet the requirements as provided for counties in OAR 660-012-0110;

(b) Counties planning for unincorporated areas within the urban growth boundary shall meet all applicable requirements based on the population of the planning area; and

(c) Counties and cities need not have the same planning horizon year.

(6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-0150, Metro shall prescribe inventory requirements in transportation system plans for cities and counties in a regional functional plan.

(7) Metro may propose alternative requirements in lieu of requirements provided in this division.

(a) The director shall review proposed alternative requirements to make a recommendation to the commission as to whether the proposed alternative requirements would meet the objectives of the original requirements and support the purposes of this division.

(b) The commission shall hold a hearing to review the proposed alternative requirements and the director's recommendation. If the commission finds that the proposed alternative requirements meet the objectives of the original requirements and support the purposes of this division, then the commission shall issue an order approving the proposed alternative requirements; otherwise, the commission shall remand the proposed alternative requirements to Metro with specific directions for changes needed to meet the objectives of the original requirement and support the purposes of this division.

(c) Upon approval by the commission, Metro may adopt the proposed alternative requirements into a regional functional plan. Upon adoption by Metro, cities and counties that comply with the alternative requirements of the regional functional plan are no longer required to meet the specific requirements of this division as described in the commission order.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.274, ORS 197.301 & ORS 197.712
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**660-012-0145**
**Transportation Options Planning**

(1) The transportation system options element of a transportation system plan shall include:

(a) The existing programs, services, and projects identified in section (2);

(b) The future transportation demand management needs identified in section (3) and the performance targets set as provided in OAR 660-012-0910; and

(c) A trip reduction strategy for large employers.

(2) Cities and counties shall coordinate with transportation options providers, public transportation service providers, state agencies, and other cities and counties to identify existing transportation options and transportation demand management programs, services, and projects. These shall include, but are not limited to:

(a) Education, encouragement, and other transportation demand management programs and services that focus on forms of transportation other than single-occupant vehicles;

(b) Transportation demand management programs and policies that discourage the use of single-occupancy vehicles; and

(c) Transportation options needs of underserved populations.

(3) Cities and counties shall coordinate with transportation options providers, public transportation service providers, and other cities and counties to identify future transportation demand management needs. These shall include, but are not limited to:

(a) Commute trip reduction consultation and promotion of programs such as the provision of transit passes and parking cash-out;

(b) Physical improvements such as carpool parking spaces and park and ride locations; and

(c) Regional solutions for intercity travel.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0150**
**Transportation System Inventories**

(1) This rule applies to transportation inventories as provided in OAR 660-012-0505, OAR 660-012-0605, OAR 660-012-0705, and OAR 660-012-0805.

(2) Cities and counties shall coordinate with other publicly owned transportation facility and service providers, including, but not limited to state agencies, other cities and counties, and public transportation system operators to develop the transportation system inventory.

(3) Inventories shall include all publicly owned, operated, or supported transportation facilities and services within the planning area, regardless of ownership or maintenance responsibility. Inventories shall note ownership or maintenance responsibility for all facilities.

(4) Inventories shall clearly identify the following for each inventoried facility or service:

(a) Function, including the classification of the facility or service, its primary uses, and whether it primarily serves local, regional, pass-through, or freight traffic.

(b) Primary users of the facility, including whether users are primarily on foot, bicycle, transit, freight, or personal vehicle.

(c) Land use context for each segment of the facility, including determining what types of planned land uses surround the facility.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.180 & ORS 197.712
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**660-012-0155**
**Prioritization Framework**

(1) Cities, counties, Metro, and state agencies shall use the framework in this rule for decision making regarding prioritization of transportation facilities and services. Cities, counties, Metro, and state agencies shall consider the following:

(a) Prioritization factors as provided in section (3);

(b) Classification of facilities or segments as provided in section (4);

(c) The planned land use context as provided in section (5); and

(d) Expected primary users as provided in section (6).

(2) Cities, counties, Metro, and state agencies may use local values determined through engagement as provided in OAR 660-012-0120 to weight various prioritized factors when making prioritization decisions as provided in this division.

(3) Cities, counties, Metro, and state agencies shall prioritize transportation facilities and services based on the following factors:

(a) Meeting greenhouse gas reduction targets, including:

(A) Reducing per-capita vehicle miles traveled to meet greenhouse gas reduction targets provided in OAR 660-044-0020 or OAR 660-044-0025;

(B) Supporting compact, pedestrian-friendly patterns of development in urban areas, particularly in climate-friendly areas;

(C) Reducing single-occupant vehicle travel as a share of overall travel; and

(D) Meeting performance targets set as provided in OAR 660-012-0910.

(b) Improving equitable outcomes for underserved populations identified in OAR 660-012-0125;

(c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;

(d) Improving access for people with disabilities;

(e) Improving access to destinations, particularly key destinations identified as provided in OAR 660-012-0360;

(f) Completing the multimodal transportation network, including filling gaps and making connections;

(g) Supporting the economies of the community, region, and state; and

(h) Other factors determined in the community.

(4) Cities, counties, Metro, and state agencies shall consider the functional classification of planned or existing transportation facilities or segments when making decisions about appropriate transportation facilities and services. Cities, counties, Metro, and state agencies may establish different functional classifications for each mode on any facility or segment that they own and operate.

(5) Cities, counties, Metro, and state agencies shall consider the planned land use context around an existing or planned transportation facility or segment when making decisions about appropriate transportation facilities and services.

(a) Within climate-friendly areas, cities, counties, Metro, and state agencies shall prioritize pedestrian, bicycle, and public transportation facilities and services. Cities, counties, Metro, and state agencies shall ensure facilities are planned for these modes to experience safe, low stress, and comfortable travel for people of all ages and abilities within climate-friendly areas with minimal interference from motor vehicle traffic.

(b) In areas with concentrations of underserved populations, cities, counties, Metro, and state agencies shall prioritize transportation projects addressing historic and current marginalization. Proposed transportation projects in these areas must work to rectify previous harms and prevent future harms from occurring. These areas may have suffered from disinvestment or harmful investments, including transportation system investments. Such harms include but are not limited to displacement, increased exposure to pollutants, destruction and division of neighborhoods, heat islands, and unsafe conditions for pedestrians, cyclists, transit users, and others.

(6) Cities, counties, Metro, and state agencies shall consider the expected primary users of an existing or planned transportation facility or segment when making decisions about appropriate transportation facilities and services. In particular:

(a) In areas near schools or other locations with expected concentrations of children, or areas with expected concentrations of older people or people with disabilities, cities, counties, Metro, and state agencies must prioritize safe, protected, and continuous pedestrian and bicycle networks connecting to key destinations, including transit stops.

(b) In industrial areas, along routes accessing key freight terminals, and other areas where accommodations for freight are needed, cities, counties, Metro, and state agencies must consider the needs of freight users. Pedestrian, bicycle, and public transportation system connections must be provided in industrial areas at a level that provides safe access for workers.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.180, ORS 197.712 & ORS 468A.205
History:
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**660-012-0160**
**Reducing Vehicle Miles Traveled**

(1) The following jurisdictions are exempt from the requirements of this rule:

(a) Cities under 5,000 population;

(b) Counties under 5,000 population within urban growth boundaries but outside of incorporated cities; and

(c) Counties under 10,000 population within urban growth boundaries but outside of incorporated cities.

(2) When a city or county, makes a major update to a transportation system plan as provided in OAR 660-012-0105, or Metro makes an update to a regional transportation plan as provided in OAR 660-012-0140, they shall use the following requirements to project vehicle miles traveled per capita for the planning period.

(a) The city, county, or Metro must prepare a projection that estimates changes between vehicle miles traveled per capita from the base year and vehicle miles traveled per capita that would result from all projects on the financially-constrained project list prepared as provided in OAR 660-012-0180; and

(b) Projections of vehicle miles traveled per capita must incorporate the best available science on latent and induced travel of additional roadway capacity.

(3) The projections prepared as provided in section (2) must be based on:

(a) Land use and transportation policies in an acknowledged comprehensive plan and in the proposed transportation system plan;

(b) Local actions consistent with the adopted performance targets under OAR 660-012-0910, or OAR 660-044-0110; and

(c) Forecast land use patterns as provided in OAR 660-012-0340.

(4) Cities and counties may only adopt a transportation system plan if the projected vehicle miles traveled per capita at the horizon year using the financially-constrained project list is lower than estimated vehicle miles traveled per capita in the base year scenario.

(5) A city or county is not required to meet the requirements in sections (2) through (4) of this rule if the city or county has selected a financially-constrained project list that does not contain any project that would require review as provided in OAR 660-012-0830(1).

(6) Metro shall adopt a regional transportation plan in which the projected vehicle miles traveled per capita at the horizon year using the financially-constrained project list is lower than the estimated vehicle miles traveled per capita at the base year by an amount that is consistent with the metropolitan greenhouse gas reduction targets in OAR 660-044-0020. Metro may rely on assumptions on future state and federal actions, including the following state-led actions that affect auto operating costs:

(a) State-led pricing policies, and energy prices; and

(b) Vehicle and fuel technology, including vehicle mix, vehicle fuel efficiency, fuel mix, and fuel carbon intensity.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.712 & ORS 486A.205
History:
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**660-012-0170**
**Unconstrained Project List**

(1) Cities and counties shall create a combined project list by combining:

(a) The pedestrian project list developed as provided in OAR 660-012-0520;

(b) The bicycle project list developed as provided in OAR 660-012-0620;

(c) The public transportation project list developed as provided in OAR 660-012-0720; and

(d) The streets and highways project list developed as provided in OAR 660-012-0820.

(2) Cities and counties shall, to the extent practicable, combine proposed projects from multiple single-mode lists into a single multimodal project on the combined project list.

(3) Cities and counties shall develop an unconstrained project list by prioritizing the combined project list, including multimodal projects. Cities and counties need not include every project in the combined project list on the unconstrained project list. There is no limit to the number of projects that may be included on the unconstrained project list.

(4) Cities and counties shall develop a method of prioritizing projects on the unconstrained project list. Projects on the unconstrained project list may be ranked individually or in tiers. Unconstrained project lists ranked in tiers shall have enough tiers to clearly be able to determine the relative ranking of projects when making decisions. Cities and counties shall describe the method used to prioritize the unconstrained project list in the transportation system plan. Cities and counties must emphasize the following requirements when developing a method of prioritizing projects on the unconstrained project list:

(a) The project will help reduce vehicle miles traveled;

(b) The project burdens underserved populations less than and benefit as much as the city or county population as a whole; and

(c) The project will help achieve the performance targets set as provided in OAR 660-012-0910.

(5) Cities and counties shall develop planning-level cost estimates for the top ranked projects on the prioritized unconstrained project list as provided in section (4). The city or county shall make estimates for as many projects as the city or county reasonably believes could be funded

in the planning period. The city or county need not make cost estimates for every project on the unconstrained project list.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.899, ORS 197.012, ORS 197.712 & ORS 468A.205
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**660-012-0180**
**Financially-Constrained Project List**

(1) Cities and counties shall include a financially-constrained project list in a transportation system plan. Cities and counties shall use the prioritized unconstrained project list developed as provided in OAR 660-012-0170 and the amount of funding available developed as provided in OAR 660-012-0115 to produce the financially-constrained project list.

(2) Cities, counties, Metro, and the state may only develop, fund, and construct projects on the financially-constrained project list.

(a) Cities and counties may only submit projects on the financially-constrained project list in their transportation system plan to the financially-constrained list of a federally-required regional transportation plan.

(b) Cities and counties may permit projects on the unconstrained project list but not on the financially-constrained list to be constructed if the project is built by a property owner as a requirement of land development and the project would not require review as provided in OAR 660-012-0830.

(3) Cities and counties shall create a financially-constrained project list using the top available projects on the prioritized unconstrained project list and the planning-level cost estimates developed as provided in OAR 660-012-0170. The sum of the planning-level cost estimates for projects placed on the financially-constrained project list shall not exceed 125 percent of the funding available as identified in OAR 660-012-0115. Cities and counties shall select projects such that the resulting financially-constrained list would:

(a) Reduce per capita vehicle miles traveled, as provided in OAR 660-012-0160;

(b) Burden underserved populations less than and benefit underserved populations as much or more as the city or county population as a whole; and

(c) Make significant progress towards meeting the performance targets set for each performance measure as provided in OAR 660-012-0910 or OAR 660-044-0110.

(4) If the list of projects cannot meet each test in section (3), the city or county must adjust the project list to find the highest-ranking set of projects that can meet the criteria in section (3). This is the financially-constrained project list.

(5) Cities or counties making a major or minor amendment to the transportation system plan as provided in OAR 660-012-0105 which includes an update to any project list, shall update the financially-constrained project list as provided in this rule.

(6) Cities and counties shall prioritize the implementation of projects from the financially-constrained project list for their ability to reduce climate pollution and improve equitable outcomes using the criteria provided in section (3) of this rule.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.712 & ORS 468A.205
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**660-012-0190**
**Transportation System Refinement Plans**

(1) A city or county may, when adopting a major update to the transportation system plan as provided in OAR 660-012-0105, defer decisions regarding function, general location, and mode of a refinement plan if findings are adopted that:

(a) Identify the transportation need for which decisions regarding function, general location, or mode are being deferred;

(b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the transportation system plan;

(c) Explain how deferral does not invalidate the assumptions upon which the transportation system plan is based or preclude implementation of the remainder of the transportation system plan;

(d) Describe the nature of the findings that will be needed to resolve issues deferred to a refinement plan; and

(e) Set a deadline for adoption of a refinement plan.

(2) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements of the National Environmental Policy Act of 1969, the development of the

refinement plan shall be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted prior to the issuance of the Final EIS.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.200 & ORS 197.712
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**660-012-0200**
**Temporary Projects**

(1) Notwithstanding any other part of this division, an operator of a transportation facility may undertake a temporary project to change streets, roads, or highways consistent with this rule, without specific inclusion in a project list in a transportation system plan.

(2) Temporary projects may include:

(a) Temporary projects to convert areas dedicated to existing on-street parking or general-purpose travel lanes to pedestrian facilities, areas, or plazas; bicycle facilities; or transit lanes.

(b) Temporary projects to implement a pilot program to price facilities for motor vehicles on a street or highway. This rule does not restrain any parking pricing or parking management activities.

(c) Temporary transportation projects to provide basic transportation network connectivity and function after a major emergency impacting the transportation system to a significant degree.

(3) Temporary projects as provided in this rule may be in place until the end of the planning period. Projects extending past this duration must be adopted into the transportation system plan.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0210**
**Transportation Modeling and Analysis**

(1) A city or county relying on transportation models or mathematical analysis of the transportation system to make a land use decision shall do so consistently with this rule.

(2) The model or analysis must account for changes in vehicle miles traveled per capita that would result from any transportation projects proposed as a part of the land use decision.

(3) The assumptions and inputs used with the modeling or analysis must be consistent with acknowledged plans.

(4) The modeling or analysis must demonstrate that the land use decision will not increase vehicle miles traveled per capita.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0215**
**Transportation Performance Standards**

(1) This rule applies to transportation performance standards that cities and counties use to review comprehensive plan and land use regulation amendments as provided in OAR 660-012-0060. If a city or county requires applicants to analyze transportation impacts as part of development review in acknowledged local land use regulations, then that review must include evaluation of the performance standards established under this rule. This rule applies to transportation performance standards that Metro uses to review functional plan amendments as provided in OAR 660-012-0060.

(2) Cities and counties shall adopt transportation performance standards. The transportation performance standards must support meeting the targets for performance measures set as provided in OAR 660-012-0910. The transportation performance standards must include these elements:

(3) Characteristics of the transportation system that will be measured, estimated, or projected, and the methods to calculate their performance;

(4) Thresholds to determine whether the measured, estimated, or projected performance meets the performance standard. Thresholds may vary by facility type, location, or other factors. Thresholds shall be set at the end of the planning period, time of development, or another time; and

(5) Findings for how the performance standard supports meeting the targets for performance measures set as provided in OAR 660-012-0910.

(6) Cities, counties, Metro, and state agencies shall adopt two or more transportation performance standards. At least one of the transportation performance standards must

support increasing transportation options and avoiding principal reliance on the automobile. The transportation system plan must clearly establish how to apply the multiple performance standards to a proposal that meets some, but not all, of the transportation performance standards. The transportation performance standards must evaluate at least two of the following objectives for the transportation system, for any or all modes of transportation:

(a) Reducing climate pollution;

(b) Equity;

(c) Safety;

(d) Network connectivity;

(e) Accessibility;

(f) Efficiency;

(g) Reliability; and

(h) Mobility.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.180 & ORS 197.712
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**660-012-0300**
**Coordinated Land Use and Transportation System Planning**

(1) Cities and counties shall coordinate land use and transportation plans.

(2) Cities and counties shall, if applicable, adopt and implement climate-friendly areas as provided in OAR 660-012-0310.

(3) Cities and counties shall adopt and implement the applicable land use requirements as provided in OAR 660-012-0330.

(4) Cities and counties shall, in the development of transportation plans, use the land use assumptions developed as provided in OAR 660-012-0340.

(5) Cities and counties shall develop a list of key destinations, identified as provided in OAR 660-012-0360.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0310**
**Climate Friendly Areas**

(1) This rule, OAR 660-012-0315, and OAR 660-012-0320 apply to cities and counties that:

(a) Are within a metropolitan area other than the Portland Metropolitan Area;

(b) Are inside incorporated cities or areas within an urban growth boundary as provided in section (3); and

(c) Have a population of more than 5,000 within an urban growth boundary.

(2) Cities and counties shall study and zone climate-friendly areas for locations that meet the following requirements.

(a) Locations able to support development consistent with the land use requirements of OAR 660-012-0320.

(b) The locations shall be in existing or planned urban centers, including downtowns, neighborhood centers, transit-served corridors, or similar districts. To the extent practicable, climate-friendly areas should be located within, or in close proximity to, areas planned for, or provided with, high-density residential uses and a high concentration of employment opportunities.

(c) The locations shall be in areas that are served, or planned for service, by high quality pedestrian, bicycle, and transit services.

(d) The locations shall not be in areas where development is limited or disallowed by provisions adopted pursuant to Statewide Planning Goal 7. Climate-friendly areas may be designated in such areas if the local government has adopted requirements for development that will mitigate potential hazards to life and property, in compliance with Statewide Planning Goal 7.

(e) Cities may designate climate-friendly areas within the urban growth boundary, but outside the city limits boundary, if the following requirements are met:

(A) The area is contiguous with the city limits boundary;

(B) The provision of urban services is contingent upon annexation into the city limits and the area is readily serviceable with urban water, sewer, stormwater, and transportation. “Readily serviceable” means that urban infrastructure services are nearby and could be provided to allow construction on the site within one year of an application for a building permit;

(C) The zoning that will be applied upon annexation, based on the city’s comprehensive plan designation for the area, is consistent with climate-friendly area requirements;

(D) The county in which the subject area is located has adopted a consistent comprehensive plan designation for the area; and

(E) The city can demonstrate that at least 70 percent of complete annexation applications within the last five years have been approved within one year of the date of complete annexation application.

(f) Climate-friendly areas shall have a minimum width of 750 feet, including any internal rights of way that may be unzoned. Contiguous climate-friendly areas with distinct land use requirements may be considered cumulatively to demonstrate compliance with the minimum width requirement. Exceptions to these minimum dimensional requirements are allowed due to natural barriers, such as rivers; or due to long-term barriers in the built environment, such as freeways. Exceptions are also allowed if potential climate-friendly areas are constrained by adjacent areas planned and zoned to meet industrial land needs.

(3) Cities and counties shall designate climate-friendly areas. Counties with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services within an identified urban growth boundary shall coordinate with the respective city or cities to address climate-friendly area requirements for those areas. Areas under county jurisdiction outside urban growth boundaries; or within urban growth boundaries but not provided with urban water, sanitary sewer, stormwater, and transportation services; are not subject to this rule.

(4) Cities and counties shall designate climate-friendly areas as they cross the population thresholds in subsections (a) and (b). City population is as determined by the most recently certified Portland State University Population Research Center population estimate. Compliance timelines are based upon the date of the certification of the population estimate. County population within an urban growth boundary may be calculated by interpolating Portland State University Population Research Center’s population forecast for the area within an urban growth boundary, then subtracting the certified city population estimate from the total population within the urban growth boundary for the current year.

(a) A city or county with a population within an urban growth boundary exceeding 5,000, but less than 10,001 shall submit a study of potential climate-friendly areas to the department as provided in OAR 660-012-0315 within 545 days of reaching a population exceeding 5,000. The city or county shall subsequently adopt land use requirements as provided in OAR 660-012-

0315, and climate-friendly elements to their comprehensive plans within 365 days of the deadline for submittal of the study of potential climate-friendly areas.

(b) A city or a county with a population exceeding 10,000 within an urban growth boundary shall submit a study of potential climate-friendly areas to the department as provided in OAR 660-012-0315 within 545 days of reaching a population exceeding 10,000. The city or county shall subsequently adopt land use requirements as provided in OAR 660-012-0315, and climate-friendly elements to their comprehensive plans within 365 days of the deadline for submittal of the study of potential climate-friendly areas. The city or county shall maintain sufficient lands within climate-friendly areas as their population grows, as provided in OAR 660-012-0315. For cities also subject to OAR 660-008-0045, compliance with this requirement shall be demonstrated in each Housing Capacity Analysis following the initial designation of climate-friendly areas. Land use requirements for climate-friendly areas shall be established concurrent or prior to the adoption of the Housing Capacity Analysis as provided in OAR 660-012-0320. Counties subject to this rule shall coordinate with cities to address climate-friendly area requirements within an urban growth boundary.

(5) If a city or county has not designated sufficient climate-friendly areas as provided in this rule, the commission may:

(a) Initiate periodic review for the city of county to address the requirement; or

(b) Issue an enforcement order to the city or county, consistent with ORS 197.646.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.615, ORS 197.646 & ORS 197.712
History:
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**660-012-0315**
**Designation of Climate Friendly Areas**

(1) The designation of climate-friendly areas refers to the process of studying potential climate-friendly areas and adopting land use requirements and climate-friendly elements into comprehensive plans, as provided in this rule. Cities and counties subject to the requirements of OAR 660-012-0310 with a population greater than 10,000 shall designate climate-friendly areas sufficient to accommodate at least 30 percent of the total identified number of housing units necessary to meet all current and future housing needs by calculating zoned building capacity as provided in section (2), or using an alternative methodology as provided in OAR 660-012-0320(10).

(a) A local government may designate one or more climate-friendly areas to accommodate at least 30 percent of housing units.

(b) The total number of housing units necessary to meet all current and future housing needs shall be determined from the local government's most recently adopted and acknowledged housing capacity analysis, by adding the total number of existing dwelling units identified in the buildable land inventory to the anticipated number of future needed housing units over the planning period of the housing capacity analysis.

(2) Cities and counties subject to section (1) shall calculate the housing unit capacity within climate-friendly areas, as follows:

(a) Regardless of existing development in a climate-friendly area, determine the potential square footage of zoned building capacity for each net developable area based on existing or anticipated development standards within the climate-friendly area, including applicable setbacks, allowed building heights, open space requirements, on-site parking requirements, and similar regulations. Within developed areas with no blocks greater than 5.5 acres, analysis of net developable areas may be conducted for each city block, without regard to property boundaries within the block. Within areas bounded by streets of 5.5 acres or more, the local government shall assume the same ratio of total land area to net land area as that which exists in the most fully developed urban center.

(b) Where the local government has not established a maximum building height, assumed building height shall be 85 feet. For the purpose of calculating zoned building capacity, cities and counties may assume the following number of floors within multistory buildings, based on allowed building heights:

(A) Fifty feet allows for four floors.

(B) Sixty feet allows for five floors.

(C) Eighty-five feet allows for seven floors.

(c) If a local government allows height bonuses above the maximum building heights used for calculations in subsection (b), the local government may include 25 percent of that additional zoned building capacity when the bonuses:

(A) Allow building heights above the minimums established in OAR 660-012-0320(8); and,

(B) Allow height bonuses for publicly-subsidized housing serving households with an income of 80 percent or less of the area median household income, or height bonuses for the construction of accessible dwelling units, as defined in OAR 660-008-0050(4)(a), in excess of minimum requirements.

(d) Local governments shall assume that residential dwellings will occupy 30 percent of the zoned building capacity calculated in subsections (a), (b), and (c) within climate-friendly areas.

Public parks and open space areas within climate-friendly areas that are precluded from development shall not be included in calculations of zoned building capacity, but may be counted towards minimum area and dimensional requirements for climate-friendly areas. Zoning and development standards for public parks and open space areas are exempted from compliance with the land use requirements in OAR 660-012-0320 if the existing zoning standards do not allow residential, commercial, or office uses.

(e) Local governments shall assume an average dwelling unit size of 900 square feet. Local governments shall use the average dwelling unit size to convert the square footage of zoned residential building capacity calculated in subsection (d) into an estimate of the number of dwelling units that may be accommodated in the climate-friendly area.

(3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of 10,000 or less shall designate at least 25 acres of land as climate-friendly area.

(4) Cities and counties must submit a study of potential climate-friendly areas to the department as provided in this rule. The study of potential climate-friendly areas shall include the following information:

(a) Maps showing the location and size of all potential climate-friendly areas. Cities and counties shall use the study process to identify the most promising area or areas to be chosen as climate-friendly areas but are not required to subsequently adopt and zone each studied area as a climate-friendly area.

(b) Cities and counties subject to section (1) shall provide preliminary calculations of zoned residential building capacity and resultant residential dwelling unit capacity within each potential climate-friendly area consistent with section (2), or using an alternative methodology as provided in OAR 660-012-0320(10), and using land use requirements within each climate-friendly area as provided in OAR 660-012-0320. Potential climate-friendly areas must be cumulatively sized and zoned to accommodate at least 30 percent of the total identified number of housing units as provided in section (1).

(c) A community engagement plan for the designation of climate-friendly areas, including the process to adopt associated amendments to the comprehensive plan and zoning code, consistent with the requirements of OAR 660-012-0120 through 660-012-0130. The community engagement plan shall be consistent with the requirements for an engagement-focused equity analysis as provided in OAR 660-012-0135(3).

(d) Analysis of how each potential climate-friendly area complies, or may be brought into compliance, with the requirements of OAR 660-012-0310(2).

(e) A preliminary evaluation of existing development standards within the potential climate-friendly area(s) and a general description of any changes necessary to comply with the requirements of OAR 660-012-0320.

(f) Plans for achieving fair and equitable housing outcomes within climate-friendly areas, as identified in OAR 660-008-0050(4)(a)-(f). Analysis of OAR 660-008-0050(4)(f) shall include analysis of spatial and other data to determine if the rezoning of potential climate-friendly areas would be likely to displace residents who are members of state and federal protected classes. The local government shall also identify actions that may be employed to mitigate or avoid potential displacement.

(5) Cities and counties shall submit climate-friendly area study reports required in section (4). Following submittal, the department shall review reports as follows:

(a) Within 30 days of receipt of the report, the department shall:

(A) Post a complete copy of the submitted report on the department's website along with a statement that any person may file a written comment regarding the submitted report no more than 21 days after the posting of the report.

(B) Provide notice to persons described under ORS 197.615(3)(a), directing them to the posting described in paragraph (A) and informing them that they may file a written comment regarding the submitted report no more than 21 days after the posting of the report.

(b) Within 60 days of posting of the report on the department's website, the department shall provide written comments to the local government regarding the report information and the progress made to identify suitable climate-friendly areas. The department shall also provide the local government with any written comments submitted by interested persons, as provided in subsection (a).

(6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and climate-friendly elements to their comprehensive plans. Adoption of land use requirements and the climate-friendly element of the comprehensive plan shall include the following:

(a) Cities and counties subject to section (1) shall provide maps showing the location of all adopted climate-friendly areas, including calculations to demonstrate that climate-friendly areas contain sufficient zoned residential building capacity to accommodate 30 percent of total housing units as provided in section (2), or using an alternative methodology as provided in OAR 660-012-0320(10), and based on adopted land use requirements in these areas as provided in OAR 660-012-0320. Cities and counties subject to section (3) shall provide maps showing the location of the adopted climate-friendly area. Local governments subject to (1) or (3) shall include findings containing the information and analysis required in section (4) for any climate-friendly areas that were not included in the initial study specified in section (4).

(b) Documentation of the number of total existing dwelling units, accessible dwelling units, and income-restricted dwelling units within all climate-friendly areas. Where precise data is not available, local governments may provide estimates based on best available information.

(c) Documentation that all adopted and applicable land use requirements for climate-friendly areas are consistent with the provisions of OAR 660-012-0320.

(d) Adoption of a climate-friendly element into the comprehensive plan containing findings and analysis summarizing the local government climate-friendly area designation decision process and demonstration of compliance with the provisions of OAR 660-012-0310 through 660-012-0325. Additionally, adopted findings shall include:

(A) Identification of all ongoing and newly-added housing production strategies the local government shall use to promote the development of affordable housing in climate-friendly areas. The local government may use the Housing Production Strategy Guidance for Cities to review and identify potential strategies, as provided in OAR 660-008-0050(3). These strategies shall be incorporated into future housing production strategy reports, as provided in OAR chapter 660, division 8.

(B) Identification of all ongoing and newly-added housing production strategies the local government shall use to prevent the displacement of members of state and federal protected classes in climate-friendly areas. Findings shall include a description of how the strategies will be implemented based on consideration of identified neighborhood typologies and the most effective measures to prevent displacement based on typology. The local government may use the Housing Production Strategy Guidance for Cities, along with the department's "Anti-Displacement and Gentrification Toolkit" to identify the most effective measures to prevent displacement based on neighborhood typologies. These strategies shall be incorporated into future housing production strategy reports, as provided in OAR chapter 660, division 8.

(7) For cities and counties identified in section (1), the information provided in compliance with subsections (6)(b) and (d) shall provide a basis for subsequent Housing Production Strategy Reports to assess progress towards fair and equitable housing production goals in climate-friendly areas, as provided in OAR 660-008-0050(4)(a).

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0320**
**Land Use Requirements in Climate Friendly Areas**

(1) Cities and counties subject to the provisions of OAR 660-012-0310 shall incorporate the requirements in sections (2) through (7) of this rule into policies and development regulations that apply in all climate-friendly areas. Cities and counties shall either incorporate the provisions in section (8) into development regulations for climate-friendly areas, or shall

demonstrate with adopted findings and analysis that alternative development regulations for climate-friendly areas will result in equal or higher levels of development in climate-friendly areas as provided in section (9). If adopting more than one climate-friendly area, a city or county may demonstrate compliance with either section (8) or section (9) for each climate-friendly area, provided that all requirements for each respective climate-friendly area are met.

(2) Except as noted in subsection (a) and section (3), development regulations for a climate-friendly area shall allow single-use and mixed-use development within individual buildings and development sites, including the following outright permitted uses:

(a) Multifamily residential and attached single-family residential. Other residential building types may be allowed, subject to compliance with applicable minimum density requirements in section (8) of this rule, or alternative land use requirements as provided in section (9). Notwithstanding this section, local governments may require ground floor commercial and office uses within otherwise single-use multifamily residential buildings.

(b) Office-type uses.

(c) Non-auto dependent retail, services, and other commercial uses.

(d) Child care, schools, and other public uses, including public-serving government facilities.

(3) Portions of abutting residential or employment-oriented zoned areas within a half-mile walking distance of a mixed-use area zoned as provided in section (1) may count towards climate-friendly area requirements, if in compliance with subsections (a) or (b). Notwithstanding existing development, zoned residential building capacity shall be calculated for the abutting areas based on allowed building heights and existing development standards in these areas, as provided in OAR 660-012-0315(2) or using an alternative methodology as provided in OAR 660-012-0320(10). Residential and employment densities for abutting areas shall correspond to the climate-friendly area type, provided in subsections (8)(a), (b), or (c) or (9)(a), (b), or (c). If subsections (a) or (b) are met, no changes to existing zoning or development standards are required for these areas.

(a) Residential areas with minimum residential densities or existing residential development equal to or greater than the densities provided in section (8); or

(b) Existing employment uses equal to or greater than the number of jobs per acre provided in section (9).

(4) Local governments shall prioritize locating government facilities that provide direct service to the public within climate-friendly areas and shall prioritize locating parks, open space, plazas, and similar public amenities in or near climate-friendly areas that do not contain sufficient parks, open space, plazas, or similar public amenities. Local governments shall amend

comprehensive plans to reflect these policies, where necessary. Streetscape requirements in climate-friendly areas shall include street trees and other landscaping, where feasible.

(5) Local governments shall establish maximum block length standards as provided below. For the purpose of this rule, a development site consists of the total site area proposed for development, absent previously dedicated rights-of-way, but including areas where additional right-of-way dedication may be required.

(a) For development sites less than 5.5 acres in size, a maximum block length of 500 feet or less. Where block length exceeds 350 feet, a public pedestrian through-block easement shall be provided to facilitate safe and convenient pedestrian connectivity in climate-friendly areas. Substantial redevelopment of sites of two acres or more within an existing block that does not meet the standard shall provide a public pedestrian accessway allowing direct passage through the development site such that no pedestrian route will exceed 350 feet along any block face. Local governments may grant exceptions to street and accessway requirements as provided in OAR 660-012-0330(2).

(b) For development sites of 5.5 acres or more, a maximum block length of 350 feet or less. Local governments may grant exemptions to street requirements as provided in OAR 660-012-0330(2).

(6) Development regulations may not include a maximum density limitation.

(7) Local governments shall adopt policies and development regulations in climate-friendly areas that implement the following:

(a) The transportation review process in OAR 660-012-0325;

(b) The land use requirements as provided in OAR 660-012-0330;

(c) The applicable parking requirements as provided in OAR 660-012-0435; and

(d) The applicable bicycle parking requirements as provided in OAR 660-012-0630.

(8) Local governments shall adopt either the following provisions into development regulations for climate-friendly areas, or the requirements in section (9). Local governments are not required to enforce the minimum residential densities below for mixed-use buildings (buildings that contain residential units, as well as office, commercial, or other non-residential uses) if the mixed-use buildings meet a minimum floor area ratio of 2.0. A floor area ratio is the ratio of the gross floor area of all buildings on a development site, excluding areas within buildings that are dedicated to vehicular parking and circulation, in proportion to the net area of the development site on which the buildings are located. A floor area ratio of 2.0 would indicate that the gross floor area of the building was twice the net area of the site. Local governments are not required to enforce the minimum residential densities below for redevelopment that

renovates and adds residential units within existing buildings, but that does not add residential units outside the existing exterior of the building.

(a) Local governments with a population greater than 5,000 up to 25,000 shall adopt the following development regulations for climate-friendly areas:

(A) A minimum residential density requirement of 15 dwelling units per net acre; and

(B) Maximum building height no less than 50 feet.

(b) Local governments with a population greater than 25,000 up to 50,000 shall adopt the following development regulations for at least one climate-friendly area with a minimum area of 25 acres. Additional climate-friendly areas may comply with the following standards or the standards in subsection (a).

(A) A minimum residential density requirement of 20 dwelling units per net acre; and

(B) Maximum building height no less than 60 feet.

(c) Local governments with a population greater than 50,000 shall adopt the following development regulations for at least one climate-friendly area with a minimum area of 25 acres. Additional climate-friendly areas may comply with the following standards or the standards in subsections (a) or (b):

(A) A minimum residential density requirement of 25 dwelling units per net acre; and

(B) Maximum building height no less than 85 feet.

(9) As an alternative to adopting the development regulations in section (8), local governments may demonstrate with adopted findings and analysis that their adopted development regulations for climate-friendly areas will provide for equal or higher levels of development in climate-friendly areas than those allowed per the standards in section (8). Specifically, the local government must demonstrate that the alternative development regulations will consistently and expeditiously allow for the levels of development described below:

(a) Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations in climate-friendly areas to enable development of at least 20 dwelling units and 20 jobs per net acre.

(b) Local governments with a population greater than 25,000 up to 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to enable development of at least 30 dwelling units and 30 jobs per net acre. Additional climate-friendly areas may comply with this standard or with the standard in subsection (a).

(c) Local governments with a population greater than 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to enable development of at least 40 dwelling units and 40 jobs per net acre. Additional climate-friendly areas may comply with this standard or with the standard in subsections (a) or (b).

(10) A local government may provide an alternative methodology for zoned residential building capacity calculations that differs from OAR 660-012-0315(2). The methodology must clearly describe all assumptions and calculation steps, and must demonstrate that the methodology provides an equal or better system for determining the zoned residential building capacity sufficient to accommodate at least 30 percent of the total identified number of housing units necessary to meet all current and future housing needs within climate-friendly areas. The alternative methodology shall be supported by studies of development activity in the region, market studies, or similar research and analysis.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0325**
**Transportation Review in Climate Friendly Areas**

(1) Cities or counties shall use this rule to review amendments to comprehensive plans or land use regulations within a climate-friendly area designated as provided in OAR 660-012-0315 and in Region 2040 centers designated in Title 6 of Metro's Urban Growth Management Functional Plan. Cities and counties shall use this rule to review land use decisions made to implement OAR 660-012-0310 through OAR 660-012-0320. Cities and counties are exempt from requirements as provided in OAR 660-012-0060 when reviewing amendments to comprehensive plans or land use regulations within a designated climate-friendly area and in Region 2040 centers designated in Title 6 of Metro's Urban Growth Management Functional Plan.

(2) Cities and counties making amendments to comprehensive plans or land use regulations to meet requirements as provided in OAR 660-012-0320 must either:

(a) Update the transportation system plan as provided in OAR 660-012-0105 and include a multimodal transportation gap summary as provided in section (3) of this rule, considering the proposed land uses in the climate-friendly area; or

(b) Develop and adopt a multimodal transportation gap summary in coordination with impacted transportation facility providers and transportation service providers as provided in section (3) to meet requirements in OAR 660-012-0320.

(3) A multimodal transportation gap summary must be coordinated between the local jurisdiction, transportation facility providers, and transportation services providers to consider multimodal transportation needs in each climate-friendly area as provided in OAR 660-012-0320 or Region 2040 center. The multimodal transportation gap summary must include:

(a) A summary of the existing multimodal transportation network within the climate-friendly area;

(b) A summary of the gaps in the pedestrian and bicycle networks in the climate-friendly area, including gaps needed to be filled for people with disabilities, based on the summary of the existing multimodal transportation network;

(c) If applicable as provided in section (4), a highway impacts summary as provided in section (5); and

(d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).

(4) A city or county shall include a highway impacts summary in the multimodal transportation gap summary if the designated climate-friendly area as provided in OAR 660-012-0315 or Region 2040 center contains a ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.

(5) A highway impacts summary must identify how the transportation system may be affected by implementation of the climate-friendly area. The highway impacts summary must include:

(a) A summary of the existing and proposed development capacity of the climate-friendly area based on the proposed changes to the comprehensive plan and land use regulations;

(b) A summary of the additional motor vehicle traffic generation that may be expected in the planning period, considering reductions for expected complementary mixed-use development, additional multimodal options, and assuming meeting goals for reductions in vehicle miles traveled per capita; and

(c) A summary of traffic-related deaths and serious injuries within the climate-friendly area in the past five years.

(6) Cities and counties making amendments to adopted land use regulations shall adopt findings including a highway impacts summary as provided in section (5) if:

(a) A city or county is reviewing a plan amendment within one-quarter mile of a ramp terminal intersection, adopted Interchange Area Management Plan area, or adopted ODOT Facility Plan area, or;

(b) The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing traffic on the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.

(7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap summary or a revised highway impacts summary to ODOT and other affected transportation facility or service providers prior to submitting notice as provided in OAR 660-018-0020.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.610-197.625, ORS 197.712 & ORS 197.717
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**660-012-0330**
**Land Use Requirements**

(1) Cities and counties shall implement plans and land use regulations to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use development patterns must support access by people using pedestrian, bicycle, and public transportation networks.

(2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site or class of sites would make those provisions prohibitively costly or impossible to implement. Cities or counties may adopt land use regulations that provide for exemptions as provided in this section. Any allowed exemption shall advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:

(a) Topography or natural features;

(b) Railroads, highways, or other permanent barriers;

(c) Lot or parcel size, orientation, or shape;

(d) Available access;

(e) Existing or nonconforming development;

(f) To provide for accessibility for people with disabilities; or

(g) Other site constraints.

(3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and connected neighborhoods. Land use regulations must meet the following requirements for neighborhood design and access:

(a) Neighborhoods shall be designed with connected networks of streets, paths, accessways, and other facilities to provide circulation within the neighborhood and pedestrian and bicycle system connectivity to adjacent districts. A connected street network is desirable for motor vehicle traffic but may be discontinuous where necessary to limit excessive through-travel, or to protect a safe environment for walking, using mobility devices, and bicycling in the neighborhood.

(b) Neighborhoods shall be designed with direct pedestrian access to key destinations identified in OAR 660-012-0360 via pedestrian facilities.

(c) Cities and counties shall set block length and block perimeter standards at distances that will provide for pedestrian network connectivity. Cities and counties may allow alleys or public pedestrian facilities through a block to be used to meet a block length or perimeter standard.

(d) Cities and counties shall set standards to reduce out-of-direction travel for people using the pedestrian or bicycle networks.

(4) Cities and counties shall have land use regulations in commercial and mixed-use districts that provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or mixed-use site design land use regulations must meet the following requirements:

(a) Primary pedestrian entrances to buildings must be oriented to a public pedestrian facility and be accessible to people with mobility disabilities. An uninterrupted accessway, courtyard, plaza, or other pedestrian-oriented space must be provided between primary pedestrian entrances and the public pedestrian facility, except where the entrance opens directly to the pedestrian facility. All pedestrian entrances must be designed to be barrier-free.

(b) Motor vehicle parking, circulation, access, and loading may be located on site beside or behind buildings. Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public pedestrian facilities. Bicycle parking may be permitted.

(c) On-site accessways must be provided to directly connect key pedestrian entrances to public pedestrian facilities, to any on-site parking, and to adjacent properties, as applicable.

(d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary pedestrian entrances as required in this section. Primary pedestrian entrances for uses open to the public must be open during business hours.

(e) Large sites must be designed with a connected network of public pedestrian facilities to meet the requirements of this section.

(f) Development on sites adjacent to a transit stop or station on a priority transit corridor must be oriented to the transit stop or station. The site design must provide a high level of pedestrian connectivity and amenities adjacent to the stop or station. If there is inadequate space in the existing right of way for transit infrastructure, then the infrastructure must be accommodated on site.

(g) Development standards must be consistent with bicycle parking requirements in OAR 660-012-0630.

(h) These site design land use regulations need not apply to districts with a predominantly industrial or agricultural character.

(5) Cities and counties shall have land use regulations in residential neighborhoods that provide for slow neighborhood streets comfortable for families, efficient and sociable development patterns, and provide for connectivity within the neighborhood and to adjacent districts. Cities and counties must adopt land use regulations to meet these objectives, including but not limited to those related to setbacks, lot size and coverage, building orientation, and access.

(6) Cities and counties shall have land use regulations that ensure auto-oriented land uses are compatible with a community where it is easy to walk or use a mobility device. Auto-oriented land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory to the primary use, including drive-through uses. Land use regulations must meet the following requirements:

(a) Auto-oriented land uses must provide safe and convenient access opportunities for people walking, using a mobility device, or riding a bicycle. Ease of access to goods and services must be equivalent to or better than access for people driving a motor vehicle.

(b) Outside of climate-friendly areas, cities and counties may provide for exemptions to this rule in cases where an auto-oriented land use cannot reasonably meet the standards of this rule. Standards developed in cases of an exemption must protect pedestrian facilities.

(7) Cities and counties with an urban area over 100,000 in population must have reasonable land use regulations that allow for development of low-car districts. These districts must be developed with no-car or low-car streets, where walking or using mobility devices are the primary methods of travel within the district. Cities and counties must make provisions for emergency vehicle access and local freight delivery. Low-car districts must be allowed in locations where residential or mixed-use development is authorized.

(8) Cities and counties must implement land use regulations to protect transportation facilities, corridors, and sites for their identified functions. These regulations must include, but are not limited to:

(a) Access control actions consistent with the function of the transportation facility, including but not limited to driveway spacing, median control, and signal spacing;

(b) Standards to protect future construction and operation of streets, transitways, paths, and other transportation facilities;

(c) Standards to protect public use airports as provided in OAR 660-013-0080;

(d) Processes to make a coordinated review of future land use decisions affecting transportation facilities, corridors, or sites;

(e) Processes to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors, or sites for all transportation modes;

(f) Regulations to provide notice to public agencies providing transportation facilities and services, railroads, Metropolitan Planning Organizations, the Oregon Department of Transportation, and the Oregon Department of Aviation of:

(A) Land use applications that require public hearings;

(B) Subdivision and partition applications;

(C) Other applications that affect private access to roads; and

(D) Other applications within airport noise corridors and imaginary surfaces that affect airport operations.

(g) Regulations ensuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities, and performance standards of facilities identified in the TSP.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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

**660-012-0340**
**Land Use Assumptions**

(1) Future land use assumptions developed under this rule are for the purposes of transportation planning. These land use assumptions are distinct from those used to plan for residential land needs as provided in ORS 197.296.

(2) A city, county, or Metro must develop and adopt future land use assumptions for transportation planning consistent with this rule when preparing a transportation system plan, or zoning a climate-friendly area or Region 2040 center as provided in OAR 660-012-0325.

(3) Future land use assumptions must be developed for future years, including but not limited to the planning horizon year of the transportation system plan, and a common horizon year for all jurisdictions within the metropolitan area.

(4) Future land use assumptions must be consistent with the most recent final population forecast as provided in OAR 660-032-0020 or OAR 660-032-0030, as applicable.

(5) Future land use assumptions for transportation planning must assume existing acknowledged comprehensive plan designations and policies, and existing land use regulations remaining in force throughout the planning period; except where these designations, policies, or regulations are superseded by statute or rule. Future land use assumptions must assume existing acknowledged urban growth boundaries throughout the planning period.

(6) Where applicable, future land use assumptions for transportation planning must allocate growth assumptions for employment and housing within climate-friendly areas as provided in OAR 660-012-0320 before allocating growth to other parts of the city or county.

(7) Future land use assumptions must be developed at a sufficient level of detail to understand where future development is expected.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.296 & ORS 197.712
History:
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**660-012-0350**
**Urban Growth Boundary Expansions**

(1) A city and county must meet the following requirements prior to undertaking an urban growth boundary expansion as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).

(a) The city must have an acknowledged transportation system plan as provided in OAR 660-012-0100. If the county has responsibility for planning in urban unincorporated areas as provided in OAR 660-012-0110, the county must also have an acknowledged transportation system plan for the urban area as provided in OAR 660-012-0100.

(b) The city must have submitted a major report in the past five years as provided in OAR 660-012-0900 and have had that report approved by order as provided in OAR 660-012-0915.

(c) The city and county must have designated climate-friendly areas as provided in OAR 660-012-0315 and must demonstrate compliance with OAR 660-008-0010(2).

(d) The city and county must have adopted land use regulations as provided in OAR 660-012-0330.

(2) A city and county must meet the following requirements as part of the urban growth boundary expansion process as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).

(a) Lands otherwise of the same level of priority category for an urban growth boundary expansion as provided in OAR 660-024-0067 or OAR 660-038-0170 may be prioritized by determining the potential level of access to existing urban pedestrian, bicycle, and transit networks, and the ability of those networks to be extended to the candidate areas for expansion as part of the evaluation of the boundary location factors of Goal 14.

(b) Transportation system planning assumptions developed to make decisions about an urban growth boundary expansion must be consistent with performance targets set under OAR 660-012-0910.

(c) Transportation system planning assumptions developed to make decisions about an urban growth boundary expansion may not assume the construction of any facility required to be reviewed as provided in OAR 660-012-0830 if the proposed facility has not been authorized.

(d) The city and county must determine if the designation of additional lands as part of climate-friendly areas will be required to meet the targets for households within these areas, as provided in OAR 660-012-0310.

(3) Where an urban growth boundary is intended to follow an existing or planned street, road, or highway right-of-way, the boundary shall be placed on the rural side of the right-of-way or planned right-of-way, so that the right-of-way is inside the urban growth boundary.

(4) Cities and counties with areas added to an urban growth boundary after August 17, 2022, where the requirements of OAR 660-012-0060 are not applied at the time of urban growth boundary amendment as provided in OAR 660-024-0020 or OAR 660-038-0020, must update the land use assumptions as provided in OAR 660-012-0340 prior to an update of the transportation system plan as provided in OAR 660-012-0105.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712 & ORS 197.798
History:

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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0360**
**Key Destinations**

(1) Cities and counties shall use best available data to identify key destinations for purposes of coordinated land use and transportation planning. Key destinations are destinations described in this rule, as well as other destinations determined locally that are expected to attract a higher than average rate of pedestrian, bicycle, or transit trips.

(2) Key destinations may include, but are not limited to:

(a) Climate-friendly areas;

(b) Pedestrian-oriented commercial areas outside of climate-friendly areas;

(c) Transit stations, stops, and terminals;

(d) Retail and service establishments, including grocery stores;

(e) Child care facilities, schools, and colleges;

(f) Parks, recreation centers, paths, trails, and open spaces;

(g) Farmers markets;

(h) Libraries, government offices, community centers, arts facilities, post offices, social service centers, and other civic destinations;

(i) Medical or dental clinics and hospitals;

(j) Major employers;

(k) Gyms and health clubs;

(l) Major sports or performance venues; and

(m) Other key destinations determined locally.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

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**660-012-0400**
**Parking Management**

(1) OAR 660-012-0400 through OAR 660-012-0450 apply to:

(a) Cities within metropolitan areas; and

(b) 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.

(2) Cities and counties shall adopt comprehensive plans and land use regulations that implement provisions of OAR 660-012-0405 through OAR 660-012-0415.

(3) Cities and counties shall remove parking mandates as directed under OAR 660-012-0420. In lieu of removing parking mandates, cities and counties may amend their comprehensive plans and land use regulations to implement the provisions of OAR 660-012-0425, OAR 660-012-0430, OAR 660-012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR 660-012-0450.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0405**
**Parking Regulation Improvements**

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and

(c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

(2) Cities and counties shall adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-quarter acre of surface parking on a lot or parcel as provided below:

(a) Developments must provide one of the following:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space on the property. Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay $1,500 per parking space in the development 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;

(B) Actions to comply with OAR 330-135-0010; or

(C) Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting.

(b) Developments must provide street trees along driveways but are not required to provide them along drive aisles; and

(c) Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.

(e) In providing trees under subsections (a), (b) and (c), the following standards shall be met. The tree spacing and species planted must be designed to maintain a continuous canopy. Local codes must provide clear and objective standards to achieve such a canopy. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0410**
**Electric Vehicle Charging**

(1) This rule applies to cities within a metropolitan area.

(2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code adopted pursuant to ORS 455.417.

(3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to accommodate 40 percent of all vehicle parking spaces.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712 & ORS 455.417
History:
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**660-012-0415**
**Parking Maximums and Evaluation in More Populous Communities**

(1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the urban growth boundary, and cities with populations over 25,000 within the Portland Metropolitan Area, shall set parking maximums in climate-friendly areas and in regional centers and town centers, designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map. Those cities and counties shall also set parking maximums on lots or parcels within the transit corridors and rail stop areas listed in OAR 660-012-0440.

(a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit and two off-street parking spaces per non-studio residential unit in a multi-unit development in climate-friendly areas and within one-half mile walking distance of priority transit corridors. These maximums shall include visitor parking;

(b) Parking maximums shall be no higher than five spaces per 1,000 square feet of floor space for all commercial and retail uses other than automobile sales and repair, eating and drinking establishments, and entertainment and commercial recreation uses;

(c) For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area than the floor area of the building;

(d) In setting parking maximums, cities and counties shall consider setting maximums equal to or less than 150 percent of parking mandates in their adopted land use regulations in effect as of January 1, 2020. A city or county that sets a higher parking maximum must adopt findings for doing so. In no case shall the city or county exceed the limits in subsections (a) through (c) in climate-friendly areas and for developments on parcels or lots within one-half mile of transit corridors and three-quarters mile of rail transit stops listed in OAR 660-012-0440; and

(e) Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures may be exempted from the calculations in this section.

(2) Cities with populations over 200,000 shall, in addition to the requirements in section (1) of this rule:

(a) Study the use of priced on-street timed parking spaces in those areas subject to OAR 660-012-0435 or 660-012-0440. This study shall be conducted every three years or more frequently. Cities shall adjust prices to ensure availability of on-street parking spaces at all hours. This shall include all spaces in the city paid by minutes, hours, or day but need not include spaces where a longer-term paid residential permit is required;

(b) Use time limits or pricing to manage on-street parking spaces in an area at least one year before authorizing any new structured parking on city-owned land including more than 100 spaces in that area after March 31, 2023;

(c) Adopt procedures ensuring prior to approval of construction of additional structured parking projects of more than 300 parking spaces designed to serve existing uses, developer of that parking structure must implement transportation demand management strategies for a period of at least six months designed to shift at least 10 percent of existing vehicle trips ending within one-quarter mile of the proposed parking structure to other modes; and

(d) Adopt design requirements requiring applicants to demonstrate that the ground floor of new private and public structured parking that fronts a public street and includes more than 100 parking spaces would be convertible to other uses in the future, other than driveways needed to access the garage.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:

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**660-012-0420**
**Exemption for Communities without Parking Mandates**

(1) Cities and counties that adopt land use regulations that do not include parking mandates are exempt from OAR 660-012-0425 through OAR 660-012-0450.

(2) Cities and counties that retain land use regulations with parking mandates shall conform with OAR 660-012-0425 through OAR 660-012-0450.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0425**
**Reducing the Burden of Parking Mandates**

(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 shall adopt and enforce land use regulations as provided in this section:

(a) Garages and carports may not be required for residential developments;

(b) Garage parking spaces shall count towards off-street parking mandates;

(c) Provision of shared parking shall be allowed to meet parking mandates;

(d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a site. If any parking is provided on site, required parking for parking for people with disabilities shall be on site. If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance;

(e) Parking mandates shall be reduced by one off-street parking space for each three kilowatts of capacity in solar panels or wind power that will be provided in a development;

(f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates;

(g) Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates; and

(h) Parking mandates shall be reduced by one off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.

(3) Any reductions under section (2) shall be cumulative and not capped.

(4) Cities and counties shall require the parking for multi-family residential units in the areas in OAR 660-012-0440 be unbundled parking.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0430**
**Reduction of Parking Mandates for Development Types**

(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 require parking for the following 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;

(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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 329A.250, ORS 443.400 & ORS 456.250
History:
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**660-012-0435**
**Parking Reform in Climate Friendly Areas**

(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 shall adopt land use regulations addressing parking mandates in climate-friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land use regulations addressing parking mandates in regional centers and town centers designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map. In each such area, cities and counties shall either:

(a) Remove all parking mandates within the area and on parcels in its jurisdiction that include land within one-quarter mile distance of those areas; or

(b) Manage parking by:

(A) Adopting a parking benefit district with paid on-street parking and some revenues dedicated to public improvements in the area;

(B) Adopting land use amendments to require no more than one-half off-street parking space per dwelling unit in the area; and

(C) Adopting land use regulations without parking mandates for commercial developments.

(3) Cities and counties that opt to retain parking mandates under OAR 660-012-0400 shall require the parking for multi-family residential units in the areas listed in section (2) be unbundled parking.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0440**
**Parking Reform Near Transit Corridors**

(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 parking spaces 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 bus service arriving with a scheduled frequency of at least four times an hour during peak service; and

(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.

(4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0445**
**Parking Management Alternative Approaches**

(1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420, cities and counties shall select and implement either a fair parking policy approach as provided in subsection (a) or a reduced regulation parking management approach as provided in subsection (b).

(a) A fair parking policy approach shall include at least three of the following five provisions:

(A) A requirement that parking spaces for each residential unit in developments that include five or more leased or sold residential units on a lot or parcel be unbundled parking. Cities and counties may exempt townhouse and rowhouse development from this requirement;

(B) A requirement that parking spaces serving leased commercial developments be unbundled parking;

(C) A requirement for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of $50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking;

(D) A tax on the revenue from commercial parking lots collecting no less than 10 percent of income, with revenues dedicated to improving transportation alternatives to drive-alone travel; and

(E) A reduction of parking mandates for new multifamily residential development to no higher than one-half spaces per unit, including visitor parking.

(b) A reduced regulation parking management approach shall include all of the following:

(A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;

(B) A repeal of parking mandates for transit-oriented development and mixed-use development;

(C) A repeal of parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;

(D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in residential developments of five or more units on a lot or parcel;

(E) A repeal of parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years. Cities and counties may require registration of a building as vacant two years prior to the waiving of parking mandates;

(F) A repeal of requirements to provide additional parking for change of use or redevelopment;

(G) A repeal of parking mandates for expansion of existing businesses by less than 30 percent of a building footprint;

(H) A repeal of parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or on a local inventory of historic resources or buildings;

(I) A repeal of parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space;

(J) A repeal of parking mandates for developments built under the Oregon Residential Reach Code;

(K) A repeal of parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;

(L) A repeal of parking mandates for schools;

(M) A repeal of parking mandates for bars and taverns;

(N) Setting parking maximums consistent with OAR 660-012-0415(1), notwithstanding populations listed in that section; and

(O) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through permits, payments, or time limits.

(2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:

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**660-012-0450**
**Parking Management in More Populous Communities**

(1) Cities with populations over 100,000 shall either:

(a) Adopt land use regulations without parking mandates; or

(b) Price at least 10 percent of on-street parking spaces, and report the percentage of on-street parking spaces that are priced as provided in OAR 660-012-0900. Residential parking permits priced at lower than $15 per month, 50 cents per day per space, or equivalent amounts do not count towards this total.

(2) Cities may change their selection made between subsections (1)(a) or (b) at any time.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0500**
**Pedestrian System Planning**

(1) Transportation system plans must include a pedestrian system element that meets the requirements of this rule. For the purposes of this division, the pedestrian system is intended to serve people walking and those using mobility devices or other devices that operate at a similar speed and scale as people walking. The pedestrian system is intended to serve most short trips under one mile in cities.

(2) A pedestrian system element must include the following elements:

(a) The complete pedestrian system as described in section (3) of this rule that includes the full buildout of the pedestrian system within the urban growth boundary;

(b) Identification of gaps and deficiencies in the pedestrian system as described in section (4);

(c) Locations of key pedestrian destinations identified as provided in OAR 660-012-0360; and

(d) A list of prioritized pedestrian system projects developed as provided in OAR 660-012-0520.

(3) The complete pedestrian system is the full buildout of a complete pedestrian system within the planning area. A city or county determines the complete pedestrian system plan by:

(a) Using the pedestrian system inventory developed under OAR 660-012-0505 as a base;

(b) Adding the minimum pedestrian facilities to places that do not presently meet the minimum pedestrian system requirements in OAR 660-012-0510; and

(c) Adding enhanced facilities above the minimum pedestrian system requirements where the city or county finds that enhanced facilities are necessary or desirable to meet the goals of the jurisdiction's comprehensive plan.

(4) Cities and counties shall identify gaps and deficiencies in the pedestrian system by comparing the complete pedestrian system plan with the pedestrian system inventory developed under OAR 660-012-0505. Cities or counties must include any part of the complete pedestrian system not presently built to the standard in the complete pedestrian system plan as a gap or deficiency.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0505**
**Pedestrian System Inventory**

(1) Pedestrian system inventories must include information on pedestrian facilities and street crossings for all areas within climate-friendly areas, within Metro Region 2040 centers, within one-quarter mile of all schools, and along all arterials and collectors. Pedestrian system inventories should include information on pedestrian facilities and street crossings for all areas within the planning area.

(a) Inventories of pedestrian facilities must include information on width and condition.

(b) Inventories of street crossings must include crossing distances, the type of crossing, closed crossings, curb ramps, and distance between crossings.

(2) Pedestrian system inventories must include the crash risk factors of inventoried pedestrian facilities, including but not limited to speed, volume, and roadway width. Pedestrian system inventories must also include the location of all reported injuries and deaths of people walking or using a mobility device. This must include all reported incidents from the most recent five years of available data prior to the year of adoption of the pedestrian system inventory.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0510**
**Pedestrian System Requirements**

(1) This rule describes the minimum planned pedestrian facilities that must be included in plans. Cities and counties may choose to exceed the requirements in this rule.

(2) Pedestrian facility owners must design, build, and maintain pedestrian facilities to allow comfortable travel for all people, including people with disabilities.

(3) All streets and highways, other than expressways, shall have pedestrian facilities, as provided in ORS 366.514.

(a) Pedestrian facilities must be planned for both sides of each street.

(b) Cities shall plan for enhanced pedestrian facilities such as wide, protected sidewalks and pedestrian zones, such as plazas, in the following contexts:

(A) Along high volume or high-speed streets;

(B) In climate-friendly areas and Metro Region 2040 centers;

(C) In areas with concentrations of underserved populations.

(c) A substantial portion of the right-of-way in climate-friendly areas and Metro Region 2040 centers must be dedicated to pedestrian uses, including but not limited to sidewalks, pedestrian plazas, and protective buffers.

(d) Cities shall plan for enhanced tree canopy and other infrastructure that uses natural and living materials in pedestrian spaces in climate-friendly areas, Metro Region 2040 centers, and areas with concentrations of underserved populations.

(4) Off-street multi-use paths must be designed to permit comfortable joint or separated use for people walking, using mobility devices, and cycling. Separated areas for higher speeds and low speeds shall be provided when there is high anticipated use of the path.

(5) Enhanced crossings are pedestrian facilities to cross streets or highways that provide a high level of safety and priority to people crossing the street. Enhanced crossings must have

adequate nighttime illumination to see pedestrians from all vehicular approaches. Enhanced crossings must be provided, at minimum, in the following locations:

(a) Closely spaced along arterial streets in climate-friendly areas and Metro Region 2040 centers;

(b) Near transit stops on local access priority arterial segments, or collector streets in a climate-friendly area or Metro Region 2040 center, or on a priority transit corridor;

(c) At off-street path crossings; and

(d) In areas with concentrations of underserved populations.

(6) Cities may take exemptions to the requirements in this rule through findings in the transportation system plan, for each location where an exemption is desired, for the following reasons:

(a) A city may plan for a pedestrian facility on one side of local streets in locations where topography or other barriers would make it difficult to build a pedestrian facility on the other side of the street, or where existing and planned land uses make it unnecessary to provide pedestrian access to the other side of the street. Street crossings must be provided near each end of sections where there is a pedestrian facility on only one side of the street.

(b) A city or county may plan for no dedicated pedestrian facilities on very slow speed local streets that are sufficiently narrow, and carry little or no vehicular traffic, so that pedestrians are the primary users of the street.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712 & ORS 366.514
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0520**
**Pedestrian System Projects**

(1) Cities and counties shall develop a list of pedestrian system projects that would address all the gaps and deficiencies in the pedestrian system identified by the city under OAR 660-012-0500(4).

(2) Cities and counties shall develop pedestrian project prioritization factors that are able to sort the list of pedestrian system projects into a prioritized list of pedestrian system projects. Cities must develop pedestrian project prioritization factors by engaging underserved populations as provided in OAR 660-012-0130.

(3) Cities and counties shall use the following factors when prioritizing pedestrian system projects:

(a) Pedestrian system investments in climate-friendly areas and Metro Region 2040 centers;

(b) Pedestrian system investments in areas with concentrations of underserved populations;

(c) Pedestrian system investments in areas with pedestrian safety risk factors such as roadways with high speeds and high traffic volumes;

(d) Pedestrian system investments in areas with reported crashes involving pedestrian serious injuries and deaths;

(e) Pedestrian system investments that provide access to key pedestrian destinations identified as provided in OAR 660-012-0360;

(f) Pedestrian system investments that will connect to, fill gaps in, and expand the existing pedestrian network;

(g) Pedestrian system investments that prioritize pedestrian travel consistent with the prioritization factors in OAR 660-012-0155; and

(h) Where applicable, pedestrian system investments that implement a scenario plan approved by order as provided in OAR 660-044-0120.

(4) The transportation system plan must include a description of the prioritization factors and method of prioritizing pedestrian projects used to develop the prioritized list of pedestrian system projects.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0600**
**Bicycle System Planning**

(1) Transportation system plans must include a bicycle system element that meets the requirements of this rule. The bicycle system must be designed to provide safe and comfortable routes for a range of users and abilities. For the purposes of this division, the bicycle system is intended to serve people riding bicycles and other vehicles that operate at a similar speed and

scale to people riding bicycles. These vehicles include, but are not limited to: electric bicycles, kick-style and electric scooters, and skateboards; and do not include motorcycles.

(2) A bicycle system element must include the following elements:

(a) The complete bicycle system as described in section (3) that includes the full buildout of the bicycle system within the urban growth boundary;

(b) Identification of gaps and deficiencies in the bicycle system as described in section (4);

(c) Locations of key bicycle destinations identified as provided in OAR 660-012-0360; and

(d) A list of prioritized bicycle system projects developed as provided in OAR 660-012-0620.

(3) The complete bicycle system is the full buildout of a complete bicycle system within the planning area. A city or county determines the complete bicycle system plan by:

(a) Using the bicycle system inventory developed under OAR 660-012-0605 as a base;

(b) Adding the minimum bicycle facilities to places that do not presently meet the minimum bicycle system requirements in OAR 660-012-0610; and

(c) Adding enhanced facilities above the minimum bicycle system requirements where the city or county finds that enhanced facilities are necessary or desirable to meet the goals of the jurisdiction's comprehensive plan.

(4) Cities and counties shall identify gaps and deficiencies in the bicycle system by comparing the complete bicycle system with the bicycle system inventory developed under OAR 660-012-0605. Cities must include any part of the complete bicycle system not presently built to the standard in the complete bicycle plan as a gap or deficiency.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0605**
**Bicycle System Inventory**

(1) Bicycle system inventories must include information on bicycle lanes, bicycle routes, accessways, paths, and other types of bicycle facilities, including pedestrian facilities that may be used by bicycles. Inventories must include information on width, type, and condition.

(2) Bicycle system inventories must include information on bicycle facilities of all types within climate-friendly areas, within Metro Region 2040 centers, within one-quarter mile of all schools, on bicycle boulevards, and along all arterials and collectors. Bicycle system inventories should include information on bicycle facilities and street crossings for all areas within the planning area.

(3) Bicycle system inventories must include the crash risk factors of inventoried bicycle facilities, including but not limited to speed, volume, separation, and roadway width. Bicycle system inventories must also include the location of all reported injuries and deaths of people on bicycles. This must include all reported incidents from the most recent five years of available data prior to the year of adoption of the bicycle system inventory.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0610**
**Bicycle System Requirements**

(1) This rule describes the minimum planned bicycle facilities that must be included in plans. Cities or counties may choose to exceed the requirements in this rule.

(2) Cities and counties shall plan for a connected network of bicycle facilities that provides a safe, low stress, direct, and comfortable experience for people of all ages and abilities. All ages and abilities includes:

(a) School-age children;

(b) People over 65 years of age;

(c) Women;

(d) People of color;

(e) Low-income riders;

(f) People with disabilities;

(g) People moving goods, cargo, or other people; and

(h) People using shared mobility services.

(3) A connected network is comprised of both the ability to access key destinations within a community and enough coverage of safe and comfortable facilities to ensure most people within the community can travel by bicycle.

(a) Cities and counties must design the connected network to connect to key destinations identified as provided in OAR 660-012-0360, and to and within each climate-friendly area or Metro Region 2040 center.

(b) Cities and counties must design the connected network to permit most residents of the planning area to access the connected network with an emphasis on mitigating uncomfortable or unsafe facilities or crossings.

(c) The connected network shall consist of connected bicycle facilities including, but not limited to, separated and protected bicycle facilities, bicycle boulevards, and multi-use or bicycle paths. The connected network must include a series of interconnected bicycle facilities and provide direct routes to key destinations. Cities and counties must design comfortable and convenient crossings of streets with high volumes of traffic or high-speed traffic.

(4) Cities and counties shall plan and design bicycle facilities considering the context of adjacent motor vehicle facilities and land uses.

(a) Cities and counties must design bicycle facilities with higher levels of separation or protection along streets that have higher volumes or speeds of traffic.

(b) Cities and counties must plan for separated or protected bicycle facilities on streets in climate-friendly areas, Metro Region 2040 centers, and other places with a concentration of destinations. Separated or protected bicycle facilities may not be necessary on streets with very low levels of motor vehicle traffic or where a high-quality parallel bicycle facility on the connected network exists within one block.

(c) Cities and counties must identify locations with existing bicycle facilities along high traffic or high-speed streets where the existing facility is not protected or separated, or parallel facilities do not exist. Cities and counties must plan for a transition to appropriate facilities in these locations.

(5) Cities and counties shall adopt standards for bicycle system planning and facilities that will result in a safe, low stress, and comfortable experience for people of all ages and abilities. In adopting standards, cities and counties may use one or more of the following:

(a) The Urban Bikeway Design Guide, second edition, published by the National Association of City Transportation Officials;

(b) Designing for All Ages & Abilities, December 2017, published by the National Association of City Transportation Officials; and

(c) For state facilities, The Blueprint for Urban Design, 2019, published by the Oregon Department of Transportation.

(6) Cities and counties shall use the transportation prioritization framework in OAR 660-012-0155 when making decisions about bicycle facilities.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0620**
**Bicycle System Projects**

(1) Cities and counties shall develop a list of bicycle system projects that would address all the gaps and deficiencies in the bicycle system identified by the city under OAR 660-012-0600(4).

(2) Cities and counties shall develop bicycle project prioritization factors that are able to sort the list of bicycle system projects into a prioritized list of bicycle system projects. Cities must develop bicycle project prioritization factors by engaging underserved populations as provided in OAR 660-012-0130.

(3) Cities and counties shall use the following factors when prioritizing bicycle system projects:

(a) Bicycle system investments in climate-friendly areas and Metro Region 2040 centers;

(b) Bicycle system investments in areas with concentrations of underserved populations;

(c) Bicycle system investments in areas with safety risk factors such as roadways with high speeds and high traffic volumes;

(d) Bicycle system investments in areas with reported crashes involving serious injuries and deaths to people riding bicycles;

(e) Bicycle system investments that provide access to key bicycle destinations identified as provided in OAR 660-012-0360;

(f) Bicycle system investments system investments that will connect to, fill gaps in, and expand the existing bicycle system network;

(g) Bicycle system investments that prioritize bicycle travel consistent with the prioritization factors in OAR 660-012-0155; and

(h) Where applicable, bicycle system investments that implement a scenario plan approved by order as provided in OAR 660-044-0120.

(4) The transportation system plan must include a description of the prioritization factors and method of prioritizing bicycle projects used to develop the prioritized list of bicycle system projects.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0630**
**Bicycle Parking**

(1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle and other small-scale mobility devices.

(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily development or mixed-use development of four residential units or more, and new office and institutional developments. Such bicycle parking must include at least one bicycle parking space for each residential unit.

(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be located within a short distance from the main retail entrance.

(4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride lots.

(5) Cities and counties shall require bicycle parking in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

(6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

(7) Cities and counties shall require bicycle parking for any land use where off-street motor vehicle parking is mandated. The minimum number of bicycle parking spaces shall be no less than the greater of:

(a) Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7, rounded to the next highest whole number; or

(b) As otherwise provided in this rule.

(8) Cities and counties shall ensure that all bicycle parking provided must:

(a) Allow ways to secure at least two points on a bicycle;

(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions;

(c) Be in a location that is convenient and well-lit; and

(d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0700**
**Public Transportation System Planning**

(1) Transportation system plans must include a public transportation system element that meets the requirements of this rule. Cities and counties must work in close cooperation with transit service providers in order to complete the public transportation system element of the transportation system plan.

(a) Cities and counties shall coordinate with public transportation service providers to develop the public transportation system plan element.

(b) The public transportation system plan element must include elements of the public transportation system that are in the control of the city, county, and coordinating transportation facility owners.

(c) The public transportation system plan element must identify elements of the public transportation system that the city or county will work with transit service providers to realize or improve, including transit priority corridors, transit supportive infrastructure, and stop amenities.

(d) Cities and counties must align the public transportation system plan transit element with Transit Development Plans, goals, and other strategic planning documents developed by a transit service provider.

(e) Transportation system plans do not control public transportation elements exclusively controlled by transit service providers. These include funding or details of transit service provision, including timetables and routing.

(2) A public transportation system element must include the following elements:

(a) The complete public transportation system as described in section (3) that includes the full buildout and provision of services of the public transportation system within the urban growth boundary;

(b) Identification of gaps and deficiencies in the public transportation system as described in section (4);

(c) Locations of key public transportation destinations identified as provided in OAR 660-012-0360; and

(d) A list of prioritized public transportation system projects developed as provided in OAR 660-012-0720.

(3) The complete public transportation system is the full buildout of a complete public transportation system within the planning area. The city or county determines the complete public transportation system plan by:

(a) Using the public transportation system inventory developed under OAR 660-012-0705 as a base; and

(b) Adding the minimum public transportation services and facilities to places that do not presently meet the minimum public transportation system requirements in OAR 660-012-0710.

(4) Cities and counties shall identify gaps and deficiencies in the public transportation system by comparing the complete public transportation system with the public transportation system inventory developed under OAR 660-012-0705. Cities and counties must include any part of the complete public transportation system not presently built or operated to the standards in the complete public transportation system plan as a gap or deficiency. Cities and counties must identify gaps in the transit supportive facilities provided on priority transit corridors and other transit corridors identified as provided in OAR 660-012-0710. Transit supportive facilities include, but are not limited to:

(a) Stations, hubs, stops, shelters, signs, and ancillary features; and

(b) Transit priority infrastructure, including signals, queue jumps, and semi-exclusive or exclusive bus lanes or transitways.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
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**660-012-0705**
**Public Transportation System Inventory**

(1) The public transportation system inventory must include information on local and intercity transit services, including the location of routes, major stations, transit stops, transitways, transit lanes, transit priority signals, queue jumps, on-route charging, and other transit supportive facilities not otherwise inventoried. The inventory must document which services and facilities are accessible for people with disabilities based on the requirements in the Americans with Disabilities Act, or locally adopted higher standards.

(2) The public transportation system inventory must include the identification of existing service characteristics, including frequency and span of service for all services along identified transit priority corridors, serving key destinations, and serving major transit stations.

(3) Where local or intercity transit services travel outside of the planning area to other cities, the public transportation system inventory must include the identification of routes connecting to the next nearest cities with a population exceeding 9,000, as well as key destinations and major stations these routes serve.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0710**
**Public Transportation System Requirements**

(1) Cities and counties shall plan for a connected local transit network that serves key destinations identified as provided in OAR 660-012-0360, and can be accessed by housing and jobs within the planning area. Cities must identify transit corridors, including:

(a) Priority transit corridors, which are transit corridors that are planned for the highest levels of regional transit service providing for a wide range of mobility needs; and

(b) Other transit corridors, which are planned to carry at least a moderate level of transit service providing for basic mobility needs.

(2) Cities and counties shall plan for a range of transit supportive facilities along priority transit corridors and in other locations where transit priority is desired. Cities and counties shall:

(a) Coordinate with transit service providers to determine transit priority infrastructure needed on priority transit routes for efficient transit service;

(b) Prioritize expedited access for transit vehicles to and from major stops, stations, and terminals; and

(c) Consider intercity transit access to stations or terminals.

(3) Cities and counties shall plan for safe and accessible transit stops and stations.

(a) Along priority transit corridors and other locations where transit priority is desired, cities and counties shall coordinate with transit service providers on the construction of transit supportive facilities. Cities and counties shall allow transit service providers to construct amenities at stops outright, with limited permitting requirements. These amenities include but are not limited to: pedestrian facility repair and extension, signage, lighting, benches, and shelters.

(b) Cities and counties shall limit on-street parking at transit stop locations at the request of a transit service provider.

(4) Cities and counties shall coordinate with transit service providers to identify needs for intercity transit services at a level appropriate to the size of the urban area and the size and distance of intercity markets.

(5) Cities and counties shall coordinate with transit service providers to identify gaps in transit service provided in the transportation system plan, and gaps for each priority transit corridor and other transit corridors.

(6) Cities and counties with an urban area of less than 10,000 population need not plan for priority transit corridors.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0720**
**Public Transportation System Projects**

(1) Cities and counties shall develop a list of public transportation projects that would address all the gaps and deficiencies in the public transportation system identified by the city under OAR 660-012-0700(4).

(2) Cities and counties shall coordinate with transit service providers to identify the gaps in transit service provided in the transportation system plan and those identified in a land use and transportation scenario plan as provided in OAR 660-044-0110 or in the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission, including the gap in transit miles per capita, and gaps for each priority transit corridor and other transit corridors. The purpose of identifying these gaps is to illustrate the need for transit service operating funds for services operated within the planning area. The transportation system plan need not make provisions for funding operations of transit services directly.

(3) Cities and counties shall develop public transportation system project prioritization factors that are able to sort the list of public transportation system projects into a prioritized list of public transportation system projects. Cities must develop public transportation project prioritization factors by engaging underserved populations as provided in OAR 660-012-0130.

(4) Cities and counties shall use the following factors when prioritizing public transportation system projects:

(a) Public transportation system investments in climate-friendly areas and Metro Region 2040 centers;

(b) Public transportation system investments in areas with concentrations of underserved populations, particularly in areas with concentrations of people dependent on public transportation;

(c) Public transportation system investments that provide access to key public transportation destinations identified as provided in OAR 660-012-0360;

(d) Public transportation system investments that will connect to, fill gaps in, and expand the existing public transportation network;

(e) Public transportation system investments that prioritize transit travel consistent with the prioritization factors in OAR 660-012-0155; and

(f) Where applicable, public transportation system investments that implement a scenario plan approved by order as provided in OAR 660-044-0120.

(5) The transportation system plan must include a description of the prioritization factors and method of prioritizing public transportation projects used to develop the prioritized list of public transportation projects.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0800**
**Street and Highway System Planning**

(1) Transportation system plans must include a street and highway system element that meet the requirements of this rule.

(2) A street and highway system element must include the following elements:

(a) The complete street and highway system as described in section (3) that includes the full buildout of the street and highway system within the urban growth boundary.

(b) Identification of gaps or deficiencies in the street and highway system as described in section (4);

(c) Locations of key destinations identified as provided in OAR 660-012-0360; and

(d) A list of prioritized street and highway system projects developed as provided in OAR 660-012-0820.

(3) The complete street and highway system is the full buildout of a complete street and highway system within the planning area. A city determines the ultimate street and highway system plan by:

(a) Using the street and highway system inventory developed under OAR 660-012-0805 as a base;

(b) Adding the minimum street and highway facilities to places that do not presently meet the minimum street and highway system requirements in OAR 660-012-0810; and

(c) Accommodating the reallocation of right of way on facilities where this is deemed necessary as provided in this division.

(4) Cities and counties shall identify gaps and deficiencies in the street and highway system by comparing the complete street and highway system with the street and highway system

inventory developed under OAR 660-012-0805. Cities must include any part of the complete street and highway system not presently built to the standard in the ultimate street and highway plan as a gap or deficiency.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0805**
**Street and Highway System Inventory**

(1) Street and highway system inventories must include information on all streets and highways, including the functional classification of each facility.

(a) For local streets, inventories must include location.

(b) For collector streets, inventories must include location, condition, and number of general-purpose travel lanes, and turn lanes.

(c) For arterial streets, inventories must include location, condition, and number of general-purpose travel lanes, turn lanes, and lane width.

(d) For expressways and other limited-access highways, inventories must include location, condition, number of general-purpose travel lanes, and lane width. Inventories must also include locations and type of interchanges.

(2) Street and highway system inventories must include the location of all reported serious injuries and deaths of people related to vehicular crashes. This must include all reported incidents from the most recent five years of available data prior to the year of adoption of the street and highway system inventory.

(3) Street and highway system inventories must include an overview of pricing strategies in use, including specific facility pricing, area or cordon pricing, and parking pricing. Inventories must include pricing mechanisms and rates.

(4) Street and highway system inventories must include the location of designated freight routes, and the location of all key freight terminals within the planning area, including intermodal terminals.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012 & ORS 197.712
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**660-012-0810**
**Street and Highway System Requirements**

(1) Cities and counties shall plan, design, build, and maintain a connected streets and highway network in a manner that respects the prioritization factors in OAR 660-012-0155.

(a) Cities and counties shall plan streets and highways for the minimum size necessary for the identified function, land use context, and expected users of the facility.

(b) Cities and counties shall consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, increase safety, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, provide for utility placement, and support connected and safe pedestrian and bicycle networks.

(c) Cities and counties shall plan for an equitable allocation of right-of-way consistent with the prioritization factors as provided in OAR 660-012-0155. Streets in climate-friendly areas, Metro Region 2040 centers, and along priority transit corridors must be designed to prioritize pedestrian, bicycle, and transit systems, as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.

(2) Cities and counties shall plan local streets to provide local access to property and localized circulation within neighborhoods.

(a) Cities and counties shall plan and design local streets for low and safe travel speeds compatible with shared pedestrian and bicycle use.

(b) Cities and counties shall establish standards for local streets with pavement width and right-of-way width as narrow as practical to meet needs, reduce the cost of construction, efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve safety, and accommodate convenient pedestrian and bicycle circulation. Local street standards adopted by a city or county must be developed as provided in ORS 368.039. A local street standard where the paved width is no more than 28 feet on streets where on-street parking is permitted on both sides of the street shall be considered adequate to meet this requirement. Wider standards may be adopted if the local government makes findings that the wider standard is necessary.

(c) Cities and counties shall plan and design a complete and connected network of local streets. Cities and counties may plan for chicanes, diverters, or other strategies or devices in local street networks where needed to prevent excessive speed or through travel. These measures must continue to provide for connected and pedestrian and bicycle networks.

(d) Cities and counties shall avoid planning or designing local streets with a dead end. Dead end local streets may be permitted in locations with topographic or other barriers, or where the street is planned to continue to a connected network in the future.

(e) Cities and counties shall plan for multimodal travel on local streets as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710. Cities and counties must plan local streets in climate-friendly areas and Metro Region 2040 centers to prioritize pedestrian and bicycle systems, and be limited to local access for motor vehicles.

(f) A city or county may plan for local streets to be wider than otherwise allowed in this rule when used exclusively for access to industrial or commercial properties outside of climate-friendly areas or Metro Region 2040 centers, and where plans do not allow residential or mixed-use development.

(g) Transportation system plans need not include the specific location of all planned local streets but must describe areas where they will be necessary.

(3) Cities and counties shall plan collector streets to provide access to property and collect and distribute traffic between local streets and arterials. Cities and counties must plan and design a collector street network that is complete and connected with local streets and arterials.

(a) Cities and counties must plan for multimodal travel on collector streets as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.

(b) Cities and counties must plan collectors in climate-friendly areas and Metro Region 2040 centers to prioritize pedestrian, bicycle, and public transportation systems.

(4) Cities and counties shall plan arterial streets and highways to provide travel between neighborhoods and across urban areas. Cities and counties must plan an arterial street network that is complete and connected with local streets and collectors.

(a) Cities and counties shall designate each segment of an arterial as one of the three categories below in the transportation system plan. These designations must be made considering the intended function, the land use context, and the expected users of the facility. Cities and counties must address these considerations to ensure local plans include different street standards for each category of arterial segment.

(A) Cities and counties shall plan for local access priority arterial segments to prioritize access to property and connected streets when balancing needs on the facility. Local access priority arterial segments will generally allow for more access locations from property, more opportunities to make turns, more frequent intersections with other streets, and slower speeds.

(B) Cities and counties shall plan for through movement priority arterial segments to prioritize through movement of traffic when balancing needs on the facility. Through movement priority arterial segments will generally prioritize access limited to intersections with the street network, limited access to individual properties, and safe speeds.

(C) Cities and counties shall plan for arterial segments in a climate-friendly area to prioritize multimodal travel as provided in subsection (b). This includes prioritizing complete, connected, and safe pedestrian, bicycle, and public transportation facilities.

(b) Cities and counties shall plan for multimodal travel on or along arterial streets as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.

(A) Cities and counties shall plan arterials in climate-friendly areas to prioritize pedestrian, bicycle, and public transportation systems.

(B) Cities and counties shall plan arterials along transit priority corridors to prioritize transit service reliability and frequency over general-purpose traffic.

(5) Cities and counties shall carefully consider new or expanded freeways considering goals for reductions in vehicle miles traveled per capita.

(a) Cities and counties shall consider high-occupancy vehicle lanes, including transit lanes, and managed priced lanes on freeways.

(b) Pedestrian and bicycle facilities should be parallel to freeways, rather than on them. Transit facilities on or along freeways must be designed for direct transit vehicle access.

(6) Notwithstanding other provisions of this rule, where appropriate, cities and counties shall plan and design streets and highways to accommodate:

(a) Transit vehicles on a segment of a priority transit corridor or transit corridor without dedicated transit lanes or transitway.

(b) Freight travel on designated freight routes and key freight terminals inventoried as provided in OAR 660-012-0805.

(c) Agricultural equipment on streets or highways connecting to agriculturally zoned land used for agricultural purposes where equipment access is necessary.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712 & ORS 368.039
History:
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

**660-012-0820**
**Street and Highway Projects**

(1) Cities and counties shall develop a list of street and highway system projects that would address the gaps and deficiencies in the street and highway system.

(2) Cities and counties shall develop street and highway project prioritization factors that are able to sort the list of street and highway system projects into a prioritized list of street and highway system projects. Cities must develop street and highway project prioritization factors by engaging underserved populations as provided in OAR 660-012-0130.

(3) Cities and counties shall use the following factors when prioritizing street and highway system projects:

(a) Street and highway investments that reallocate right-of-way from facilities dedicated to moving motor vehicles to those for use by the pedestrian, bicycle, and public transportation systems, particularly:

(A) In climate-friendly areas and Metro Region 2040 centers;

(B) In areas with concentrations of underserved populations; and

(C) In areas with reported serious injuries and deaths.

(b) Street and highway system investments that will fill gaps in the existing street network;

(c) Street and highway system investments consistent with the prioritization factors in OAR 660-012-0155;

(d) Street and highway system investments that will help meet the performance targets set as provided in OAR 660-012-0910; and

(e) Street and highway system investments consistent with a scenario plan approved by order as provided in OAR 660-044-0120.

(4) The transportation system plan must include a description of the prioritization factors and method of prioritizing street and highway projects used to develop the prioritized list of street and highway system projects.

(5) Cities or counties choosing to include a proposed facility requiring authorization as provided in OAR 660-012-0830 in the transportation system plan must first meet the requirements provided in OAR 660-012-0830.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712
History:
LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022
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**660-012-0830**
**Enhanced Review of Select Roadway Projects**

(1) Cities and counties shall review and may authorize certain proposed facilities to be included as a planned project or unconstrained project in any part of the local comprehensive plan, including the transportation system plan.

(a) The following types of proposed facilities must be reviewed as provided in this rule:

(A) A new or extended arterial street, highway, freeway, or bridge carrying general purpose vehicle traffic;

(B) New or expanded interchanges;

(C) An increase in the number of general purpose travel lanes for any existing arterial or collector street, highway, or freeway; and

(D) New or extended auxiliary lanes with a total length of one-half mile or more. Auxiliary lane means the portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing, maneuvering of entering and leaving traffic, and other purposes supplementary to through-traffic movement.

(b) Notwithstanding any provision in subsection (a), the following proposed facilities need not be reviewed or authorized as provided in this rule:

(A) Changes expected to have a capital cost of less than $5 million;

(B) Changes that reallocate or dedicate right of way to provide more space for pedestrian, bicycle, transit, or high-occupancy vehicle facilities;

(C) Facilities with no more than one general purpose travel lane in each direction, with or without one turn lane;

(D) Changes to intersections that do not increase the number of lanes, including implementation of a roundabout;

(E) Access management, including the addition or extension of medians;

(F) Modifications necessary to address safety needs; or

(G) Operational changes, including changes to signals, signage, striping, surfacing, or intelligent transportation systems.

(c) To retain a proposed facility that is included in an existing acknowledged plan adopted as provided in OAR 660-012-0015, a city or county shall review that facility under this rule at the time of a major update to its transportation system plan.

(2) Cities and counties choosing to authorize a proposed facility as provided in this rule shall:

(a) Initiate the authorization process through action of the governing body of the city or county;

(b) Include the authorization process as part of an update to a transportation system plan to meet the requirements as provided in OAR 660-012-0100, or have an existing acknowledged transportation system plan meeting these requirements;

(c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;

(d) Designate the project limits and characteristics of the proposed facility, including length, number of lanes, or other key features;

(e) Designate a facility impact area and determine affected jurisdictions as provided in section (3);

(f) Conduct an engagement-focused equity analysis of the proposed facility as provided in OAR 660-012-0135;

(g) Develop a public involvement strategy as provided in section (4);

(h) Conduct an alternatives review as provided in sections (5) and (6);

(i) Choose to move forward with an authorization report as provided in section (7);

(j) Complete an authorization report as provided in section (8); and

(k) Publish the authorization report as provided in section (9).

(3) A city or county designating a facility impact area and determining affected jurisdictions shall:

(a) Coordinate with all cities and counties with planning jurisdictions within two miles of the limits of the proposed facility to determine the extent of the facility impact area;

(b) Review the extent of the impact of the proposed facility by including all areas where implementation of the proposed facility is expected to change levels or patterns of traffic or otherwise change the transportation system or land use development patterns;

(c) Take particular care when reviewing the facility impact area in places with concentrations of underserved populations. The city or county must consider the special impact of new facilities in the context of historic patterns of discrimination, disinvestment, and harmful investments;

(d) Designate a facility impact area to include, at minimum, areas within one mile of the proposed facility; and

(e) Determine affected jurisdictions by including all cities or counties with planning jurisdictions in the designated facility impact area.

(4) A city or county developing a public involvement strategy shall, in coordination with affected jurisdictions:

(a) Develop the public involvement strategy as provided in OAR 660-012-0130.

(b) Require that the public involvement strategy provides for opportunities for meaningful public participation in decision-making over the course of the authorization process;

(c) Require that the public involvement strategy includes regular reports to the affected governing bodies, planning commissions, and the public on the progress of the authorization process; and

(d) Coordinate the public involvement strategy with other public involvement activities that may be concurrent, including updates to a transportation system plan or authorizations for other proposed facilities.

(5) A city or county choosing to undertake an alternatives review shall, in coordination with affected jurisdictions:

(a) Have designated the facility impact area, determined affected jurisdictions, transit service providers, and transportation options providers; and developed a public consultation strategy as provided in this rule;

(b) Develop a summary of the expected impacts of the proposed facility on underserved populations identified as provided in OAR 660-012-0125, particularly, but not exclusively, in neighborhoods with concentrations of underserved populations. These impacts must include, but are not limited to, additional household costs, and changes in the ability to access jobs and services without the use of a motor vehicle;

(c) Develop a summary of the estimated additional motor vehicle travel per capita that is expected to be induced by implementation of the proposed facility over the first 20 years of service, using best available science;

(d) Investigate alternatives to the proposed facility, as provided in subsections (e) through (h). Cities and counties must use a planning level of analysis, and make use of existing plans and available data as much as practical;

(e) Investigate alternatives to the proposed facility through investments in the pedestrian and bicycle systems. The city or county must:

(A) Review the transportation system plan for identified gaps and deficiencies in pedestrian and bicycle facilities within the facility impact area;

(B) Determine how much of the need for the proposed facility may be met through enhanced investments in the pedestrian and bicycle networks;

(C) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need which do not require implementation of the proposed facility; and

(D) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need which may be implemented without the proposed facility, and may be retained if the proposed facility is implemented.

(f) Investigate alternatives to the proposed facility through investments in the public transportation system. The city or county must:

(A) Review the transportation system plan for identified gaps and deficiencies in public transportation facilities and services within the facility impact area;

(B) Coordinate with transit service providers to identify opportunities for providing additional transit service within or to the facility impact area; and

(C) Identify potential transit facility and service investments that contribute to meeting the identified need which may be implemented without the proposed facility.

(g) Investigate alternatives to the proposed facility through investments in transportation options programs; or other means to reduce demand for motor vehicle travel. The city or county must:

(A) Review the transportation system plan for identified existing and needed transportation demand management services within the facility impact area;

(B) Coordinate with transportation options providers to identify opportunities for providing transportation demand management services in and around the facility impact area; and

(C) Identify potential transportation options program investments that contribute to meeting the identified need which may be implemented without the proposed facility.

(h) Investigate alternatives to the proposed facility that include system pricing. The city or county must:

(A) Determine if various types of pricing could substantially reduce the need for the proposed facility;

(B) Investigate a range of pricing methods appropriate for the facility type and need, which may include, but are not limited to: parking pricing, tolling, facility pricing, cordon pricing, or congestion pricing; and

(C) Identify pricing methods where it is reasonably expected to meet the need for the facility, may reasonably be implemented, and can be expected to generate sufficient revenue to cover the costs of operating the collection apparatus.

(6) A city or county completing an alternatives review must, in coordination with affected jurisdictions:

(a) Review the projects identified in section (5) to determine sets of investments that may be made that could substantially meet the need for the proposed facility without implementation of the proposed facility. A city or county must consider adopted state, regional, and local targets for reduction of vehicle miles traveled to reduce greenhouse gas emissions when making determinations of substantially meeting the need for the proposed facility; and

(b) Complete an alternatives review report upon completion of the alternatives review phase. The alternatives review report must include a description of the effectiveness of identified alternatives. The alternatives review report must include the summaries developed in subsections (5)(b) and (c). The alternatives review report must be provided to the public, and the governing bodies and planning commissions of each affected city or county. The alternatives review report must also be included in the next annual report to the director as provided in OAR 660-012-0900.

(7) The governing body of the city or county shall review the alternatives review report and may either:

(a) Select a set of investments reviewed in the alternatives review report intended to substantially meet the identified need for the proposed facility. These investments may be added to the unconstrained project list of the transportation system plan as provided in OAR 660-012-0170; or

(b) Choose to complete the authorization report for the proposed facility, as provided in section (8).

(8) A city or county choosing to complete an authorization report as provided in section (7) shall, after completion of the alternatives review, include the following within the authorization report:

(a) A record of the initiation of the authorization process by the governing body;

(b) The public involvement strategy developed as provided in section (4), and how each part of the public involvement strategy was met;

(c) The alternatives review report;

(d) A summary of the estimated additional long-term costs of maintaining the proposed facility, including expected funding sources and responsible transportation facility operator.

(9) A city or county shall publish the authorization report upon completion and provide it to the public and governing bodies of each affected jurisdiction.

(10) A city or county, having completed and published an authorization report, may place the proposed project on the list of street and highway system projects with other projects as provided in OAR 660-012-0820. A proposed project authorized as provided in this rule may remain on a project list in the transportation system plan as long there are no significant changes to the proposed project or the land use context as described in the authorization report.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712 & ORS 468A.205
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0900**
**Reporting**

(1) Cities and counties outside of the planning area of Metro shall report annually on progress toward meeting the requirements in division 44 and this division.

(2) Metro shall prepare a report annually on progress toward meeting the requirements in division 44 and this division. Cities and counties within the planning area of Metro shall coordinate with Metro and provide information to Metro. Cities and counties within the

planning area of Metro are not required to report directly to the department as provided in this rule.

(3) Cities, counties, and Metro shall submit the report to the director no later than May 31 of each year for the report for the previous calendar year.

(4) The director shall provide for a method of submission. The director shall review reports as provided in OAR 660-012-0915.

(5) Cities, counties, and Metro shall submit either a minor report, as provided in section (6), or a major report, as provided in section (7), each year.

(a) Minor reports shall be submitted each year where a major report is not submitted.

(b) Major reports shall be submitted for each year that the metropolitan planning organization representing the city or county approved a regional transportation plan as provided in 23 CFR § 450.324.

(6) A minor report must include the following information:

(a) A narrative summary of the state of coordinated land use and transportation planning in the planning area over the reporting year, including any relevant activities or projects undertaken or planned by the city or county;

(b) The planning horizon date of the acknowledged transportation system plan, a summary of any amendments made to the transportation system plan over the reporting year, and a forecast of planning activities over the near future that may include amendments to the transportation system plan;

(c) Copies of reports made in the reporting year for progress towards centering the voices of underserved populations in processes at all levels of decision-making as provided in OAR 660-012-0130 and a summary of any equity analyses conducted as provided in OAR 660-012-0135; and

(d) Any alternatives reviews undertaken as provided in OAR 660-012-0830, including those underway or completed.

(7) A major report must include the following information:

(a) All information required in a minor report as provided in section (6);

(b) For reporting cities and counties:

(A) A description of what immediate actions the city or county has considered to be taken to reduce greenhouse gas emissions as provided in ORS 184.899(2); and

(B) A description of the consultations with the metropolitan planning organization on how the regional transportation plan could be altered to reduce greenhouse gas emissions as provided in ORS 184.899(2).

(c) Reporting for each regional and local performance measures as provided in OAR 660-012-0905 or OAR 660-044-0110 including:

(A) Baseline data;

(B) Baseline projections of expected outcomes from acknowledged plans;

(C) An assessment of whether the city, county, or Metro has met or is on track to meet each performance target for each reporting year between the base year and planning horizon year set as provided in OAR 660-012-0910;

(D) For any performance targets that were not met, a proposal for the corrective actions that will be taken to meet the performance target by the next major report;

(E) An assessment of whether the reporting city or county has adopted local amendments to implement the approved land use and transportation scenario plan as provided in OAR 660-044-0130;

(F) For any amendments to implement the approved land use and transportation scenario plan as provided in OAR 660-044-0130 that have not yet been adopted, a proposal for the corrective actions that will be taken to adopt the amendments; and

(G) The status of any corrective actions identified in prior reports.

(8) Upon a written request for an exemption submitted to the department prior to the due date of a report, the director may grant a city or county an exemption to a requirement to include any required element of a report under sections (6) or (7) when the director determines that the requestor has established that collection and reporting of the information would not be possible or would place an undue burden on the city or county.

(9) Counties need only report for those portions of the county within an urban growth boundary inside the metropolitan area. A county may jointly report with a city for the entire urban growth area of the city.

(10) Reports as provided by this rule are not land use decisions.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.301, ORS 197.712 & ORS 468A.205
History:
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LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

**660-012-0905**
**Land Use and Transportation Performance Measures**

(1) Cities, counties, and Metro that have a land use and transportation scenario approved by the commission as provided in OAR 660-044-0050 or OAR 660-044-0120 shall report on the performance measures from the approved regional scenario plan.

(2) Cities and counties that do not have a land use and transportation scenario approved by the commission as provided in OAR 660-044-0120 shall report on the specific actions, including capital improvements and the adoption of policies or programs that they have or will undertake to reduce pollution and increase equitable outcomes for underserved populations. At a minimum, this report must include the following performance measures:

(a) Compact Mixed-use Development

(A) Number of publicly supported affordable housing units in climate-friendly areas.

(B) Number of existing and permitted dwelling units in climate-friendly areas and percentage of existing and permitted dwelling units in climate-friendly areas relative to total number of existing and permitted dwelling units in the jurisdiction.

(C) Share of retail and service jobs in climate-friendly areas relative to retail and service jobs in the jurisdiction.

(b) Active Transportation

(A) Percent of collector and arterials streets in climate-friendly areas and underserved population neighborhoods with bicycle and pedestrian facilities with Level of Traffic Stress 1 or 2.

(B) Percent of collector and arterial roadways in climate-friendly areas and underserved population neighborhoods with safe and convenient marked pedestrian crossings.

(C) Percent of transit stops with safe pedestrian crossings within 100 feet.

(c) Transportation Options

(A) Number of employees covered by an Employee Commute Options Program.

(B) Number of households engaged with Transportation Options activities.

(C) Percent of all Transportation Options activities that were focused on underserved population communities.

(d) Transit

(A) Share of households within one-half mile of a priority transit corridor.

(B) Share of low-income households within one-half mile of a priority transit corridor.

(C) Share of key destinations within one-half mile of a priority transit corridor.

(e) Parking Costs and Management: Average daily public parking fees in climate-friendly areas.

(f) Transportation System

(A) Vehicle miles traveled per capita.

(B) Percent of jurisdiction transportation budget spent in climate-friendly areas and underserved population neighborhoods.

(C) Share of investments that support modes of transportation with low pollution.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712 & ORS 468A.205
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**660-012-0910**
**Land Use and Transportation Performance Targets**

(1) Cities and counties must set performance targets for each reporting year for each performance measure provided in OAR 660-044-0110 and OAR 660-012-0905 in their local transportation system plan. Performance targets for the performance measures provided in OAR 660-012-0905 must be set at levels that are reasonably likely to achieve the regional performance targets from an approved land use and transportation scenario plan as provided in OAR 660-044-0110 or the regional performance targets from the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission.

(2) Cities and counties that have a land use and transportation scenario approved by the commission as provided in OAR 660-044-0120 must set targets for equity performance measures in a transportation system plan as provided in OAR 660-044-0110(9)(c).

(3) Cities and counties shall set performance targets in any major update to their transportation system plan as provided in OAR 660-012-0105. If a city or county has not yet set targets and is submitting a major report as provided in OAR 660-012-0900(7), then the city or county shall set performance targets through a minor update to their transportation system plan.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.712 & ORS 468A.205
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**660-012-0915**
**Review of Reports**

(1) Upon receipt of a submitted minor report as provided in OAR 660-012-0900(6):

(a) The director shall make a preliminary determination of completeness within 30 calendar days of receipt and shall notify the submitter of any missing items required under OAR 660-012-0900(6) that is not subject to an exemption under OAR 660-012-0900(8).

(b) The submitter must submit information to the department within 30 days of the director's notification under subsection (a), unless the submitter requests, and the director grants, an extension of time to submit the missing information, for a period not to exceed 90 additional days.

(c) If the submitter does not submit the missing information within the time allotted by the director, the director may refer the report for a compliance hearing as provided in OAR 660-012-0920.

(d) Once a minor report submitted as provided in OAR 660-012-0900(6) is determined to be complete, the director shall post the minor report on the department website and send notice of approval to the submitter.

(2) Upon receipt of a submitted major report as provided in OAR 660-012-0900(7);

(a) The director shall make a preliminary determination of completeness within 30 calendar days of receipt and shall notify the submitter of any missing items required under OAR 660-012-0900(7) that is not subject to an exemption under OAR 660-012-0900(8).

(b) The submitter must submit information to the department within 30 days of the director's notification under subsection (a), unless the submitter requests, and the director grants, an extension of time to submit the missing information, for a period not to exceed 90 additional days. If the submitter does not submit additional information, the director shall proceed with review of the submission as provided in sections (3) and (4).

(c) If the director does not notify the submitter of missing items within 30 days of submittal, the director shall proceed with review of the submission as provided in sections (3) and (4).

(3) Upon completion of the process in section (2), the director shall:

(a) Post a complete copy of the major report on the department's website along with the alternative findings the director may make in section (4), and a statement that any person may file a written comment regarding the submitted report no more than 21 days after the posting of the report.

(b) Provide notice to persons described under ORS 197.615(3)(a), directing them to the posting described in subsection (a) and informing them that they may file a written comment regarding the submitted report no more than 21 days after the posting of the report.

(4) Within 60 days of completion of the process in section (2), the director shall;

(a) Find that the submitter has met the performance targets set as provided in OAR 660-012-0910, and has adopted local amendments to implement any approved land use and transportation scenario plan as provided in OAR 660-044-0130;

(b) Find that the submitter has proposed adequate corrective actions to address any performance targets that were not met and adequate to meet any performance targets set as provided in OAR 660-012-0910;

(c) Find that the submitter has not met a performance target set as provided in OAR 660-012-0910 and has proposed inadequate corrective actions; or

(d) Find that the submitter has not implemented an approved land use and transportation scenario plan as provided in OAR 660-044-0130 and proposed inadequate corrective actions.

(5) If the director makes findings described in subsections (4)(a) or (b);

(a) The director shall issue an order approving the report. The department shall post an approval order on a public website and send notice to the submitter, and persons who provided written comment under section (3). The order must include information on the process to appeal the director's order as described in this rule.

(b) A person who has provided written comment under section (3) may appeal the director's order to the commission. An appeal is valid only if the appeal clearly identifies a deficiency in the submitted report based on the requirements of this division on issues raised in the written comments.

(c) The director shall determine if the appeal filed is valid, and the director's determination of validity is final.

(d) If no valid appeals are filed in response to the director's order, the order is final.

(e) If any valid appeals are filed in response to the director's order, then the director shall refer the report for a compliance hearing as provided in OAR 660-012-0920.

(6) If the director makes findings described in subsections (4)(c) or (d), then the director shall refer the report for a compliance hearing as provided in OAR 660-012-0920.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.615 & ORS 197.712
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**660-012-0920**
**Compliance Hearings**

(1) The commission shall hold a compliance hearing in response to referral from the director at its next regularly scheduled meeting that is at least 30 days after the referral.

(2) The commission may hold a compliance hearing on its own motion or in response to an allegation that a city, county, or Metro has:

(a) Missed a deadline in this division;

(b) Missed a deadline in OAR 660-044-0015;

(c) Failed to implement corrective actions required by this division; or

(d) Failed to comply with a requirement in this division.

(3) The department shall post notice of a compliance hearing on a public website and send notice to the parties.

(4) At the compliance hearing the commission shall:

(a) Consider the director's written and oral report; and

(b) Consider oral testimony and written testimony provided at least 14 days prior to the hearing from a city, a county, or Metro and any persons who provided written comment as provided in OAR 660-012-0915(3)(b).

(5) The commission may evaluate the compliance of the cities and counties within a metropolitan area in a collective evaluation, or the commission may evaluate the compliance of an individual city or county separately.

(6) If the commission finds that a report meets the requirements of this division, or that the city, county, or Metro is in compliance with the requirements of this division, then the commission shall issue an order of approval.

(7) If the commission finds a city, a county, or Metro out of compliance with the requirements of this division, the commission may use any authority granted to commission, including but not limited to the actions below.

(a) Issue an order to remand a report with specific directions for changes necessary to comply with this division;

(b) Issue an enforcement order as provided in ORS 197.319 through 197.335;

(c) Issue an order to invalidate the acknowledgement of local transportation system plans that are not consistent with an approved Land use and Transportation Scenario Plan; and

(d) Provide notice to the Oregon Department of Transportation and the United States Department of Transportation of the lack of compliance with state planning requirements.

(8) The director shall mail the order to all parties.

(9) A commission order under this rule may be reviewed as provided in ORS 183.484 for orders in other than a contested case. Reports and orders as provided in this rule are not land use decisions.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 183.484, ORS 197.012, ORS 197.319-ORS 197.335 & ORS 197.712
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Department of Land Conservation and Development
Chapter 660

Division 44
METROPOLITAN GREENHOUSE GAS REDUCTION TARGETS

**660-044-0000**
**Purpose**

(1) This division implements Oregon Land Use Planning Goal 12 (Transportation) and the state goal in ORS 468A.205 to reduce greenhouse gas emissions. The purpose of this division is to significantly, and as rapidly as possible, reduce climate pollutants that are causing climate disruption.

(2) Cities, counties, metropolitan planning organizations, and the Metropolitan Service District serving the Portland metro area (Metro) are encouraged to take actions beyond the minimum requirements of this division to rapidly make large reductions in pollution.

(3) This division requires cities, counties, and Metro to change transportation and land use plans to significantly reduce pollution from light vehicles. This division places specific requirements on Metro in recognition of its unique status in Oregon. This division also requires cities and counties within other metropolitan regions to work together to prepare a preferred land use and transportation scenario that describes a future set of desired transportation facilities, alternative future land use patterns, and policies that will reduce greenhouse gas pollution from light vehicles. This division requires the cities and counties within a metropolitan area to prepare a transportation and land use scenario plan that defines and implements a preferred scenario, identifies performance measures for tracking progress, and works to not only avoid or mitigate any impacts to underserved populations, but to improve outcomes for these communities over time.

(4) This division aims to reduce inequities for underserved populations. The land use and transportation scenario planning process and the local implementation process must prioritize underserved populations so that the actions that reduce pollution also reduce the historic inequities from prior transportation and land use development.

Statutory/Other Authority: ORS 197.040, Ch 865 OL 2009 (HB 2001) § 37(6) and (8) & Ch 85 OL 2010 Special Session (SB 1059) § 5
Statutes/Other Implemented: Ch 865 OL 2009 (HB 2001) § 37(6) and (8) & Ch 85 OL 2010 Special Session (SB 1059) § 5
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LCDD 10-2012, f. 12-4-12, cert. ef. 1-1-13

LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

**660-044-0005**
**Definitions**

For the purposes of this division, the definitions in ORS 197.015 and the statewide planning goals apply. In addition, the following definitions shall apply:

(1) “Climate Friendly Area” has the meaning provided in OAR 660-012-0005(10).

(2) “Community-based conversations” means accessible and inclusive community meetings held for areas with above-average concentrations of underserved community members.

(3) “Design type” means the conceptual areas described in the Metro Growth Concept text and map in the Metro regional framework plan, including central city, regional centers, town centers, station communities, corridors, main streets, neighborhoods, industrial areas and employment areas.

(4) “Equitable outcomes” has the meaning provided in OAR 660-012-0005(14).

(5) “Framework plan” or “regional framework plan” means the plan adopted by Metro as defined by ORS 197.015(16).

(6) “Functional plan” or “regional functional plan” means an ordinance adopted by Metro to implement the regional framework plan through city and county comprehensive plans and land use regulations.

(7) “Greenhouse gas” has the meaning given in ORS 468A.210. Greenhouse gases are measured in terms of carbon dioxide equivalents, which means the quantity of a given greenhouse gas multiplied by a global warming potential factor consistent with a state-approved emissions reporting method.

(8) “Greenhouse gas emissions reduction target” or “target” means a reduction from 2005 emission levels of per capita greenhouse gas emissions from travel in light vehicles. Targets are the reductions beyond reductions in emissions that are likely to result from the use of improved vehicle technologies and fuels. Travel in light vehicles includes all travel by members of households or university group quarters living within a metropolitan area regardless of where the travel occurs, and local commercial vehicle travel that is a function of household labor or demand regardless of where the travel occurs. Examples include commuting to work, going to school, going shopping, traveling for recreation, delivery vehicles, service vehicles, travel to business meetings, and travel to jobsites.

(9) “Land use and transportation scenario planning” means the preparation and evaluation by local governments of two or more land use and transportation scenarios and the cooperative

selection of a preferred land use and transportation scenario that accommodates planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area and an increase in equitable outcomes for underserved community members. Land use and transportation scenario planning may include preparation and evaluation of alternative scenarios that do not meet targets specified in this division.

(10) “Light vehicles” means motor vehicles with a gross vehicle weight rating of 10,000 pounds or less.

(11) “Metro” means the metropolitan service district organized for the Portland metropolitan area under ORS chapter 268.

(12) “Metropolitan planning area” or “metropolitan area” means lands within the planning area boundary of a metropolitan planning organization.

(13) “Metropolitan planning organization” means an organization located wholly within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state pursuant to 49 USC § 5303(c). The Longview-Kelso-Rainier metropolitan planning organization and the Walla Walla Valley metropolitan planning organization are not metropolitan planning organizations for the purposes of this division.

(14) “Planning period” means the period of time over which the expected outcomes of a scenario plan are estimated, measured from a 2005 base year, to a future year that corresponds with greenhouse gas emission targets set forth in this division.

(15) “Preferred land use and transportation scenario” means a plan for a metropolitan area that achieves the targets for reducing greenhouse gas emissions set forth in OAR 660-044-0020 and 660-0440-0025 as provided in OAR 660-044-0040 and 660-044-0110.

(16) "Underserved Populations” has the meaning provided in OAR 660-012-0125(2).

(17) “Vehicle Miles Traveled” has the meaning provided in OAR 660-012-0005(59).

(18) “Statewide Transportation Strategy” means the statewide strategy adopted by the Oregon Transportation Commission as part of the state transportation policy to aid in achieving the greenhouse gas emissions reduction goals set forth in ORS 468A.205 as provided in Oregon Laws 2010, chapter 85, section 2.

Statutory/Other Authority: ORS 197.040, Ch 865 OL 2009 (HB 2001) § 37(6) and (8) & Ch 85 OL 2010 Special Session (SB 1059) § 5
Statutes/Other Implemented: Ch 865 OL 2009 (HB 2001) § 37(6) and (8) & Ch 85 OL 2010 Special Session (SB 1059) § 5
History:

LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 5-2017, f. 2-28-17, cert. ef. 3-1-17
LCDD 10-2012, f. 12-4-12, cert. ef. 1-1-13
LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

**660-044-0015**
**Applicability - Compliance Schedule**

(1) OAR 660-044-0000 through OAR 660-044-0020, OAR 660-044-030, and OAR 660-044-0040 through OAR 660-044-0060 of this division apply to Metro. OAR 660-044-0055 applies to the cities and counties within Metro.

(2) OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division apply to the cities and counties within the metropolitan planning area of the Central Lane Metropolitan Planning Organization as provided in subsections (a) and (b).

(a) These cities and counties must:

(A) Submit a work program containing all of the elements provided in OAR 660-044-0100 to the department for review under section (4) by June 30, 2023;

(B) Prepare a land use and transportation scenario plan as provided in OAR 660-044-0110 and submit it for review by the commission as provided in OAR 660-044-0120 by December 31, 2023 or another date in the approved work program;

(C) Adopt local amendments as provided in OAR 660-044-0130 by December 31, 2026, or other date in the approved work program.

(b) These cities and counties may use the preferred scenario submitted to the commission and legislature in 2015 as required by Oregon Laws 2010, chapter 865, as the basis for the land use and transportation scenario plan. If these cities and counties use the preferred scenario from 2015, then they:

(A) Are neither required to redo the prior work that produced the preferred scenario, nor comply with requirements of OAR 660-044-0110 specific to the preferred scenario.

(B) Are required to produce only the additional elements that build on the preferred scenario to prepare a complete transportation and land use scenario plan, as provided in OAR 660-044-0110(3) and 660-044-0110(9) through (10).

(3) OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division apply to the cities and counties within

the metropolitan planning area of the Salem-Keizer Area Transportation Study. These cities and counties must:

(a) Submit a work program containing all of the elements provided in OAR 660-044-0100 to the department by June 30, 2023;

(b) Prepare a land use and transportation scenario plan as provided in OAR 660-044-0110 and submit it for review by the commission as provided in OAR 660-044-0120 by June 30, 2024, or another date in the approved work program; and

(c) Adopt local amendments as provided in OAR 660-044-0130 by June 30, 2025, or another date in the approved work program.

(4) Cities and counties may request, and the director or commission may approve, applying OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division to the cities and counties within a metropolitan area and establishing compliance schedule under the following procedures.

(a) Cities and counties within a metropolitan area may jointly submit a proposed work program or resubmit a revised work program as provided in OAR 660-044-0100.

(b) The department shall consult with the Oregon Department of Transportation to review a proposed work program. The director may approve the work program or refer the work program to the commission with recommended revisions.

(c) If the director refers a proposed work program to the commission under subsection (b), the commission shall hold a hearing to review the proposed work program and the recommended revisions. The commission may approve the work program based on OAR 660-044-0100 or remand the work program with required revisions.

(5) The commission may issue an order applying OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division to cities and counties within a metropolitan area and establishing a compliance schedule using the procedures below.

(a) The department will provide the cities and counties a draft order with compliance schedule prior to a commission hearing.

(b) The commission will hold a hearing and consider any revised or alternate order proposed by cities or counties, and any public testimony.

(c) When considering whether to issue an order, the commission shall consider the following factors using the best available data:

(A) Greenhouse gas emissions including actual measurements, model estimates, recent trends, and future projections under current adopted plans;

(B) Local transportation and land use actions that influence greenhouse gas emissions and more equitable outcomes, including adopted plans, recent actions by cities and counties, and development trends;

(C) Population growth including recent trends and future projections;

(D) Presence or absence of regional cooperation on greenhouse gas emissions reduction;

(E) Vehicles miles traveled per capita in the metropolitan area, including actual measurements, model estimates, recent trends, and future projections under current adopted plans; and

(F) State and local funding available for scenario planning.

(6) The director may grant a whole or partial exemption from the requirements of this division to cities or counties outside of the Portland metropolitan area with a population of less than 5,000 within the metropolitan planning area. The director may also grant a temporary whole or partial exemption from the requirements of this division to jurisdictions of any size that are newly included in an existing metropolitan area or a newly designated metropolitan area.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 184.899, ORS 197.012 & ORS 468A.205
History:
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

**660-044-0020**
**Greenhouse Gas Emissions Reduction Target for the Portland Metropolitan Area**

(1) Metro shall use the greenhouse gas emissions reduction targets in this rule as it develops, reviews, and updates a land use and transportation scenario that accommodates planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area as required by OAR 660-044-0040 through 660-044-0060.

(2) This rule only applies to the Portland metropolitan area.

(3) The greenhouse gas emissions reduction target is a 20 percent reduction in the year 2035.

(4) Targets for the year 2040 and beyond are:

(a) By 2040, a 25 percent reduction.

(b) By 2041, a 26 percent reduction.

(c) By 2042, a 27 percent reduction.

(d) By 2043, a 28 percent reduction.

(e) By 2044, a 29 percent reduction.

(f) By 2045, a 30 percent reduction.

(g) By 2046, a 31 percent reduction.

(h) By 2047, a 32 percent reduction.

(i) By 2048, a 33 percent reduction.

(j) By 2049, a 34 percent reduction.

(k) By 2050 and beyond, a 35 percent reduction.

Statutory/Other Authority: ORS 197.040, Ch. 865 OL 2009 (HB 2001) §37(6) & Ch. 85 OL 2010 Special Session (SB 1059) §5
Statutes/Other Implemented: Ch. 865 OL 2009 (HBl 2001) §37(6) & Ch. 85 OL 2010 Special Session (SBl 1059) §5
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LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

**660-044-0025**
**Greenhouse Gas Emissions Reduction Targets for Other Metropolitan Areas**

(1) Purpose and effect of targets: Local governments in metropolitan planning areas not covered by OAR 660-044-0020 shall use the targets set forth in section (2) of this rule as they conduct land use and transportation planning to reduce greenhouse gas emissions.

(2) Targets for the year 2040 and beyond are:

(a) By 2040 or earlier, a 20 percent reduction.

(b) By 2041, a 21 percent reduction.

(c) By 2042, a 22 percent reduction.

(d) By 2043, a 23 percent reduction.

(e) By 2044, a 24 percent reduction.

(f) By 2045, a 25 percent reduction.

(g) By 2046, a 26 percent reduction.

(h) By 2047, a 27 percent reduction.

(i) By 2048, a 28 percent reduction.

(j) By 2049, a 29 percent reduction.

(k) By 2050 and beyond, a 30 percent reduction.

Statutory/Other Authority: ORS 197.040, Ch. 865 OL 2009 (HB 2001) § 37(6) & Ch. 85 OL 2010 Special Session (SB 1059) § 5
Statutes/Other Implemented: Ch. 865 OL 2009 (HBl 2001) § 37(6) & Ch. 85 OL 2010 Special Session (SBl 1059) § 5
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LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

**660-044-0030**
**Methods for Estimating Greenhouse Gas Emissions and Emissions Reductions**

(1) Applicability: When local governments within a metropolitan area are conducting land use and transportation planning to demonstrate that their plans would meet the greenhouse gas emissions reductions targets established in this division, then they shall use the provisions and options in this rule to project future emissions.

(2) Vehicle Miles Traveled: The greenhouse gas emissions reduction targets as provided in OAR 660-044-0020 and 660-044-0025 are the ratio of future year to base year vehicle miles traveled per capita after controlling for the effects of state and federal policies and other conditions on vehicles, fuels, and pricing.

(3) Projected Emission Rates: Projections of greenhouse gas emissions must use emission rates based on the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission that reflect the reductions likely to result by the use of improved vehicle

technologies and fuels. Metropolitan area greenhouse gas target modeling efforts must rely on emission rates agreed to by the Oregon Department of Transportation and the department to ensure this compliance.

(4) Actions in the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission: Projections of greenhouse gas emissions may assume state actions specified in subsection (a) and may use the flexibility for local and regional actions described in subsection (b).

(a) State Actions: Projections of greenhouse gas emissions may include reductions projected to result from state actions, programs, and associated interactions up to, but not exceeding, the levels identified in the Statewide Transportation Strategy.

(b) Local and Regional Actions: Projections of greenhouse gas emissions may include local or regional actions similar to actions in the Statewide Transportation Strategy if the local or regional governments have authority to adopt plans or policies that would implement the actions. Local governments may use projections of greenhouse gas emissions that are lower than the rates based on the Statewide Transportation Strategy if local or regional programs or actions can be demonstrated to result in changes to vehicle fleet, technologies, or fuels above and beyond the assumption in the Statewide Transportation Strategy, or agreed to by the Oregon Department of Transportation and the department. One example would be a program to add public charging stations that is estimated to result in use of hybrid or electric vehicles greater than the statewide assumption in the Statewide Transportation Strategy.

Statutory/Other Authority: ORS 197.040, Ch. 865 OL 2009 (HB 2001) § 37(6) & Ch. 85 OL 2010 Special Session (SB 1059) § 5
Statutes/Other Implemented: Ch. 865 OL 2009 (HBl 2001) § 37(6) & Ch. 85 OL 2010 Special Session (SBl 1059) § 5
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LCDD 5-2011, f. 5-26-11, cert. ef. 6-1-11

**660-044-0035**
**Review and Evaluation of Greenhouse Gas Reduction Targets**

(1) The commission shall by June 1, 2021, and at four-year intervals thereafter, conduct a review of the greenhouse gas emissions reduction targets in OAR 660-044-0020 and 660-044-0025.

(2) The review by the commission shall evaluate whether revisions to the targets established in this division are warranted considering the following factors:

(a) Results of land use and transportation scenario planning conducted within metropolitan planning areas to reduce greenhouse gas emissions from light vehicles;

(b) New or revised federal and state laws or programs established to reduce greenhouse gas emissions from light vehicles;

(c) State plans or policies establishing or allocating greenhouse gas emissions reduction goals to specific sectors or subsectors;

(d) Policies and recommendations in the Statewide Transportation Strategy adopted by the Oregon Transportation Commission;

(e) Additional studies or analysis conducted by the Oregon Department of Transportation, the Department of Environmental Quality, the Oregon Department of Energy or other agencies regarding greenhouse gas emissions from light vehicle travel, including but not limited to changes to vehicle technologies, fuels and the vehicle fleet;

(f) Changes in population growth rates, metropolitan planning area boundaries, land use or development patterns in metropolitan planning areas that affect light vehicle travel;

(g) Efforts by local governments in metropolitan areas to reduce greenhouse gas emissions from all sources;

(h) Input from affected local and regional governments and metropolitan planning organizations;

(i) Land use feasibility and economic studies regarding land use densities; and

(j) State funding and support for scenario planning and public engagement.

(3) The department shall, in consultation and collaboration with affected local governments, metropolitan planning organizations and other state agencies, prepare a report addressing factors listed in section (2) of this rule to aid the commission in determining whether revisions to targets established in this division are warranted.

Statutory/Other Authority: ORS 197.040, Ch. 865 OL 2009 (HB 2001) § 37(6) & Ch. 85 OL 2010 Special Session (SB 1059) § 5
Statutes/Other Implemented: Ch. 865 OL 2009 (HBl 2001) § 37(6) & Ch. 85 OL 2010 Special Session (SBl 1059) § 5
History:
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**660-044-0040**
**Cooperative Selection of a Preferred Scenario; Initial Adoption**

(1) Within one year of adoption or amendment of a preferred scenario, Metro shall amend the regional framework plan and the regional growth concept to select and incorporate a preferred land use and transportation scenario that meets targets in OAR 660-044-0020 consistent with the requirements of this division.

(2) In preparing, selecting, or amending a preferred land use and transportation scenario Metro shall:

(a) Consult with affected local governments, representatives of underserved populations, the Port of Portland, TriMet, and the Oregon Department of Transportation;

(b) Consider adopted comprehensive plans and local aspirations for growth in developing and selecting a preferred land use and transportation scenario;

(c) Use assumptions about population, housing and employment growth consistent with the coordinated population and employment projections for the metropolitan area for the planning period;

(d) Use evaluation methods and analysis tools for estimating greenhouse gas emissions that are:

(A) Consistent with the provisions of this division;

(B) Reflect best available information and practices; and,

(C) Coordinated with the Oregon Department of Transportation.

(e) Make assumptions about state and federal policies and programs expected to be in effect over the planning period, including the Statewide Transportation Strategy, in coordination with the responsible state agencies;

(f) Evaluate a reference case scenario that reflects implementation of existing adopted comprehensive plans and transportation plans;

(g) Evaluate at least two alternative land use and transportation scenarios for meeting greenhouse gas reduction targets and identify types of amendments to comprehensive plans and land use regulations likely to be necessary to implement each alternative scenario;

(h) Develop and apply evaluation criteria that assess how alternative land use and transportation scenarios compare with the reference case in achieving important regional goals or outcomes;

(i) Evaluate if the preferred scenario relies on new investments or funding sources to achieve the target, the feasibility of the investments or funding sources including:

(A) A general estimate of the amount of additional funding needed;

(B) Identification of potential/likely funding mechanisms for key actions, including local or regional funding mechanisms;

(C) Coordination of estimates of potential state and federal funding sources with relevant state agencies (i.e. the Oregon Department of Transportation for transportation funding); and,

(D) Consider effects of alternative scenarios on development and travel patterns in the surrounding area (i.e. whether proposed policies will cause change in development or increased light vehicle travel between metropolitan area and surrounding communities compared to reference case).

(3) The preferred land use and transportation scenario shall include:

(a) A description of the land use and transportation growth concept providing for land use design types;

(b) A concept map showing the land use design types;

(c) Policies and strategies intended to achieve the target reductions in greenhouse gas emissions in OAR 660-044-0020;

(d) Planning assumptions upon which the preferred scenario relies including:

(A) Assumptions about state and federal policies and programs;

(B) Assumptions about vehicle technology, fleet or fuels, if those are different than those provided in OAR 660-044-0030;

(C) Assumptions or estimates of expected housing and employment growth by jurisdiction and land use design type; and

(D) Assumptions about proposed regional programs or actions other than those that set requirements for city and county comprehensive plans and land use regulations, such as investments and incentives;

(e) Performance measures and targets to monitor and guide implementation of the preferred scenario. Performance measures and targets shall be related to key elements, actions and expected outcomes from the preferred scenario; and

(f) Recommendations for state or federal policies or actions to support the preferred scenario.

(4) When amending a local Transportation Systems Plan, or comprehensive plan, local governments shall adopt findings demonstrating that implementation of the preferred land use and transportation scenario meets the requirements of this division and can reasonably be expected to achieve the greenhouse gas emission reductions as set forth in the target in OAR 660-044-0020. The findings shall demonstrate how:

(a) The expected pattern of land use development in combination with land use and transportation policies, programs, actions set forth in the preferred scenario will result in levels of greenhouse gas emissions from light vehicle travel that achieve the target in OAR 660-044-0020;

(b) The preferred scenario advances equitable outcomes for underserved communities; and

(c) The preferred scenario is or will be made consistent with other applicable statewide planning goals or rules.

(5) Guidance on evaluation criteria and performance measures.

(a) The purpose of evaluation criteria referred to in subsection (2)(h) is to encourage Metro to select a preferred scenario that achieves greenhouse gas emissions reductions in a way that maximizes attainment of other community goals and benefits. This rule does not require the use of specific evaluation criteria. The following are examples of categories of evaluation criteria that Metro might use:

(A) Public health;

(B) Air quality;

(C) Household spending on energy or transportation;

(D) Implementation costs;

(E) Economic development;

(F) Access to parks and open space; and,

(G) Equity, specifically promoting equitable outcomes for underserved community members.

(b) The purpose of performance measures and targets referred to in subsection (3)(e) is to enable Metro and area local governments to monitor and assess whether key elements or actions that make up the preferred scenario are being implemented, and whether the preferred

scenario is achieving the expected outcomes. This rule does not establish or require use of particular performance measures or targets. The following are examples of types of performance measures that Metro might establish:

(A) Transit service revenue hours;

(B) Mode share;

(C) People per acre by 2040 Growth Concept design type;

(D) Percent of workforce participating in employee commute options programs; and

(E) Percent of households and jobs within one-quarter mile of transit.

Statutory/Other Authority: ORS 197.040 & 2009 OL Ch. 865 §37(8) (HB 2001)
Statutes/Other Implemented: 2009 OL Ch. 865 §37(8) (HB 2001)
History:
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**660-044-0045**
**Adoption of Regional Plans to Implement the Preferred Scenario**

(1) Within one year of the commission's order approving Metro's amendments to the regional framework plan to select, incorporate, or amend a preferred land use and transportation scenario, Metro shall adopt regional functional plan amendments to implement the framework plan amendments.

(2) Functional plan amendments shall establish requirements, deadlines, and compliance procedures for amendments to local comprehensive plans, transportation system plans, and land use regulations as necessary to implement the framework plan amendments. The functional plan amendments shall require affected cities and counties to adopt implementing amendments to comprehensive plans and land use regulations within two years of acknowledgement of Metro's functional plan amendments or by a later date specified in the adopted functional plan.

(3) Functional plan amendments shall include requirements that local governments amend local comprehensive plans, transportation system plans, and land use regulations to:

(a) Use population, housing and employment allocations to specific areas and land use design types that are consistent with estimates in the framework plan including assumptions about densities, infill, and redevelopment;

(b) Apply comprehensive plan designations and zoning districts that are consistent with land use design type, allowing uses and densities that are consistent with land use design type and limiting uses that would be incompatible with the design type specified in the preferred scenario; and,

(c) Include other provisions needed to implement the amended framework plan.

(4) As part of its adoption of functional plan amendments under this rule, Metro shall adopt findings demonstrating that actions required by the functional plan amendments are consistent with and adequate to implement the relevant portions of the preferred land use and transportation scenario set forth in the adopted framework plan amendments. The findings shall demonstrate that assumptions or allocations of housing and employment growth to specific areas are consistent with the estimates or assumptions in the framework plan amendments. In the event Metro's allocations or assumptions vary from those upon which the framework plan amendments are based, Metro shall demonstrate that the revised assumptions or allocations, in combination with other measures adopted as part of the functional plan will meet the greenhouse gas emission reduction target in OAR 660-044-0020.

(5) Those portions of the preferred scenario in the framework plan that Metro chooses to implement by establishing requirements for city and county comprehensive plans and land use regulations shall be set forth in amendments to the functional plan. The amendments shall meet the following minimum planning standards:

(a) For adoption of amendments to the regional framework plan, the Metro Council shall follow the process set forth in the Metro Charter;

(b) For adoption of amendments to the functional plan, the Metro Council shall follow the process set forth in the Metro Charter for adoption of ordinances;

(c) The Metro Council shall strive for flexibility when establishing new requirements for cities and counties, and shall consider offering optional compliance paths to cities and counties, such as adoption of a model ordinance developed by Metro;

(d) Metro shall make new requirements for cities and counties included in the functional plan amendments adopted under this rule enforceable by Metro pursuant to ORS 268.390(6).

(6) When it adopts an updated regional transportation system plan required by OAR chapter 660, division 12, Metro shall demonstrate that the updated plan is consistent with framework plan amendments adopting a preferred scenario as provided in OAR 660-044-0040(3).

Statutory/Other Authority: ORS 197.040 & 2009 OL Ch. 865 §37(8) (HB 2001)
Statutes/Other Implemented: 2009 OL Ch. 865 §37(8) (HB 2001)
History:

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**660-044-0050**
**Commission Review of Regional Plans**

(1) The commission shall review Metro's framework plan amendments adopting or amending a preferred land use and transportation scenario and amendments to functional plans to implement the framework plan amendments in the manner provided for periodic review under ORS 197.628 to 197.650.

(2) The commission's review of framework plan amendments adopting a preferred land use and transportation scenario shall determine whether the preferred scenario can reasonably be expected to achieve greenhouse gas emission reductions as set forth in the targets in OAR 660-044-0020, other requirements of this division, and any applicable statewide planning goals.

(3) The commission's review of amendments to functional plans shall determine whether the adopted functional plans are consistent with and adequate to carry out relevant portions of the framework plan amendments.

(4) The commission may conduct review of Metro's framework plan amendments adopting a preferred scenario in conjunction with review of an urban growth boundary amendment or an update to the regional transportation system plan.

Statutory/Other Authority: ORS 197.040, ORS 197.274(2) & 2009 OL Ch. 865 §37(8) (HB 2001)
Statutes/Other Implemented: ORS 197.274(2) & 2009 OL Ch. 865 §37(8) (HB 2001)
History:
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**660-044-0055**
**Adoption of Local Plans to Implement the Preferred Scenario**

(1) Local governments shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with and implement relevant portions of the preferred land use and transportation scenario as set forth in Metro's functional plans or amendments. "Consistent" for the purpose of this section means city and county comprehensive plans and implementing ordinances, on the whole, conforms with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.

(2) Beginning one year from Metro's adoption or amendment of the preferred scenario, local governments in the Portland metropolitan area shall, in updating or adopting an amendment to a comprehensive plan or transportation system plan, demonstrate that the proposed update or amendment is consistent with the preferred land use and transportation scenario.

Statutory/Other Authority: ORS 197.040, ORS 197.274(2) & 2009 OL Ch. 865 §37(8) (HB 2001)
Statutes/Other Implemented: ORS 197.274(2) & 2009 OL Ch. 865 §37(8) (HB 2001)
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022
LCDD 10-2012, f. 12-4-12, cert. ef. 1-1-13

**660-044-0060**
**Monitoring**

(1) Metro shall prepare a report monitoring progress in implementing the preferred scenario including status of performance measures and performance targets adopted as part of the preferred scenario as part of regular updates to the Regional Transportation Plan and preparation of Urban Growth Reports.

(2) Metro's report shall assess whether the region is making satisfactory progress in implementing the preferred scenario; identify reasons for lack of progress, and identify possible corrective actions to make satisfactory progress. Metro may update and revise the preferred scenario as necessary to ensure that performance targets are being met.

(3) The commission shall review the report and shall either find Metro is making satisfactory progress or provide recommendations for corrective actions to be considered or implemented by Metro prior to or as part of the next update of the preferred scenario.

Statutory/Other Authority: ORS 197.040, ORS 197.301, ORS 197.274(2) & 2009 OL Ch. 865 § 37(8) (HB 2001)
Statutes/Other Implemented: ORS 197.301 & 2009 OL Ch. 865 § 37(8) (HB 2001)
History:
LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022
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LCDD 5-2017, f. 2-28-17, cert. ef. 3-1-17
LCDD 10-2012, f. 12-4-12, cert. ef. 1-1-13

**660-044-0100**
**Scenario Planning Work Programs**

As used in this division, a work program must include:

(1) A proposed governance structure for regional cooperation: a proposed mechanism for regional cooperation. The governance structure may be an existing metropolitan planning organization, a new regional inter-governmental entity, an intergovernmental agreement for collaboration among local governments, or other mechanism. The governance structure must describe how the entity or entities will make decisions and complete tasks. The governance structure must, at a minimum, include cities and counties and describe how transit providers will be involved in the planning process.

(2) A scope of work: A proposed list of tasks to develop scenarios, analyze scenarios, select a preferred scenario, assemble a land use and transportation scenario plan, and amend local plans and ordinances consistent with the land use and transportation scenario plan.

(3) A community engagement plan: A community engagement plan with a focus on outreach to and inclusion of underserved populations including community-based conversations.

(4) A funding estimate: A general estimate of needs for each city and county to adopt local amendments to implement the selected scenario. The funding estimate must include a schedule of requested amounts in current and future budget periods.

(5) A schedule: The work program must include a proposed schedule for submitting the land use and transportation scenario plan and for adopting local amendments to implement the approved preferred land use and transportation scenario.

(6) Cities and counties may submit a proposed work program to the department with alternative deadlines to those found in OAR 660-044-0015.

(7) The department shall consult with the Oregon Department of Transportation to review the proposed work program. The director may approve the work program or refer the work program to the commission with recommended revisions.

(8) If the director refers a proposed work program to the commission under section (7), the commission shall hold a hearing to review the proposed work program and the recommended revisions. The commission may approve the work program or remand the work program with required revisions.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 184.899, ORS 197.012 & ORS 468A.205
History:
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

**660-044-0110**
**Land Use and Transportation Scenario Plan Contents**

A land use and transportation scenario plan must include:

(1) A planning period of at least 20 years in the future.

(2) An assessment of the housing and transportation needs of underserved populations;

(3) Policies and strategies intended to achieve the applicable greenhouse gas emissions reduction target in OAR 660-044-0025.

(4) Planning assumptions used to develop the scenario including:

(a) Regionally significant projects reasonably likely to be funded through the planning period;

(b) Regionally significant projects that would require additional funding;

(c) General estimates of the amount of additional funding required; and

(d) Potential sources of additional funding.

(5) Projections of land uses for the planning period including:

(a) Residential densities and locations;

(b) Employment densities and locations;

(c) Climate Friendly Areas as designated under OAR 660-012-0315; and

(d) Total regional population consistent with forecasts under OAR 660-032-0020.

(6) Analysis of local development regulations to identify any changes needed to enable development of the projected land uses, such as:

(a) Comparison of zoning maps with projected land use needed to meet the target;

(b) Parking requirements; and

(c) Electric vehicle charging requirements.

(7) Projection of future greenhouse gas emissions for the planning period using methods described in OAR 660-044-0030 using a preferred land use and transportation scenario to meet the applicable greenhouse gas reduction target in OAR 660-044-0025.

(8) Assumptions used to project future greenhouse gas emissions including:

(a) Assumptions about state and federal policies and programs;

(b) Assumptions about vehicle technology, fleet or fuels, if those are different than those provided in OAR 660-044-0030; and

(c) Assumptions about proposed regional programs or actions such as investments and incentives not already included in the list of transportation projects and projections of future land uses.

(9) Performance measures and methodologies that cities and counties will use to report on implementation of the preferred land use and transportation scenario, including:

(a) Regional performance measures to determine whether outcomes are progressing to achieve the projected reductions in greenhouse gas emissions. The regional performance measures must include actual performance for the data elements used to project greenhouse gas emissions as described in OAR 660-044-0030.

(b) Local implementation performance measures to determine whether cities and counties are taking the actions necessary to implement the preferred land use and transportation scenario.

(c) Equity performance measures to determine whether implementation of the preferred land use and transportation scenario is improving equitable outcomes for underserved communities.

(10) The performance measures in section (9) must include:

(a) A set of performance measures including methods, details, and assumptions to calculate the value;

(b) Baseline current data, or historical data, for each performance measure;

(c) A reporting schedule repeating every four or five years through the planning period;

(d) A target for each performance measure for each reporting point; and

(e) Best available demographic information for underserved populations.

(11) Report on community-based conversations and other efforts to solicit input from underserved communities.

(12) An assessment of benefits and burdens of the scenario on underserved community members compared to the population as a whole.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 184.899, ORS 197.012 & ORS 468A.205

History:
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

**660-044-0120**
**Commission Review of a Land Use and Transportation Scenario Plan**

(1) Cities and counties shall submit a land use and transportation scenario plan to the director.

(2) Upon receipt of a land use and transportation scenario plan, the director shall determine whether the submittal is complete based on the applicable criteria in this division.

(a) If there is any missing information, the director must inform the cities and counties with sufficient specificity to allow the cities and counties to provide missing information.

(A) The cities and counties must supply additional information within 30 days of the director's notification. If the cities and counties do not supply additional information, the director shall review the original submission as provided in subsection (b).

(B) If the director does not send a notice of missing information within 30 days of submittal, the submittal shall be deemed complete.

(b) Upon completeness, the department shall:

(A) Post the complete land use and transportation scenario plan on the department’s website; and

(B) Provide notice to persons described under ORS 197.615(3).

(C) The notice provided shall describe;

(i) How and where the land use and transportation scenario plan may be freely obtained; and

(ii) That objections to the land use and transportation scenario plan may be submitted to the department within 14 days of the notice.

(c) Review the submittal for compliance with this division and either:

(A) Issue an order approving the submittal, with responses to any objections submitted; or

(B) Refer the submittal to the commission for review and action under section (5).

(d) If the director does not issue an order approving the submittal or make a referral to the commission within 60 days of completeness, the submittal is deemed approved, and an order sent under section (3).

(3) The director shall send an approval order to the cities and counties, post on a public website using the Internet or a similar electronic method, and provide a copy of the order to the commission at its next regular meeting. The approval order must include information on the process to appeal the director's order as described in this rule.

(4) A person who has filed an objection may appeal a director's approval order to the commission. An appeal must be submitted within 30 days of the date of the commission meeting(s) at which the commission received the order. An appeal must clearly identify an alleged deficiency in the submittal based on the requirements of this division.

(5) The commission shall hold a hearing on a submittal referred by the director under section (2) or appealed under section (4).

(a) The commission will consider the contents of the land use and transportation scenario plan, the director's staff report, testimony from cities or counties that submitted the plan, and testimony from any persons who filed objections to the plan.

(b) The commission may:

(A) Remand the submittal with specific directions for needed changes consistent with the requirements of this division; or

(B) Approve the submittal.

(6) The director shall issue an order of the commission's decision to the cities and counties and to all participants in the hearing.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 184.899, ORS 197.012 & ORS 468A.205
History:
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**660-044-0130**
**Local Amendments to Implement Approved Land Use and Transportation Scenario Plan**

(1) Local governments shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with and implement relevant portions of the land use and transportation scenario plan approved by an order under OAR 660-044-0120. "Consistent" for the purpose of this rule means city and county comprehensive plans and

implementing ordinances, on the whole, conform to the purposes of the performance standards in the approved land use and transportation scenario plan.

(2) Cities and counties with an approved land use and transportation scenario plan under OAR 660-044-0120 may only adopt amendments to a comprehensive plan, land use regulation, or transportation system plan that are consistent with the approved land use and transportation scenario plan.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.615 & ORS 468A.205
History:
LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022
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