

**Land Conservation and Development Department  
Chapter 660 – Division 12  
Transportation Planning**

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**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-

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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

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### 660-012-0005: Definitions

For the purposes of this division, the definitions contained in ORS 197.015, 197.303, and 197.627 shall apply unless the context requires otherwise. In addition, the following definitions apply:

- (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 standards capable of accommodating persons with disabilities, in compliance with ORS 447.210 through 447.280.
- (3) “Accessible” means complying with the applicable standards of ORS 447.210 through 447.280, and where applicable, with ORS 447.310.
- (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.

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- (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) “Climate pollution” means emissions of greenhouse gases as defined in ORS 468A.210.
- (12) “Commercial parking lot” means a site where the primary use is renting or leasing vehicle parking spaces. It does not include shared parking.
- (13) “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.
- (14) “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.
- (15) “Equitable outcomes” means outcomes that burden 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;
  - (h) Fairly-distributed benefits to residents and local governments across cities and counties within metropolitan areas; and
  - (i) Increased opportunities for people with disabilities to be actively engaged in community-based decision-making processes, with supports as needed.
- (16) “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.
- (17) “Horizon year” means the final year of the twenty-year planning period.

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- (18) “Influence area of an interchange” means the area 1,320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.
- (19) “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.
- (20) “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.
- (21) “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.
- (22) “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.
- (23) “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.
- (24) “Metro Region 2040 Center” means the area within a boundary adopted by a city or county under Title 6 of the acknowledged Metro Urban Growth Management Functional Plan for the central city, regional centers, and town centers on Metro’s 2040 Growth Concept map.
- (25) “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.
- (26) “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.
- (27) “Multi-unit housing” means five or more attached housing units on a single lot or parcel. A dwelling unit may be attached to another dwelling unit vertically or horizontally. Multi-unit housing does not include middle housing

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- types, as defined in ORS 197.758, but does include five or more attached condominium dwelling units located on a collectively managed lot or parcel.
- (28) “ODOT” means the Oregon Department of Transportation.
- (29) “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.
- (30) “Parking mandates” means requirements to include or retain a carport, garage, or minimum number of off-street parking spaces with development, redevelopment, alterations, changes of use, or, for residential development, a fee-in-lieu of providing parking. It does not include requirements for parking spaces under the Americans with Disabilities Act or ORS 447.233.
- (31) “Parking maximums” means limits on the number of off-street parking spaces that can be included in a development.
- (32) “Parking spaces” means on and off-street spaces designated for automobile parking, other than parking spaces reserved for:
- (a) automobiles for sale or rent;
  - (b) fleet vehicles;
  - (c) carpools or vanpools; or
  - (d) parking under the Americans with Disabilities Act.
- (33) “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.
- (34) “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.
- (35) “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.”
- (36) “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.
- (37) “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.
- (38) “Performance measure” means an indicator used to evaluate progress towards meeting performance targets in accordance with OAR 660-012-0910.
- (39) “Performance standard” means an indicator used to review comprehensive plan and land use regulation amendments in accordance with OAR 660-012-0060.
- (40) “Planning period” means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this division.

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- (41) “Preliminary Design” means an engineering design that specifies in detail the location and alignment of a planned transportation facility or improvement.
- (42) “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.
- (43) “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.
- (44) “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.
- (45) “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.
- (46) “Roads” means streets, roads, and highways.
- (47) “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.
- (48) “Separated or protected bicycle facilities” means bicycle facilities that are physically separated, or that are protected from motor vehicle traffic by elements designed to inhibit intrusion into the bicycle facility. Protection may include parked motor vehicles, curbs, or a raised elevation of the bicycle facility. 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.
- (49) “Shared parking” means parking spaces used to meet the parking mandates for two or more uses, structures, or parcels of land.
- (50) “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.
- (51) “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.
- (52) “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.
- (53) “Transportation Needs” means estimates of the movement of people and goods consistent with an 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.
- (54) “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.
- (55) “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.
- (56) “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.
- (57) “Transportation Options Provider” means an entity providing services that work to change travel behavior in order to increase transportation system efficiency.

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- (58) “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.
- (59) “Transportation Service” means a service for moving people and goods, such as intercity bus service and passenger rail service.
- (60) “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.
- (61) “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.
- (62) “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.
- (63) “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.
- (64) “Vehicle Miles Traveled (VMT)” means all jurisdiction household-based light vehicle travel regardless of where the travel occurs.
- (65) “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

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### **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

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### **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;

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- (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

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### **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 completion of all elements included in the alternative dates, except for a major update to the transportation system plan, by December 31, 2029.
  - (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) 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.
  - (e) 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.
  - (f) Upon the director finding the proposed alternative dates meet the criteria in (f), the alternative dates shall be used.

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- (g) 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 upon the adoption of a major update to the local transportation system plan.
- (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 its 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 each city and county within Metro to:
- (A) By December 31, 2025, adopt boundaries for all regional and town centers identified on Metro's 2040 Growth Concept map for which the city or county has adopted urban land use designations in their comprehensive plan, except for any portions of centers that have boundaries adopted by another city or county;
- (B) Adopt boundaries for any other regional and town center identified on Metro's 2040 Growth Concept map when the city or county adopts urban land use designations for the area of that center in their comprehensive plan, unless portions of the center have boundaries already adopted by another city or county; and
- (C) Identify boundaries for regional and town centers that are adopted pursuant to this subsection to be located in the general area of the center as identified in the Metro 2040 Growth Concept map.
- (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 enforce 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 and provisions may not be adjusted through proposed alternative dates as provided in section (3):
- (a) The provisions of OAR 660-012-0210 take effect December 31, 2027.
- (b) A city or county 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.
- (f) The provisions of OAR 660-012-0350(1)(a) take effect December 31, 2029.
- (g) The provisions of OAR 660-012-0830(2)(b) take effect upon the adoption of a major update to the local transportation system plan.

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- (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

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### **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

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**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 state and regional 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;

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- (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

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### **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

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### **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.

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- (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

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### **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.

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- (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

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### **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

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### **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;

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- (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;

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- (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;

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- (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

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### **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,

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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

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### **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.

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- (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)

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- (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

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### **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;

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- (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

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- (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.

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- (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

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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.

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- (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

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### **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;

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- (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;

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- (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

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### **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

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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

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- (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

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### **660-012-0100: Transportation System Plans in Metropolitan Areas**

- (1) Cities and counties shall develop and adopt a transportation system plan. Cities and counties 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 comprehensive plan;
- (e) The local transportation system plan goals and policies;

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- (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 and counties 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 plan, 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

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### **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.

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

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**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) 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.
  - (b) 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 or in the Portland Metropolitan Area.
- (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

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**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 be 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.

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

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**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

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**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

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**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

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- (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

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### **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 must engage in either a major equity analysis or an engagement-focused equity analysis as provided in this division, including in the following circumstances:
- (a) A major equity analysis must be conducted when making a major update to a transportation system plan for an urban area of 5,000 in population or larger, as provided in OAR 660-012-0100(2).
  - (b) An engagement-focused equity analysis must be conducted:
    - (A) When making a major update to a transportation system plan for an urban area under 5,000 in population, as provided in OAR 660-012-0100(2);
    - (B) When making a minor update to a transportation system plan, as provided in OAR 660-012-0105(1);
    - (C) When designating a climate-friendly area, as provided in OAR 660-012-0315(4)(c); and
    - (D) When choosing to authorize a proposed facility, as provided in OAR 660-012-0830(2)(f).
- (3) A city or county engaging in a major equity analysis shall conduct all the actions in the engagement-focused equity analysis in section (4). 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 (4)(a) over time; and
  - (e) Use the best available data in conducting sections (a) through (d).
- (4) 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

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**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 with the 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 plans provided in OAR 660-012-0100 through 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;

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- (b) Counties planning for unincorporated areas within the urban growth boundary shall meet all applicable requirements based on the population of the planning area;
  - (c) Counties and cities need not have the same planning horizon year; and
  - (d) Cities or counties may set the horizon year of a local transportation system plan to match the horizon year of the adopted regional transportation plan.
- (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 mode-specific functional classifications for each mode on any facility or segment that they own and operate.

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- (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

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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.

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- (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:
- State-led pricing policies, and energy prices; and
  - 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

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### **660-012-0170: Unconstrained Project List**

- (1) Cities and counties shall create a combined project list by combining:
- The pedestrian project list developed as provided in OAR 660-012-0520;
  - The bicycle project list developed as provided in OAR 660-012-0620;
  - The public transportation project list developed as provided in OAR 660-012-0720; and
  - 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:
- The project will help reduce vehicle miles traveled;
  - The project burdens underserved populations less than and benefit as much as the city or county population as a whole; and
  - 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.
- 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.

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- (b) Cities and counties may develop, fund, or construct a project on the unconstrained project list if:
- (A) The project is required as a condition of land development;
  - (B) A property owner is providing financial or material contributions to the project; and
  - (C) 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.

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- (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) This rule does not become effective until December 31, 2027.
- (2) 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.
- (3) 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.
- (4) The assumptions and inputs used with the modeling or analysis must be consistent with acknowledged plans.
- (5) 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:
  - (a) Characteristics of the transportation system that will be measured, estimated, or projected, and the methods to calculate their performance;
  - (b) 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
  - (c) Findings for how the performance standard supports meeting the targets for performance measures set as provided in OAR 660-012-0910.
- (3) Cities, counties, Metro, and state agencies shall adopt two or more transportation performance standards. Metro may adopt regional performance standards in a functional plan for use across regional and local plans. 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;

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- (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

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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 or 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

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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 analysis of housing capacity and needed housing consistent with ORS 197.296 at the time it was adopted, by adding the total number of existing

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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 proposed development standards for the climate-friendly area, including applicable setbacks, allowed building heights, open space requirements, on-site parking requirements, and all other applicable regulations that would impact the developable site area. 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 of 5.5 acres or more bounded by streets, the local government shall assume the same ratio of gross land area to net land area as that which exists in the most fully developed urban center within the city or county.
  - (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) Thirty feet allows two floors.
    - (B) Forty feet allows three floors.
    - (C) Fifty feet allows for four floors.
    - (D) Sixty feet allows for five floors.
    - (E) Seventy-five feet allows for six floors.
    - (F) 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).

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- (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(4).
  - (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 clearly identify the climate-friendly areas in their comprehensive plan maps, comprehensive plans, zoning maps, or zoning codes; indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements and findings for the plan, code, or map amendment shall include the following:
- (a) Cities and counties subject to section (1) shall provide maps showing the location of all adopted climate-friendly areas, and supplemental materials 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) Adopted findings shall demonstrate compliance with the provisions of OAR 660-012-0310 through 660-012-0325, and 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

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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

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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 comply with the requirements 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) Multi-unit housing and attached single-unit housing. 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 multi-unit buildings, unless a multi-unit building will contain units subject to a recorded agreement that runs with the land and requires affordability for an established income level for a defined period of time.
  - (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 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). Employment densities for abutting areas shall comply with the thresholds in subsection (b). 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 paragraphs (A), (B), or (C) as applicable.
    - (A) Qualifying areas within local governments with a population greater than 5,000 up to 25,000 shall provide at least 20 jobs per net acre.
    - (B) Qualifying areas within local governments with a population greater than 25,000 up to 50,000 shall provide at least 30 jobs per net acre.
    - (C) Qualifying areas within local governments with a population greater than 50,000 shall provide at least 40 jobs per net acre.
- (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

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- 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). Additional zoned building capacity of 25 percent may be included for development regulations that allow height bonuses for additional zoned building capacity above established maximums that are consistent with

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OAR 660-012-0315(2)(c)(B). Specifically, the local government must demonstrate that the alternative development regulations will consistently and expeditiously allow for the levels of development described in subsections (a)-(c). Alternative development regulations must require either a minimum residential density of 15 dwelling units per net acre or a minimum floor area ratio of 1.0, as described in section (8).

- (a) Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations to allow a zoned building capacity of at least 60,000 square feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights.
  - (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 allow a zoned building capacity of at least 90,000 square feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights. 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 allow a zoned building capacity of at least 120,000 square feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights. 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 and Centers**

- (1) Cities or counties shall use the provisions of this rule to review amendments to comprehensive plans or land use regulations in lieu of the provisions of OAR 660-012-0060 when the amendment is:
  - (a) To adopt a climate-friendly area as provided in OAR 660-012-0310 through OAR 660-012-0320, or a Metro Region 2040 center; or
  - (b) Within an adopted climate-friendly area or Metro Region 2040 center.
- (2) Cities and counties considering amendments to comprehensive plans or land use regulations to adopt or expand a climate-friendly area as provided in OAR 660-012-0310 through OAR 660-012-0320, or a Metro Region 2040 center, must make findings, including:
  - (a) A multimodal transportation gap summary as provided in section (4); and
  - (b) The multimodal transportation gap summary must include a highway impacts summary as provided in section (5) 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.
- (3) Cities and counties considering amendments to comprehensive plans or land use regulations within an adopted climate-friendly area or Metro Region 2040 center must make findings including a highway impacts summary as provided in section (5) if:
  - (a) A city or county is reviewing a plan amendment that includes property in an adopted Interchange Area Management Plan, includes property within one-quarter mile of a ramp terminal intersection, or includes property within one-quarter mile of a state highway segment in an 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.
- (4) 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

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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 (2), 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).
- (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 changes between 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 considering amendments to comprehensive plans or land use regulations that affect areas both inside and outside an adopted climate-friendly area or Metro Region 2040 center may either:
- (a) Make separate findings for areas inside the climate-friendly area or Metro Region 2040 center as provided in this rule, and findings for areas outside the climate-friendly area or Metro Region 2040 center as provided in OAR 660-012-0060; or
  - (b) Make findings for all affected areas as provided in OAR 660-012-0060.
- (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.

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- (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 on or along the primary facing street. 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.

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- (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

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#### **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

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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

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- 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

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### **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

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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

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**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 with more than 50 parking spaces 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 for on-street parking and land use regulations for off-street parking 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-half acre of new off-street surface parking on a lot or parcel as provided below. The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.
  - (a) Developments not required to comply with OAR 330-135-0010 must provide a climate mitigation action. Climate mitigation actions shall include at least one of the following. Cities and counties are not required to offer all these options:
    - (A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property. The change to this paragraph sets \$1,500 as a floor, allowing cities and counties to index it for inflation, and clarifies it just applies to off-street parking spaces.
    - (B) Payment of at least \$1,500 per new off-street parking space into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;
    - (C) Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting; or
    - (D) A mixture of actions under paragraphs (A) through (C) the city or county deems to meet the purpose of this section.
  - (b) Developments must provide tree canopy. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations. Developments providing 40 percent tree canopy to comply with paragraph (a)(C) comply with this subsection.

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- (c) Developments must provide pedestrian connections throughout the parking lot, connecting at minimum the following, except where not practical due to site-specific conditions:
- (A) building entrances;
  - (B) existing or planned pedestrian facilities in the adjacent public rights-of-way;
  - (C) transit stops; and
  - (D) accessible parking spaces.
- (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) and (b), the following standards shall be met. 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 tree planting no lower than the 2021 American National Standards Institute A300 standards.
- (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

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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 serve 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

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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 Metro Region 2040 centers. 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. Cities and counties that have designated priority transit corridors under OAR 660-012-0710 may set parking maximums in those corridors in place of the corridors identified in OAR 660-012-0440(3)(b) and (c).
  - (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 housing 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; and
  - (d) 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 listed in OAR 660-012-0435(2) and OAR 660-012-0440(2) and (3). 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;

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- (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

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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

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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 non-loading parking is provided on site, all required 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.

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

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### **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.

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- (2) Cities and counties may not require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally-established property.
- (3) Cities and counties may not enforce parking mandates for the following development or use types:
  - (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;
  - (b) 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

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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 Metro Region 2040 centers. 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 regulations requiring no more than one-half off-street parking space per dwelling unit in the area that is not a townhouse or rowhouse; and
    - (C) Adopting land use regulations without parking mandates for commercial developments.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

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### **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 enforce parking mandates for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops.
- (3) Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors, including:
  - (a) Priority transit corridors designated under OAR 660-012-0710;
  - (b) Corridors with transit service arriving with a scheduled frequency of at least four times an hour during peak service; and
  - (c) If a community has no corridor qualifying under subsection (b), corridors with the most frequent transit service in the community if the scheduled frequency is at least once per hour during peak service.
- (4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.

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- (5) In determining the extent of lands subject to subsection (3)(b) or (c), a city or county shall either:
- (a) Evaluate current service frequencies on the date a land use application is submitted, provided the application remains valid for review pursuant to ORS 215.427 or ORS 227.178, or
  - (b) Adopt a map designating these lands based on service frequency on the date development codes implementing this rule are adopted. The city or county must update the map at least once per year from the date of adoption if services frequencies change and additional lands become subject to subsection (3)(b) or (c). The city or county must use subsection (5)(a) if additional lands are subject to subsections (3)(b) or (c) and the adopted map is more than one year old.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

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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 two of the following five provisions, including at least one provision from paragraphs (A) through (C):
- (A) A requirement that parking spaces for each residential unit in multi-unit housing developments be unbundled parking upon lease creation, lease renewal, or sale. 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 upon lease creation or renewal;
  - (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 multi-unit housing 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 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 multi-unit housing developments;
  - (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 where at least 50 percent of the building floor area is retained;
  - (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 identified as a designated or contributing structure 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;

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- (L) A repeal of parking mandates for schools;
- (M) A repeal of parking mandates for bars and taverns; and
- (N) Implementation of at least one pricing mechanism, either:
  - (i) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through paid permits, meters, or other payments; or
  - (ii) Requirements that parking for multi-unit housing units be unbundled parking upon lease renewal or sale.

(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

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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

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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 primary and

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secondary 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. Cities and counties may choose to apply pedestrian functional classifications to pedestrian facilities.
- (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 dedicated to transportation uses 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.

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- (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.
- (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. Cities and counties may choose to apply pedestrian functional classifications to pedestrian facilities.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712 & ORS 366.514

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### **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

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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.

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- (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

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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 primary and secondary 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

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### **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. Cities and counties may choose to apply bicycle functional classifications to bicycle facilities.
- (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 shall design bicycle facilities with higher levels of separation or protection along streets that have higher volumes or speeds of traffic.
  - (b) Cities and counties shall 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. Cities and counties are not

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required to plan separated or protected bicycle facilities on streets with very low levels of motor vehicle traffic, with slow speeds of motor vehicles, or near a high-quality parallel bicycle facility on the connected network.

- (c) Cities and counties shall 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 shall 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

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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

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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 bicycle parking for the following uses:
  - (a) All new multi-unit development or mixed-use development of five residential units or more as provided in section (3);
  - (b) All new retail development;

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- (c) All new office and institutional developments;
  - (d) All major transit stops, and any park-and-ride lots that require land use approval; and
  - (e) Any land use where off-street motor vehicle parking is mandated.
- (3) Cities and counties shall require a minimum of one-half of a covered bicycle parking space per unit for multi-unit and mixed-use residential uses. Cities and counties may:
- (a) Allow for reductions or exemptions to the minimum parking requirement based on development-specific considerations; and
  - (b) Exempt or reduce the minimum parking requirement for certain types of residential uses that are likely to have less future demand for bicycle parking.
- (4) Cities and counties shall adopt development regulations requiring all required bicycle parking provided must:
- (a) Either allow ways to lock at least two points on a bicycle, or be within a lockable space only available to authorized users;
  - (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 stairs, other parked bicycles, walls, or other obstructions;
  - (c) Be in a location that is convenient and well-lit; and
  - (d) Include bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.
- (5) Cities and counties shall provide for public bicycle parking and 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.

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 element.
  - (b) The public transportation system 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 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 coordinate with transit service providers to align the public transportation system element with Transit Development Plans, goals, and other strategic planning documents adopted by transit service providers to the extent practical.
  - (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-

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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

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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.

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- (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:
- Public transportation system investments in climate-friendly areas and Metro Region 2040 centers;
  - Public transportation system investments in areas with concentrations of underserved populations, particularly in areas with concentrations of people dependent on public transportation;
  - Public transportation system investments that provide access to key public transportation destinations identified as provided in OAR 660-012-0360;
  - Public transportation system investments that will connect to, fill gaps in, and expand the existing public transportation network;
  - Public transportation system investments that prioritize transit travel consistent with the prioritization factors in OAR 660-012-0155; and
  - 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:
- 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.
  - Identification of gaps or deficiencies in the street and highway system as described in section (4);
  - Locations of key destinations identified as provided in OAR 660-012-0360; and
  - 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:
- Using the street and highway system inventory developed under OAR 660-012-0805 as a base;
  - 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

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- (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

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- 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.

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- (5) Cities and counties shall, as part of the transportation planning process, 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 should 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

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### **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

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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

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- (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) Notwithstanding subsection (a), a city or county may carry forward a proposed facility in a major transportation system plan update without review as provided in this rule if it is a planned project in a transportation system plan acknowledged prior to January 1, 2023, and the project meets any of the following at the time of adoption of the update:
- (A) The project is included in a general obligation bond approved by voters prior to January 1, 2022;
  - (B) The project is included as a project phase other than planning in the State Transportation Improvement Program adopted by the Oregon Transportation Commission, or a metropolitan planning organization's transportation improvement program;
  - (C) The project has received a decision under the National Environmental Policy Act of 1969; or
  - (D) The project has been advertised for construction bids.
- (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.

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- (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 involvement 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

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- (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 climate pollution 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

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### **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.

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- (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

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### **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

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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 arterial 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 streets 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, counties, and Metro 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, counties, and Metro 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, counties, and Metro 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.

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- (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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