

ODOT Development Review Guidelines Update – Frequently-Asked Questions

Updated February 7, 2024

ODOT is updating its Development Review Guidelines to reflect the recent Climate Friendly and Equitable Communities rulemaking. The following is a list of Frequently Asked Questions about how these two items relate.

WHAT ARE ODOT'S DEVELOPMENT REVIEW GUIDELINES?

The Development Review Guidelines is a reference handbook for use by ODOT engineering/planning staff involved in local land use/transportation planning and land development proposals. The guidelines are intended to help staff understand, review, and respond to proposals when there are potential impacts to the state highway system.

WHAT IS THE CLIMATE FRIENDLY AND EQUITABLE COMMUNITIES RULEMAKING AND WHY WERE THESE RULES MADE?

What

In late 2022, the Department of Land Conservation and Development (DLCD) updated Oregon Administration Rules (OAR) Chapter 660, Division 12, also known as the Transportation Planning Rule (TPR). The rulemaking that updated the TPR is known as the Climate-Friendly and Equitable Communities (CFEC) rulemaking. The purpose of the CFEC rulemaking was to better align the state's transportation planning with its long-term greenhouse gas emission reduction goal. The rulemaking primarily focuses on Oregon's eight most populated areas, requiring changes in transportation planning to ensure Oregonians have more transportation options to reduce single-occupancy vehicle reliance.

While CFEC rulemaking impacts transportation planning across jurisdictions within metropolitan areas, the key change relative to development review is the creation of Climate Friendly Areas (CFAs). Cities and counties with a population greater than 5,000 and that are within one of the state's metropolitan planning organization boundaries (excluding Metro) will need to define CFAs. Per DLCD's website, a CFA is:

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

Why

Oregon is striving to meet statutory goals and policy to reduce climate pollution, including the roughly 35% of climate pollution that comes from transportation. Unfortunately, Oregon is off-track in reducing how often and how far Oregonians have to drive to meet their daily needs. The changes to the TPR are intended to result in coordinated land use and transportation planning that will support reductions of vehicle miles traveled.

HOW DO THE NEW CFEC RULES CHANGE THE LAND USE AND DEVELOPMENT REVIEW PROCESS?

In general, the rule changes develop new analysis procedures and require the adoption and implementation of new local and state transportation performance standards. The application of these new analysis procedures and performance standards will vary depending on if the land use amendment is located partially or wholly inside a CFA/Metro Region 2040 center, if the land use amendment is located outside a CFA/Metro Region 2040 center, or if it involves an outright zoned development application in either setting. See the following questions/answers for more details.

WHAT IS REQUIRED FOR LAND USE AMENDMENTS WITHIN CFAS OR METRO REGION 2040 CENTERS?

The new rules outline the specific actions local governments must take when considering the adoption of a new CFA or Metro Region 2040 center or when reviewing comprehensive plan or land use regulation amendments within existing CFAs or Metro Region 2040 centers. These rules are contained in OAR 660-012-0325 and replace OAR 660-012-0060 for CFAs and 2040 centers. Depending upon what is being considered, the review process will necessitate the preparation of a multimodal transportation gap summary and/or a highway impacts summary as outlined in the table below.

Analysis Requirements Outline		
Adoption/Amendment Scenario	Multimodal Transportation Gap Summary	Highway Impacts Summary
Adoption of a New CFA or Metro Region 2040 Center	Required	Potentially Required ¹
Expansion of an Existing CFA/ Metro Region 2040 Center Boundary	Required	Potentially Required ¹
Amendment to Comprehensive Plan or Land Use Regulations Within an Existing CFA or Metro Region 2040 Center	Not Required	Potentially Required ²

¹ If the area being considered for adoption contains a ramp terminal intersection, state highway, interstate highway, or adopted ODOT facility plan.

² If the comprehensive plan/land use amendment study site/area is within a quarter-mile of a ramp terminal intersection, adopted Interchange Area Management Plan area, or adopted ODOT Facility Plan area...Or...If the comprehensive plan/land use amendment study site/area is expected to 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.

A multimodal gap summary is a high-level summary that identifies areas for further analysis in a TSP and includes a summary of the existing multimodal transportation network, a summary of the gaps in the pedestrian and bicycle network, and a list of planned projects to fill the identified gaps.

A highway impacts summary, if required, includes a review of the potential change in development capacity, a summary of additional motor vehicle traffic generation, and a summary of motor vehicle fatality and serious injury crashes but is not required to include analysis of transportation performance standards.

WHAT IS REQUIRED FOR PLAN AMENDMENTS WITHIN METROPOLITAN PLANNING AREAS BUT OUTSIDE OF AN ADOPTED CFA OR METRO REGION 2040 CENTER?

Metro, cities and counties within MPOs, and ODOT are required by the updated TPR (OAR 660-012-0215) to adopt two or more transportation performance standards. At least one of the transportation performance standards is required to support increasing transportation options and avoiding principal reliance on automobiles. These standards will apply when reviewing comprehensive plan and land use regulation amendments for consistency with the TPR (OAR 660-012-0060). ODOT anticipates adopting updated performance measures for their facilities to comply with the CFEC rulemaking in the ongoing *Oregon Highway Plan* update.

WHAT IS REQUIRED FOR OUTRIGHT ZONED DEVELOPMENT PROJECTS?

Within metropolitan planning areas, including Metro, local development codes will need to be updated to reflect their updated performance standards consistent with OAR 660-012-0215. The standards adopted by ODOT for their facilities in the *Oregon Highway Plan* would apply if an applicant is seeking a new or modified state highway access permit or mitigation of a state facility is needed to support the development application. In most other cases, ODOT is a commenting agency unless otherwise specified in the local development code.