

Implementation Guidance OAR 660-012-0012 Proposed Alternative Dates



OREGON
Department of
Land Conservation
& Development

The Land Conservation and Development Commission (LCDC) adopted amendments to the Transportation Planning Rules (OAR chapter 660, division 12) in 2022 to support communities taking action to meet Oregon’s climate pollution reduction targets, while providing more housing and transportation choices for all.

The Department of Land Conservation and Development (DLCD) is providing this resource as part of our technical assistance program. Please see our website for more information or to sign up for notices:

www.oregon.gov/lcd/CL/Pages/CFEC

Background

This document provides information to local governments on the “alternative dates” provision of OAR 660-012-0012(3). This provision allows local governments the option to request different dates for meeting certain requirements as set out in OAR 660-012-0012(4).

When directing the department to update these rules, the Land Conservation and Development Commission instructed staff to ensure the updated rules were implemented with urgency. This required setting effective dates and deadlines for certain actions over the course of a few years following adoption of the rules. However, during development of the rules, jurisdictions subject to the updated rules noted the variety of their ongoing needs with different timelines and processes. A single set of timelines would not meet the needs of every jurisdiction.

The commission adopted the alternative dates process to address both the need for urgency and for local flexibility. The alternative dates process allows individual local governments to propose different dates, and for the department to review and approve them. This document provides guidance and recommendations to local governments considering proposing alternative dates to the department.

About this document

This document provides guidance from the Department of Land Conservation and Development. This guidance is intended to assist in the interpretation of an administrative rule but does not itself have the force of rule. This document includes recommendations that may go beyond the minimum needed to be consistent with the adopted rule.

This document was published on December 18, 2023. This is version 1.4 of this document and supersedes version 1.3 of this document published on May 8, 2023. The latest version of this document is available online:

www.oregon.gov/lcd/CL/Documents/GuidanceAlternativeDates.pdf

This document is based on rules adopted by LCDC effective on November 7, 2023.

Applicability

This rule only applies to cities and counties in Oregon's eight metropolitan areas, and Metro. If you represent a city or county in Oregon and aren't sure if these rules apply to you, please review the following document, which includes a summary of responsibilities for all affected local governments:

www.oregon.gov/lcd/CL/Documents/CFECCoverviewImplementation.pdf

OAR 660-012-0100(4) allows cities and counties with a population of less than 10,000 in the urban area to request an exemption from requirements in division 12. Please refer to this document for more information about exemptions:

www.oregon.gov/lcd/CL/Documents/GuidanceExemptions.pdf

Elements of a Proposal

As described in OAR 660-012-0012(3)(a), a proposal for alternative dates has three elements:

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

This is simply a narrative that describes work underway to meet the updated requirements. Examples may include initial work on the climate-friendly area study required in OAR 660-012-0310 or work to prepare for the parking requirements in OAR 660-012-0430 and OAR 660-012-0440. Any other relevant work may be included in this narrative. This information will help demonstrate that the city or county is taking urgent action to reduce climate pollution, albeit on a different schedule than set in the rule.

B. Proposed dates for accomplishing requirements in lieu of effective dates or deadlines provided in this rule

This is the heart of the proposal – the actual proposed dates for the elements in OAR 660-012-0012(4). A description of these elements is below. Local governments may submit a narrative to support the proposed alternative dates. The director will review these dates based on the review criteria in OAR 660-012-0012(3)(e).

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

This element is important for the department to understand the overall context of the proposed dates above, and to get a better understanding of how jurisdictions across the state intend to make updates to their local Transportation System Plans (TSPs). A proposed schedule should be reviewed with ODOT, as described below. Some jurisdictions have a deadline of December 31, 2029 to complete this work, however all jurisdictions submitting proposed alternative dates must include this schedule.

These are the required elements of a proposal. The combined narrative across the three elements should be cohesive and support the review criteria that the department will use to review the proposal. The department expects proposals will not require more than three pages.

Limitations on Alternative Dates

OAR 660-012-0012(b) through (d) provide details on how the alternative dates may be proposed.

Subsection (3)(b) states that proposed alternative dates must demonstrate consistent progress toward meeting the updated requirements of the division. The last date to complete any work, except for a major update to the TSP, is **December 31, 2029**.

Subsection (3)(c) directs proposed alternative dates to be designed to work in a logical progression. Local governments must consider acknowledged plans, other work, and the work of other jurisdictions within the metropolitan area. DLCDC recommends jurisdictions work closely with partners when developing proposed alternative dates.

Subsection (3)(d) permits jurisdictions in the Salem-Keizer and Eugene-Springfield metropolitan areas to submit a combined work program that meets the proposed alternative date requirements of both OAR 660-012-0012(3) and the work program requirements for regional scenario planning of OAR 660-044-0015. The deadline for submitting joint work programs has passed, and this provision is now outdated.

Dates that may be Altered

OAR 660-012-0012(4) lists those dates that may be altered through the alternative dates process. Other dates in the rules may not be adjusted through the alternative dates process. The dates in section (4) of the rule include:

Major TSP Update: Subsection (4)(a) sets a deadline of **December 31, 2029** for certain jurisdictions to complete a major TSP update. This deadline applies to larger cities and counties outside the Portland metropolitan area. This deadline is not subject to the requirement in OAR 660-012-0012(3)(b) that proposed alternative dates be no later than December 31, 2029. However, any later proposed alternative dates will require extraordinary evidence to support further delay.

Cities and counties intending to use ODOT funds must coordinate with ODOT to align proposed dates with ODOT resources and capacity. Contact your ODOT Region Planning Manager and the ODOT Planning Unit to determine a reasonable date for a TSP update. Contact information is provided below. Cities and counties intending to fully fund their update without ODOT funding may propose alternative dates.

Transportation Performance Standards: Subsection (4)(b) provides that jurisdictions shall adopt multiple transportation standards as provided in OAR 660-012-0215 **upon adoption of a major Transportation System Plan update**.

Climate-Friendly Area Zoning: Subsection (4)(c) only applies to jurisdictions required to adopt a climate-friendly area as provided in OAR 660-012-0310. Those jurisdictions must adopt land use requirements and a comprehensive plan element by **December 31, 2024**. The department believes that the key land use decisions made in implementing climate-friendly areas are critical for informing other work. Climate-friendly area zoning must be completed before a major TSP update is completed. We strongly suggest that this element should be scheduled relatively early.

Metro Town and Regional Centers: Subsection (4)(d) only applies to Metro, not any cities or counties. The subsection provides for Metro to amend the urban growth management functional plan to require local adoption of centers no later than **December 31, 2024**, and to include a

deadline for local adoption no later than **December 31, 2025**. Metro may propose alternative dates for either of these deadlines.

Land Use Requirements: Subsection (4)(e) provides that cities and counties must amend land use regulations to meet the requirements of OAR 660-012-0330 no later than the time of **adoption of a major Transportation System Plan update**. A jurisdiction may propose an alternative date that is separate from a major TSP update.

Parking Reform: Subsection (4)(f) requires jurisdictions to amend comprehensive plans and land use regulations to meet the requirements of OAR 660-012-0400, OAR 660-012-00405, and OAR 660-012-0415 through OAR 660-012-0450 by **June 30, 2023**. Many of these requirements apply at certain population thresholds, and jurisdictions have some choices about which requirements will apply. If proposing alternative dates, jurisdictions should be clear about which requirements are applicable and are proposed for adjustment.

Parking Management: Subsection (4)(g) requires certain jurisdictions to report on the share of on-street parking spaces that are priced. The provisions of OAR 660-012-0450(1)(b) only apply to cities with a population over 100,000 that are not exempt as provided in OAR 660-012-0420(1). There are two separate dates that may be adjusted through alternative dates:

- Demonstrating 5 percent of on-street parking priced by **September 30, 2023** (paragraph (4)(g)(A)), and
- Demonstrating 10 percent of on-street parking priced by **September 30, 2025** (paragraph (4)(g)(B)).

Drafting a Proposal

The department strongly recommends local governments consider the following factors when determining the best approach for alternative dates.

Review existing acknowledged plans: Review existing comprehensive plan elements, particularly the transportation system plan, but also other affected elements and implementing land use regulations. Many jurisdictions already meet some of the standards of updated rules, allowing a focus on those parts of plans and regulations that need to be updated.

Review planned work: Review existing internal work programs and planning needs for your jurisdiction over the next few years to determine what already scheduled work would complement work required under the updated rules.

Work closely with partners: The jurisdictions should work closely with partners to understand the universe of needs and resources available to ensure that work is scheduled in a logical and efficient way and avoiding unnecessary or duplicative work. In particular, the department recommends coordination with:

Underserved populations, community organizations, and stakeholders. Updated requirements in OAR 660-012-0120 provide for local governments to develop plans with an emphasis on centering underserved populations. The development of proposed alternative dates does not itself require in-depth engagement. However, the department encourages jurisdictions to begin engaging with underserved populations, related community organizations, and other stakeholders as early as possible to understand key

issues. These conversations may inform considerations when developing proposed alternative dates.

Other cities and counties in the metropolitan area. Your jurisdiction works together with your neighbors to advance the region. Consider work that may be advantageous to work on together, contract together, or that sequences logically. In the Salem-Keizer and Eugene-Springfield areas, there are regional efforts required as part of the scenario planning requirements in OAR 660-044-0015. These should be considered as part of the proposed alternative dates or combined work program. In the Portland metropolitan area, cities and counties should work together and with Metro to determine an approach to proposed alternative dates.

DLCD. The agency is providing some resources to local governments and needs to have an understanding how to program these resources over time. Our regional representatives know about other activities taking place in your area that may be useful for you to know. We also want to know how the rules work for local jurisdictions, so that we may update LCDC and potentially support needed revisions to guidance or the rules.

- Albany, Corvallis, and Eugene-Springfield metropolitan areas: Southern Willamette Valley Regional Representative: Patrick Wingard, patrick.wingard@dlcd.oregon.gov
- Bend metropolitan area: Central Oregon Regional Representative: Angie Brewer, angie.brewer@dlcd.oregon.gov
- Middle Rogue and Rogue Valley metropolitan areas: Southern Oregon Regional Representative: Josh LeBombard, josh.lebombard@dlcd.oregon.gov
- Portland metropolitan area: East Metropolitan Area Regional Representative: Kelly Reid, kelly.reid@dlcd.oregon.gov; West Metropolitan Area Regional Representative: Laura Kelly, laura.kelly@dlcd.oregon.gov
- Salem-Keizer Metropolitan Area: Mid-Willamette Valley Regional Representative: Melissa Ahrens, melissa.ahrens@dlcd.oregon.gov

ODOT. The agency has some resources available to assist local governments with some required elements, most notably with TSP updates. There are limited resources available, and the agency does not have the capacity to deploy these resources all at once. Contact your ODOT Region Planning Manager and the ODOT Planning Unit early in the process to ensure coordination of activities and available resources. It is critical for local jurisdictions to understand when state resources will be available for them and to plan activities around available resources. ODOT staff will also know about other activities taking place in the area or across the state which may inform development of proposed alternative dates.

- Portland metropolitan area: Region 1 Planning Manager: Neelam Dorman, neelam.dorman@odot.oregon.gov
- Albany, Corvallis, Eugene-Springfield, and Salem-Keizer metropolitan areas: Region 2 Planning Manager: Naomi Zwerdling, naomi.zwerdling@odot.state.or.us
- Middle Rogue and Rogue Valley metropolitan areas: Region 3 Planning Manager: Michael Baker, michael.baker@odot.oregon.gov
- Bend metropolitan area: Region 4 Planning Manager: David Amiton, david.amiton@odot.oregon.gov
- ODOT Planning Unit: Theresa Conley, theresa.l.conley@odot.state.or.us

Put everything together: Using information gathered from the jurisdiction’s review and consultation, put together a set of proposed alternative dates that fits the needs of the community and the resources available over time. Keep the review criteria in OAR 660-012-0012(3)(e) in mind.

Submitting a Proposal

Jurisdictions may send proposed alternative dates via email to: DLCD.CFEC@dlcd.oregon.gov. The proposal may be sent by any person who is locally authorized to do so, such as a planning director or city manager. Updated versions of this document may include more specific instructions which will be provided on the department’s website.

Review of Submitted Proposals

OAR 660-012-0012(3)(e) through (g) provide for how submitted proposals are reviewed by the DLCD director.

Review Criteria: Subsection (3)(e) provides the review criteria for the director to use when considering submitted proposals:

A. Ensures urgent action

The director’s review will determine if the proposed alternative dates move work forward reasonably urgently. The rule requires that **all applicable work is completed by December 31, 2029**. Proposals that tackle work early and have a logical progression over time will be reviewed favorably. Proposals that simply push as much work as late as possible will not be approved.

B. Coordinates actions across jurisdictions within the metropolitan area

The director’s review will look across proposals from jurisdictions in the same metropolitan area and determine if the work is expected to occur in a coordinated way where this makes sense (for example, parking reform does not require regional coordination). Proposals that demonstrate work that is logically connected to other work in the region will be reviewed favorably. Proposals that are disconnected or disjointed across a metropolitan area will have difficulty meeting this criterion.

C. Coordinates with work required as provided in Division 44

The director’s review will consider how the submitted proposal coordinates with any required regional planning work.

D. Sequences elements into a logical progression

The director will review proposals to determine if the progression of work makes sense and logically leads from one task to another. For example, implementation of climate-friendly areas must occur early in the process to inform the development of a TSP update. The department recommends clearly describing how work tasks relate to each other in the proposal.

E. Considers availability of funding

The director’s review will ensure that submitted proposals are consistent with the funding and staff resources that DLCD and ODOT have available to support jurisdictions. It is critical

that jurisdictions work closely with state agencies prior to submitting proposals. Proposals aligned with state expectations will be reviewed favorably.

The department does not review proposals using a formal scoring system for these criteria, but reviews proposals holistically with an understanding that many different factors play into when jurisdictions may reasonably complete the required work.

The failure to meet a single criterion does not necessarily mean a submitted proposal would be rejected.

Subsection (3)(f) states the director has the role of reviewing proposed alternative dates against the criteria in subsection (3)(e). If the director finds the proposal meets the criteria, the proposal shall be accepted, and the alternative dates may be used.

Subsection (3)(g) permits the director to modify alternative dates at any time as necessary. This provision was included to give the state and local governments flexibility in the future. As events occur, it may be necessary to adjust some alternative dates. The director may adjust alternative dates at any time and to any reasonable date. However, the director may only adjust dates for jurisdictions that have accepted alternative dates.

Decision on Alternative Dates

The director may accept a proposal, accept a proposal with adjustments, or reject a proposal. Submitted proposals that reasonably work toward meeting the review criteria, and where the proposal is consistent with discussions with DLCD and ODOT staff ahead of time are likely to be accepted. If the department has concerns about a submitted proposal, the department will discuss concerns with the jurisdiction first, and consider adjustments.

The department will provide written notice to jurisdictions upon acceptance of alternative dates. Upon acceptance of alternative dates, the jurisdiction may rely on those dates to complete work as described, until and unless any alternative date is later adjusted by the director.

Alternative dates that have been granted are listed in a report here, updated regularly:

<https://www.oregon.gov/lcd/CL/Documents/AlternativeDatesReport.pdf>

Contact Information

The department maintains a web page with information on the rules, and how local governments may best implement them:

www.oregon.gov/lcd/CL/Pages/CFEC.aspx

For more detailed questions on the alternative dates process, or questions about or comments on this document, please contact DLCD staff: Bill Holmstrom, bill.holmstrom@dlcd.oregon.gov, 971-375-5975.

Disclaimer

This document aims to provide information about the rules, and how the department intends to administer the rules. Nothing in this document should be construed as Oregon Administrative Rules. A current copy of the adopted rules should be acquired from the [Oregon Secretary of State](#) and used to fulfill planning requirements.

Sample Proposal for Alternative Dates

The following is a sample proposal for alternative dates from the lovely (and fictional) Oregon town of Planwell. This is a sample proposal and does not necessarily constitute an adequate proposal for any non-fictional community.

To: DLCD Director
From: City of Planwell
Subject: Proposal for Alternative Dates
Date: November 8, 2022

This proposal for alternative dates is submitted to meet the requirements of OAR 660-012-0012(3). The city of Planwell is excited to continue our work on planning for a more equitable and climate-friendly future to benefit our residents.

Work Already Underway (3)(a)(A)

Planwell's existing plans are in many ways already aligned with the objectives of the updated Transportation Planning Rules. However, a few key updates are underway at present:

- Planwell has undertaken a review of engagement processes to ensure that the city is centering the voices of underserved populations in its work. The city is building relationships with several community-based organizations to ensure underrepresented voices are heard. The city's review covers the requirements in the Transportation Planning Rules, but the city expects to use updated methods in all public engagement across all city functions.
- Planwell has begun work on the climate-friendly area study required in OAR 660-012-0310. Early work indicates that downtown Planwell will meet many of the requirements of a climate-friendly area, with some changes needed for the zoning map and land use regulations.
- Planwell's existing transportation system plan is due for an update relatively soon. The city has begun some preliminary preparations to start a TSP update in a few years. For example, the city is undertaking a review of the existing transportation system inventory at this time to understand where additional information may be needed.
- Planwell is working with the county and other cities in the Planwell metropolitan area to coordinate our work.

Proposed Dates (3)(a)(B)

Planwell proposes the following alternative dates for the deadlines listed in section (4) of the rule:

- a. No proposed alternative date. Planwell expects to complete a major TSP update in late 2025. The city has been discussing this timeline with ODOT region 6 staff and expects to have the resources to be able to adopt a major TSP update well before this deadline.
- b. Proposed alternative date of March 30, 2026. We expect to adopt this as part of our major TSP update, which we expect to complete in late 2025.

- c. No proposed alternative date. The city is making progress on a climate-friendly area study, and early indications are that the city will be able to adopt a climate-friendly area by the end of 2023.
- d. This does not apply to Planwell.
- e. No proposed alternative date. We expect to complete this work at the same time as the TSP update.
- f. Proposed alternative date of March 30, 2024 for OAR 660-012-0400 and OAR 660-012-0405. We expect to make these amendments at the same time as we adopt climate-friendly areas. OAR 660-012-0415 does not apply to Planwell. Planwell expects to remove all minimum parking requirements by June 30, 2023, so per OAR 660-012-0420, OAR 660-012-0425 through 0450 will not apply to Planwell.
- g. As described above, this does not apply to Planwell.

Transportation System Plan Update (3)(a)(C)

As described above, Planwell's TSP will need to be updated relatively soon. The city is presently working on adopting climate-friendly areas before the end of 2024, leading into the development of the TSP update. The existing TSP is strong, but many projects have been completed and new development has occurred that needs to be accounted for. The city expects to build on the existing TSP to develop an updated plan by:

- Engaging the entire community, particularly underserved communities, early in the process and throughout;
- Reviewing existing inventories and updating as needed;
- Considering some planned projects that would require additional review and determining if they should remain in the plan;
- Coordinating with the county and other cities in the Planwell metropolitan area. The Planwell TSP includes all areas within the UGB, including unincorporated areas; and
- Working with ODOT region 6 on development of a scope of work for the TSP update.

Thank you for your consideration of this proposal.

City of Planwell

Rule Language

Selected text from the rule is provided below for convenience. Please see the version provided by the Oregon Secretary of State for the official version of administrative rules:

<https://secure.sos.state.or.us/oard/view.action?ruleNumber=660-012-0012>

660-012-0012: Effective Dates and Transition

(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.

(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.