



Oregon

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Rulemaking to amend the Transportation Planning Rules, clarifying local governments may mitigate across jurisdictions (Senate Bill 120)

RULEMAKING ADVISORY COMMITTEE MEETING #1

Monday, May 23, 2016

2:00-3:30pm

Conference Room A, Redmond City Hall

716 Evergreen Avenue, Redmond, OR

MEETING PACKET

Included in this packet:

1. Meeting agenda with videoconference instructions
2. Memo – Background on Senate Bill 120 issues
3. Memo – Options for rule amendments
4. Draft Fiscal Impact Statement
5. Senate Bill 120 (2015 Regular Session)
6. Transportation Planning Rules (Oregon Administrative Rules Chapter 660, Division 12)



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Conference Room A, Redmond City Hall

716 Evergreen Avenue, Redmond, OR

AGENDA

1. Introductions
2. Review of SB 120 and the specific TPR issue
3. Review and comment on potential rule amendments
4. Review and comment on draft fiscal impact analysis
5. Final comments and adjourn

Video Conference Link – <https://zoom.us/my/dlcd.psd>

- We will use the video to share documents.
- You may connect to the conference using your computer audio.
- You may also join the video conference audio by phone using the numbers displayed when you connect; or call 1-855-880-1246, Meeting ID 627 362 9993.

In case the video conference has technological issues, we have arranged a backup phone line. We won't use this unless there is a problem.

- Call 1-888-557-8511, Meeting Code 122182.



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John A. Kitzhaber, M.D., Governor

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May 16, 2016

TO: Rulemaking Advisory Committee for rulemaking to amend the Transportation Planning Rules, clarifying local governments may mitigate across jurisdictions (Senate Bill 120)

FROM: Bill Holmstrom, Land Use & Transportation Planning Coordinator

CC: Matthew Crall, Planning Services Division Manager

RE: **Background on Senate Bill 120 issues**, RAC Meeting #1, May 23, 2016

The purpose of Senate Bill 120 is to allow local governments to propose transportation improvements in other jurisdictions in order to mitigate a significant effect on the transportation system at another location. This memo includes a summary of Senate Bill 120, an overview of the issue of transportation improvements in other jurisdictions, and a discussion of the existing rules covering this topic.

Summary of Senate Bill 120

Senate Bill 120 passed in the 2015 legislative session. The law includes three principal directives:

- Subsection 1(2) – LCDC shall adopt rules or amend existing rules as necessary to allow a city or county to propose transportation improvements outside of that city or county when the city or county is considering an amendment to a functional plan, comprehensive plan, or land use regulation and the amendment would significantly affect a transportation facility within the city or county.
- Subsection 1(3) – A city or county may use highway mobility targets for a corridor as established by the Oregon Department of Transportation (ODOT) Oregon Highway Plan as the basis for proposing transportation improvements outside of that city or county.
- Section 2 – The Department of Land Conservation and Development (DLCD) and ODOT must jointly report to the legislative assembly by September 2016 on the implementation of the above measures.

This memo addresses the first item. ODOT is responsible for the second item. DLCD and ODOT will work together to produce the joint report required by the third item following work on the first two items.

Proposing Transportation Improvements in Other Jurisdictions

Chapter 660, Division 12 of the Oregon Administrative Rules is more commonly known as the Transportation Planning Rules (“TPR”). The TPR requires local governments to plan for a transportation system to serve planned land uses. When local governments make an amendment to a functional plan, comprehensive plan, or a land use regulation (including a zoning map), the local government must consider if the change would create a “significant effect” on the planned transportation system. If it would create a significant effect, then the TPR gives the local government several options for how to ensure consistency between transportation plans and land use plans.

Senate Bill 120 was introduced to ensure that transportation improvements in other jurisdictions could be used to mitigate a significant effect on the transportation system. The department supports this concept, and current rules allow it.

For example, a rezoning in a city might allow a substantial increase in development, which would increase the number of vehicles projected to use the transportation system. This could create a level of congestion which would significantly affect an intersection of a state highway and a local street in the city. In this case the city would be able to propose mitigation at an intersection outside the city, in an unincorporated area of the county. The proposed mitigation might allow the overall function of the state highway to be maintained, even if changes were not made at the site of the development. The cooperation of the pertinent jurisdictions would be necessary to proceed, including ODOT when state highways are involved.

The Existing Rules

There are two main ways that the TPR, as it is currently written, allows for jurisdictions to use improvements outside the jurisdiction to mitigate a significant effect. These are the adoption of corridor-level performance standards, and using existing provisions of the TPR to mitigate the significant effect using improvements at another location.

Adopt Corridor-Level Performance Standards

Local governments have wide latitude to adopt performance standards for their transportation system. The TPR does not prescribe any particular performance standard, but only require local governments to adopt performance standards as part of their Transportation System Plan (TSP). This requirement is found in OAR 660-012-0020(3)(b) (*emphasis added*):

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

...

(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*;

A local government, working in coordination with other affected governments and transportation authorities, could adopt a corridor-level performance standard. Almost all adopted performance

standards today measure performance at a particular intersection or along a short facility segment. A corridor-level performance standard could take a broader view of a transportation corridor and provide for a level of performance over a corridor that includes multiple intersections.

In this case, the reduction in function at a particular intersection would not be reviewed as part of the TPR analysis. If the performance of the corridor overall does not fall below the adopted performance standard, even if an intersection becomes congested, there would be no significant effect, and no mitigation would be required.

If the reduction in performance at one intersection meant that the corridor's performance did fall below the adopted standard, then actions to mitigate that significant effect could take place anywhere along the corridor. This might allow for mitigation actions that are less expensive, require less right-of-way acquisition, or otherwise make more sense than actions at affected intersection.

Local governments are currently empowered to adopt corridor-level performance standards. Action 1F.3 of the Oregon Highway Plan allows the state to adopt corridor mobility targets (performance standards) for state highways.

Mitigate a Significant Effect at "Other Locations"

Absent the adoption of a corridor-level performance standard, local governments still have the option to mitigate a significant effect by making improvements to other facilities than those which are significantly affected. This is accomplished through a balancing test considering the system-wide benefits of the proposed improvements. This provision is made in the TPR at 660-012-0060(2)(e) (*emphasis added*):

(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 identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, ***unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule.*** A local government using subsection (2)(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.

...

(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 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.

The rule does not limit the location at all. The rule does not prohibit improvements outside the jurisdiction where the significantly affected facility is located. The rule is silent on the nature of jurisdiction of the affected facility and the location of the proposed mitigation, other than to require that the provider of the significantly affected facility must provide a written statement that the benefits would balance the negative effects.

Many of the facilities where use of this provision of the TPR is most applicable are state highways that pass through a city with the county outside. Many proposed mitigations will require the cooperation of at least two local governments and ODOT.

Implementing Senate Bill 120

The department believes that the objectives of Senate Bill 120 can be met through existing rules. However, we have determined that amendments to the existing rules may help add clarity and reduce confusion. LCDC is expected to initiate rulemaking at their meeting on May 20, 2016. We will work with this advisory committee to draft rule amendments for LCDC's approval.



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May 16, 2016

TO: Rulemaking Advisory Committee for rulemaking to amend the Transportation Planning Rules, clarifying local governments may mitigate across jurisdictions (Senate Bill 120)

FROM: Bill Holmstrom, Land Use & Transportation Planning Coordinator

CC: Matthew Crall, Planning Services Division Manager

RE: **Options for rule amendments**, RAC Meeting #1, May 23, 2016

The purpose of Senate Bill 120 is to allow local governments to propose transportation improvements in other jurisdictions in order to mitigate a significant effect on the transportation system at another location. The background memo summarizes Senate Bill 120 and the issue of transportation improvements in other locations. This memo outlines a few rule amendment options for the committee's discussion.

Changes to OAR 660-012-0060(2)

The department believes that the best place to make changes to meet the intent of Senate Bill 120 is within OAR 660-012-0060(2)(e). Staff have identified three options for making changes to this section for the committee's discussion. The committee may recommend any rule amendments to the commission. These are suggestions to help focus the committee's work and help avoid too much detailed writing by committee.

These options are written with just the changes to OAR 660-012-0060(2)(e). A copy of OAR 660-012-0060(2) is included in this memo for context. A copy of all of division 12 will be provided to the committee as well.

These options are written in a ~~strikeout~~ and underline format where ~~text to be removed from the existing rule is in strikeout~~ and text to be added to the rule is underlined.

Option A

- (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: ~~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.~~
- (i) 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; and
 - (ii) The providers of facilities being improved at other locations provide written statements of approval; and
 - (iii) The local jurisdictions where facilities are being improved provide written statements of approval.

Option B

- (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, including in other local jurisdictions, if 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.

Option C

- (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 (which could be a location outside of the jurisdiction of the local government that determined there would be a significant effect) if 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.

Full existing copy of OAR 660-012-0060(2) for reference and context:

- (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 identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(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 planned function, capacity, and 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 planned function, capacity or 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 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.

Changes to Other Parts of Division 12

The department does not believe that changes to other parts of Division 12 are necessary to implement Senate Bill 120. Local jurisdictions' ability to mitigate a significant effect at another location comes from language found in OAR 660-012-0060(2)(e).

STATEMENT OF NEED AND FISCAL IMPACT WORKSHEET

For internal agency use only. Not a valid filing form.

DRAFT

Agency and Division Name

Administrative Rules Chapter Number

RULE CAPTION

In the Matter of:

Stat. Auth.:

Other Authority:

Stats. Implemented:

Need for the Rule(s):

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact:

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

DRAFT

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

c. Equipment, supplies, labor and increased administration required for compliance:

How were small businesses involved in the development of this rule?

Administrative Rule Advisory Committee consulted? Yes or No?

If not, why not?

Enrolled
Senate Bill 120

Sponsored by Senator KNOPP; Senators BEYER, DEVLIN, ROBLAN, Representatives GOMBERG, HUFFMAN, MCKEOWN, MCLANE, WHISNANT

CHAPTER

AN ACT

Relating to highways; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, “transportation facility” means any physical facility that moves or assists in the movement of people or goods.

(2) The Land Conservation and Development Commission shall adopt rules or amend existing rules as necessary to allow a city or county to propose transportation improvements located outside of that city or county when the city or county is considering an amendment to a functional plan, comprehensive plan or land use regulation and the amendment would significantly affect a transportation facility within the city or county.

(3) A city or county may use highway mobility targets established for a highway corridor by the Department of Transportation’s Oregon Highway Plan as the basis for proposing transportation improvements located outside of that city or county.

SECTION 2. The Department of Transportation and the Department of Land Conservation and Development shall jointly submit a report describing the implementation of section 1 of this 2015 Act in the manner provided in ORS 192.245 to the interim committees of the Legislative Assembly related to transportation no later than September 16, 2016.

SECTION 3. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.



Passed by Senate April 7, 2015

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 28, 2015

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

.....
Jeanne P. Atkins, Secretary of State

Oregon Administrative Rules (filed through August 15, 2014)
Department Of Land Conservation and Development

CHAPTER 660 – DIVISION 12
TRANSPORTATION PLANNING

0000	Purpose
0005	Definitions
0010	Transportation Planning
0015	Preparation and Coordination of Transportation System Plans
0016	Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas
0020	Elements of Transportation System Plans
0025	Complying with the Goals in Preparing Transportation System Plans; Refinement Plans
0030	Determination of Transportation Needs
0035	Evaluation and Selection of Transportation System Alternatives
0040	Transportation Financing Program
0045	Implementation of the Transportation System Plan
0050	Transportation Project Development
0055	Timing of Adoption and Update of Transportation System Plans; Exemptions
0060	Plan and Land Use Regulation Amendments
0065	Transportation Improvements on Rural Lands
0070	Exceptions for Transportation Improvements on Rural Land

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) Promote the development of transportation systems adequate to serve statewide, regional and local transportation needs and the mobility needs of the transportation disadvantaged;
 - (b) Encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation;

- (c) Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and circulation;
- (d) Facilitate the safe, efficient and economic flow of freight and other goods and services within regions and throughout the state through a variety of modes including road, air, rail and marine transportation;
- (e) Protect existing and planned transportation facilities, corridors and sites for their identified functions;
- (f) Provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans;
- (g) Identify how transportation facilities are provided on rural lands consistent with the goals;
- (h) Ensure coordination among affected local governments and transportation service providers and consistency between state, regional and local transportation plans; and
- (i) Ensure that changes to comprehensive plans are supported by adequate planned transportation facilities.

- (2) In meeting the purposes described in section (1), coordinated land use and transportation plans should ensure that the planned transportation system supports a pattern of travel and land use in urban areas that will avoid the air pollution, traffic and livability problems faced by other large urban areas of the country through measures designed to increase transportation choices 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 ensure 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 emissions of greenhouse gases that contribute to global climate change.

- (a) In all urban areas, coordinated land use and transportation plans are intended to provide safe and convenient vehicular circulation and to enhance, promote and facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected network of streets and supporting improvements for all travel modes.
- (b) In urban areas that contain 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 where feasible 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 reliance on single occupant automobile use, particularly during peak periods. To accomplish this outcome, this division promotes increased planning for alternative 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 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 auto-oriented and include more modest measures to accommodate access and circulation by other modes.
- (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 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.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.012, 197.040, 197.712, 197.717, 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998 f. & cert. ef. 10-30-98; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0005

Definitions

- (1) "Access Management" means measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.
- (2) "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 which provides convenient access for pedestrians.
- (3) "Affected Local Government" means a city, county or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.
- (4) "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.
- (5) "At or near a major transit stop: "At" means a parcel or ownership which 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.
- (6) "Committed Transportation Facilities" means those proposed transportation facilities and improvements which 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.
- (7) "Demand Management" means actions which 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 alternative modes, ride-sharing and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid parking.
- (8) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.
- (9) "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.
- (10) "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.
- (11) "Major" means, in general, those facilities or developments which, 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 which are most important to the functioning of the system or which provide a high level, volume or frequency of service;
- (b) "Major" as it modifies industrial, institutional and retail development means such developments which are larger than average, serve more than neighborhood needs or which 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 which 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.
- (12) "Major transit stop" means:
- (a) Existing and planned light rail stations and transit transfer stations, except for temporary facilities; Other planned stops designated as major transit stops in a transportation system plan and existing stops which:
- (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 20 minute service during the peak hour; and
- (B) Are located in a transit oriented development or within 1/4 mile of an area planned and zoned for:
- (i) Medium or high density residential development; or
- (ii) Intensive commercial or institutional uses within 1/4 mile of subsection (i); or
- (iii) Uses likely to generate a relatively high level of transit ridership.
- (13) "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.
- (14) "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.
- (15) "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.

- (16) "ODOT" means the Oregon Department of Transportation.
- (17) "Parking Spaces" means on and off street spaces designated for automobile parking in areas planned for industrial, commercial, institutional or public uses. The following are not considered parking spaces for the purposes of OAR 660-012-0045(5)(c): park and ride lots, handicapped parking, and parking spaces for carpools and vanpools.
- (18) "Pedestrian connection" means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian connections may also include rights of way or easements for future pedestrian improvements.
- (19) "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) Which have or could develop a network of streets and accessways which provide convenient pedestrian circulation.
- (20) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop which 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."

- (21) "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.
- (22) "Planning Period" means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this rule.
- (23) "Preliminary Design" means an engineering design which specifies in detail the location and alignment of a planned transportation facility or improvement.
- (24) "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.
- (25) "Refinement Plan" means an amendment to the transportation system plan, which 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.
- (26) "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.
- (27) "Roads" means streets, roads and highways.
- (28) "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.

- (29) "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.
- (30) "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.
- (31) "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.
- (32) "Transportation Needs" means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this rule. 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 rule, especially those for avoiding principal reliance on any one mode of transportation.
- (33) "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.
- (34) "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.
- (35) "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.
- (36) "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.
- (37) "Transportation Service" means a service for moving people and goods, such as intercity bus service and passenger rail service.
- (38) "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.
- (39) "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 660-022-0020.
- (40) "Urban Fringe" means:
- (a) Areas outside the urban growth boundary that are within 5 miles of the urban growth boundary of an MPO area; and
 - (b) Areas outside the urban growth boundary within 2 miles of the urban growth boundary of an urban area containing a population greater than 25,000.
- (41) Vehicle Miles of Travel (VMT): means automobile vehicle miles of travel. Automobiles, for purposes of this definition, include automobiles, light trucks, and other similar vehicles used for movement of people. The definition does not include buses, heavy trucks and trips that involve commercial movement of goods. VMT includes trips with an origin and a destination within the MPO boundary and excludes pass through trips (i.e., trips with a beginning and end point outside of the MPO) and external trips (i.e., trips with a beginning or end point outside of the MPO boundary). VMT is estimated prospectively through the use of metropolitan area transportation models.
- (42) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways.

Stat. Auth.: ORS 197.040
 Stats. Implemented: ORS 195.012, 197.040, 197.712, 197.717 & 197.732
 Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 3-2005, f. & cert. ef. 4-11-05; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 11-2011, f. 12-30-11, cert. ef. 1-1-12; LCDD 1-2014, f. & cert. ef. 8-15-14

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.

Stat. Auth.: ORS 183, ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95

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) MPOs and counties shall prepare and amend regional TSPs in compliance with this division. MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other 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 MPO or county shall coordinate the preparation of the regional TSP with ODOT to assure that state transportation needs are accommodated;
 - (c) Regional TSPs prepared by MPOs other than metropolitan service districts shall be adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan service districts shall adopt a regional TSP for areas within their jurisdiction;
 - (d) 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 assure 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 197.185(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;
- (c) For MPOs which are not metropolitan service districts, if conflicts persist between regional TSPs and acknowledged comprehensive plans after efforts to achieve compatibility, an affected local government may petition the Commission to resolve the dispute.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 184.618, 195.025, 197.040, 197.180, 197.230, 197.245, 197.712 & 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 1-2014, f. & cert. ef. 8-15-14

660-012-0016

Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas

- (1) In metropolitan areas, local governments shall prepare, adopt, amend and update transportation system plans required by this division in coordination with regional transportation plans (RTPs) prepared by MPOs required by federal law. Insofar as possible, regional transportation system plans for metropolitan areas shall be accomplished through a single coordinated process that complies with the applicable requirements of federal law and this division. Nothing in this rule is intended to make adoption or amendment of a regional transportation plan by a metropolitan planning organization a land use decision under Oregon law.
- (2) When an MPO adopts or amends a regional transportation plan that relates to compliance with this division, the affected local governments shall review the adopted plan or amendment and either:
 - (a) Make a finding that the proposed regional transportation plan amendment or update is consistent with the applicable provisions of adopted regional and local transportation system plan and comprehensive plan and compliant with applicable provisions of this division; or
 - (b) Adopt amendments to the relevant regional or local transportation system plan that make the

regional transportation plan and the applicable transportation system plans consistent with one another 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 RTP amendment or update and shall be adopted no later than one year from the adoption of the RTP amendment or update or according to a work plan 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 chapter 660, division 18.

- (c) In the Portland Metropolitan area, compliance with this section shall be accomplished by Metro through adoption of required findings or an amendment to the regional transportation system plan.
- (3) Adoption or amendment of a regional transportation plan relates to compliance with this division for purposes of section (2) 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.
- (4) The following amendments to a regional transportation plan do not relate to compliance with this division for purposes of section (2):
 - (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.
- (5) Adoption or amendment of a regional transportation plan that extends the planning period beyond that specified in the applicable acknowledged comprehensive plan or regional

transportation system plan is consistent with the requirements of this rule where the following conditions are met:

- (a) The future year population forecast is consistent with those issued or adopted under ORS 195.033 or 195.036;
- (b) Land needed to accommodate future urban density population and employment and other urban uses is identified in a manner consistent with Goal 14 and relevant rules;
- (c) Urban density population and employment are allocated to designated centers and other identified areas to provide for implementation of the metropolitan area's integrated land use and transportation plan or strategy; and
- (d) Urban density population and employment or other urban uses are allocated to areas outside of an acknowledged urban growth boundary only where:
 - (A) The allocation is done in conjunction with consideration by local governments of possible urban growth boundary amendments consistent with Goal 14 and relevant rules, and
 - (B) The RTP clearly identifies the proposed UGB amendments and any related projects as illustrative and subject to further review and approval by the affected local governments.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.012, 197.040, 197.712, 197.717, 197.732

Hist. LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

660-012-0020

Elements of Transportation System Plans

- (1) (1)A TSP shall establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs.
- (2) The TSP shall include the following elements:
 - (a) A determination of transportation needs as provided in OAR 660-012-0030;
 - (b) A road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections. Functional classifications of roads in regional and local TSP's shall be consistent with functional classifications of roads in state and regional TSP's and shall provide for continuity between adjacent jurisdictions. The standards for the layout of local streets shall provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045(3)(b). New connections to arterials and state highways shall be consistent with designated access management categories. The intent of this requirement is to provide

guidance on the spacing of future extensions and connections along existing and future streets which are needed to provide reasonably direct routes for bicycle and pedestrian travel. The standards for the layout of local streets shall address:

- (A) Extensions of existing streets;
 - (B) Connections to existing or planned streets, including arterials and collectors; and
 - (C) Connections to neighborhood destinations.
- (c) A public transportation plan which:
 - (A) Describes public transportation services for the transportation disadvantaged and identifies service inadequacies;
 - (B) Describes intercity bus and passenger rail service and identifies the location of terminals;
 - (C) For areas within an urban growth boundary which have public transit service, identifies existing and planned transit trunk routes, exclusive transit ways, terminals and major transfer stations, major transit stops, and park-and-ride stations. Designation of stop or station locations may allow for minor adjustments in the location of stops to provide for efficient transit or traffic operation or to provide convenient pedestrian access to adjacent or nearby uses.
 - (D) For areas within an urban area containing a population greater than 25,000 persons, not currently served by transit, evaluates the feasibility of developing a public transit system at buildout. Where a transit system is determined to be feasible, the plan shall meet the requirements of paragraph (2)(c)(C) of this rule.
 - (d) A bicycle and pedestrian plan for a network of bicycle and pedestrian routes throughout the planning area. The network and list of facility improvements shall be consistent with the requirements of ORS 366.514;
 - (e) An air, rail, water and pipeline transportation plan which identifies where public use airports, mainline and branchline railroads and railroad facilities, port facilities, and major regional pipelines and terminals are located or planned within the planning area. For airports, the planning area shall include all areas within airport imaginary surfaces and other areas covered by state or federal regulations;
 - (f) For areas within an urban area containing a population greater than 25,000 persons a plan for transportation system management and demand management;

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.

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;

- (g) A parking plan in MPO areas as provided in OAR 660-012-0045(5)(c);
 - (h) Policies and land use regulations for implementing the TSP as provided in OAR 660-012-0045;
 - (i) For areas within an urban growth boundary containing a population greater than 2500 persons, a transportation financing program as provided in OAR 660-012-0040.
- (3) Each element identified in subsections (2)(b)–(d) of this rule shall contain:
- (a) An inventory and general assessment of existing and committed transportation facilities and services by function, type, capacity and condition:
 - (A) The transportation capacity analysis shall include information on:
 - (i) The capacities of existing and committed facilities;
 - (ii) The degree to which those capacities have been reached or surpassed on existing facilities; and
 - (iii) The assumptions upon which these capacities are based.
 - (B) For state and regional facilities, the transportation capacity analysis shall be consistent with standards of facility performance considered acceptable by the affected state or regional transportation agency;
 - (C) The transportation facility condition analysis shall describe the general physical and operational condition of each transportation facility (e.g., very good, good, fair, poor, very poor).
 - (b) A system of planned transportation facilities, services and major improvements. The system shall include a description of the type or functional classification of planned facilities and services and their planned capacities and performance standards;
 - (c) A description of the location of planned facilities, services and major improvements, establishing the general corridor within which the facilities, services or improvements may be sited. This shall include a map showing the general location of proposed transportation improvements, a description of facility parameters such as minimum and maximum road right of way width and the number and size of lanes, and any other additional description that is appropriate;
 - (d) Identification of the provider of each transportation facility or service.

- (b) Needs of the transportation disadvantaged;
 - (c) Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development).
- (2) Counties or MPO's preparing regional TSP's shall rely on the analysis of state transportation needs in adopted elements of the state TSP. Local governments preparing local TSP's shall rely on the analyses of state and regional transportation needs in adopted elements of the state TSP and adopted regional TSP's.
 - (3) Within urban growth boundaries, the determination of local and regional transportation needs shall be based upon:
 - (a) Population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan, including those policies that implement Goal 14. Forecasts and distributions shall be for 20 years and, if desired, for longer periods; and
 - (b) Measures adopted pursuant to OAR 660-012-0045 to encourage reduced reliance on the automobile.
 - (4) In MPO areas, calculation of local and regional transportation needs also shall be based upon accomplishment of the requirement in OAR 660-012-0035(4) to reduce reliance on the automobile.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-9; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

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) Local governments in MPO areas of larger than 1,000,000 population shall, and other governments may also, evaluate alternative land use

designations, densities, and design standards to meet local and regional transportation needs. Local governments preparing such a strategy shall consider:

- (a) Increasing residential densities and establishing minimum residential densities within one quarter mile of transit lines, major regional employment areas, and major regional retail shopping areas;
 - (b) Increasing allowed densities in new commercial office and retail developments in designated community centers;
 - (c) Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas; and
 - (d) Designating land uses to provide a better balance between jobs and housing considering:
 - (A) The total number of jobs and total of number of housing units expected in the area or subarea;
 - (B) The availability of affordable housing in the area or subarea; and
 - (C) Provision of housing opportunities in close proximity to employment areas.
- (3) 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. In MPO areas this shall be accomplished by selecting transportation alternatives which meet the requirements in section (4) of this rule.
 - (4) In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile. Adopted standards are intended as means of measuring progress of

metropolitan areas towards developing and implementing transportation systems and land use plans that increase transportation choices and reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling, and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.

- (5) MPO areas shall adopt standards to demonstrate progress towards increasing transportation choices and reducing automobile reliance as provided for in this rule:
 - (a) The commission shall approve standards by order upon demonstration by the metropolitan area that:
 - (A) Achieving the standard will result in a reduction in reliance on automobiles;
 - (B) Achieving the standard will accomplish a significant increase in the availability or convenience of alternative modes of transportation;
 - (C) Achieving the standard is likely to result in a significant increase in the share of trips made by alternative modes, including walking, bicycling, ridesharing and transit;
 - (D) VMT per capita is unlikely to increase by more than five percent; and
 - (E) The standard is measurable and reasonably related to achieving the goal of increasing transportation choices and reducing reliance on the automobile as described in OAR 660-012-0000.
 - (b) In reviewing proposed standards for compliance with subsection (a), the commission shall give credit to regional and local plans, programs, and actions implemented since 1990 that have already contributed to achieving the objectives specified in paragraphs (A)–(E) above;
 - (c) If a plan using a standard, approved pursuant to this rule, is expected to result in an increase in VMT per capita, then the cities and counties in the metropolitan area shall prepare and adopt an integrated land use and transportation plan including the elements listed in paragraphs (A)–(E) below. Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years of the approval of the standard.
 - (A) Changes to land use plan designations, densities, and design standards listed in subsections (2)(a)–(d);
 - (B) A transportation demand management plan that includes significant new transportation demand management measures;
 - (C) A public transit plan that includes a significant expansion in transit service;
 - (D) Policies to review and manage major roadway improvements to ensure that their effects are consistent with achieving the adopted strategy for reduced reliance on the automobile, including policies that provide for the following:
 - (i) An assessment of whether improvements would result in development or travel that is inconsistent with what is expected in the plan;
 - (ii) Consideration of alternative measures to meet transportation needs;
 - (iii) Adoption of measures to limit possible unintended effects on travel and land use patterns including access management, limitations on subsequent plan amendments, phasing of improvements, etc.; and
 - (iv) For purposes of this section a "major roadway expansion" includes new arterial roads or streets and highways, the addition of travel lanes, and construction of interchanges to a limited access highway
 - (E) Plan and ordinance provisions that meet all other applicable requirements of this division.
 - (d) Standards may include but are not limited to:
 - (A) Modal share of alternative modes, including walking, bicycling, and transit trips;
 - (B) Vehicle hours of travel per capita;
 - (C) Vehicle trips per capita;
 - (D) Measures of accessibility by alternative modes (i.e. walking, bicycling and transit); or
 - (E) The Oregon Benchmark for a reduction in peak hour commuting by single occupant vehicles.
 - (e) Metropolitan areas shall adopt TSP policies to evaluate progress towards achieving the standard or standards adopted and approved pursuant to this rule. Such evaluation shall occur at regular intervals corresponding with federally-required updates of the regional transportation plan. This shall include monitoring and reporting of VMT per capita.
- (6) A metropolitan area may also accomplish compliance with requirements of subsection (3)(e),

sections (4) and (5) by demonstrating to the commission that adopted plans and measures are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period. The commission shall consider and act on metropolitan area requests under this section by order. A metropolitan area that receives approval under this section shall adopt interim benchmarks for VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the regional transportation system plan.

- (7) Regional and local TSPs shall include benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule at regular intervals over the planning period. MPOs and local governments shall evaluate progress in meeting benchmarks at each update of the regional transportation plan. Where benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this rule.
- (8) The commission shall, at regular intervals, evaluate the results of efforts to achieve the reduction in VMT and the effectiveness of approved plans and standards in achieving the objective of increasing transportation choices and reducing reliance on the automobile.
- (9) 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.
- (10) 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 improvement project identified in the Transportation System Plan as described in section (12) of this rule, will not significantly reduce peak hour travel time for the route as determined pursuant to section (11) of this rule, or the jurisdiction determines that the following alternatives can not 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.

- (11) An improvement 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.
- (12) A "transportation improvement project" described in section (10) 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.

Stat. Auth.: ORS 197.040, 197.245

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

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.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 197.040

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDC 11-1995, f. & cert. ef. 12-22-95; LCDD 6-1998, f. & cert. ef. 10-30-98

660-012-0045

Implementation of the Transportation System Plan

- (1) Each local government shall amend its land use regulations to implement the TSP.
 - (a) The following transportation facilities, services and improvements need not be subject to land use regulations except as necessary to implement the TSP and, under ordinary circumstances do not have a significant impact on land use:
 - (A) Operation, maintenance, and repair of existing transportation facilities identified in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;
 - (B) Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards;
 - (C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k), consistent with the provisions of OAR 660-012-0065; and
 - (D) Changes in the frequency of transit, rail and airport services.
 - (b) To the extent, if any, that a transportation facility, service or improvement concerns the application of a comprehensive plan provision or land use regulation, it may be allowed without further land use review if it is permitted outright or if it is subject to standards that do not require interpretation or the exercise of factual, policy or legal judgment;

- (c) In the event that a transportation facility, service or improvement is determined to have a significant impact on land use or to concern the application of a comprehensive plan or land use regulation and to be subject to standards that require interpretation or the exercise of factual, policy or legal judgment, the local government shall provide a review and approval process that is consistent with OAR 660-012-0050. To facilitate implementation of the TSP, each local government shall amend its land use regulations to provide for consolidated review of land use decisions required to permit a transportation project.
- (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:
 - (a) Access control measures, for example, driveway and public road spacing, median control and signal spacing standards, which 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 which affect private access to roads; and
 - (D) Other applications within airport noise corridors and imaginary surfaces which affect airport operations; and
 - (g) Regulations assuring 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 which avoids wherever possible levels of automobile traffic which 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 which 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" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers;
- (B) Bikeways shall be required along arterials and major collectors. Sidewalks shall be required along arterials, collectors and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways;
- (C) Cul-de-sacs and other dead-end streets may be used as part of a development plan, consistent with the purposes set forth in this section;
- (D) Local governments shall establish their own standards or criteria for providing streets and accessways consistent with the purposes of this section. Such measures may include but are not limited to: standards for spacing of streets or accessways; and standards for excessive out-of-direction travel;
- (E) Streets and accessways need not be required where one or more of the following conditions exist:
- (i) Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
- (ii) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
- (iii) Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.
- (c) Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors;
- (d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian routes, facilities and improvements which:
- (A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;
- (B) Provide a 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 optimum trip length of pedestrians is generally 1/4 to 1/2 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 (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) Walkways shall be provided connecting building entrances and streets adjoining the site;
 - (B) Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable as provided for in OAR 660-012-0045(3)(b)(E). Pedestrian connections 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) A reasonably direct pedestrian connection between the transit stop and building entrances on the site;
 - (iii) A transit passenger landing pad accessible to disabled persons;
 - (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 (4)(b)(A) and (B) above 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 (4)(b)(C) above;
 - (d) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;
 - (e) Existing development shall be allowed to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate;
 - (f) Road systems for new development shall be provided that can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate accessways to minimize travel distances;
 - (g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.
- (5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:
- (a) Allow transit-oriented developments (TODs) on lands along transit routes;
 - (b) Implements a demand management program to meet the measurable standards set in the TSP in response to OAR 660-012-0035(4);
 - (c) Implements a parking plan which:
 - (A) Achieves a 10 percent reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;
 - (B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4);
 - (C) Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, and transit oriented-developments; and
 - (D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.
 - (d) As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows:
 - (A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels;
 - (B) Allow provision of on-street parking, long-term lease parking, and shared parking to

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

meet minimum off-street parking requirements;

- (C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments;
 - (D) Exempt structured parking and on-street parking from parking maximums;
 - (E) Require that parking lots over 3 acres in size provide street-like features along major driveways (including curbs, sidewalks, and street trees or planting strips); and
 - (F) Provide for designation of residential parking districts.
- (e) Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.
- (6) 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 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.
 - (7) 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.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.040

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDC 11-1995, f. & cert. ef. 12-22-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

standards for right-of-way acquisition as set forth in the Oregon Revised Statutes; or the application of local, state or federal rules and regulations that are not a part of the local government's land use regulations.

- (b) Project development involves land use decision-making to the extent that issues of compliance with applicable requirements requiring interpretation or the exercise of policy or legal discretion or judgment remain outstanding at the project development phase. These requirements may include, but are not limited to, regulations protecting or regulating development within floodways and other hazard areas, identified Goal 5 resource areas, estuarine and coastal shoreland areas, and the Willamette River Greenway, and local regulations establishing land use standards or processes for selecting specific alignments. They also may include transportation improvements required to comply with ORS 215.296 or 660-012-0065(5). When project development involves land use decision-making, all unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to project approval.
 - (c) To the extent compliance with local requirements has already been determined during transportation system planning, including adoption of a refinement plan, affected local governments may rely on and reference the earlier findings of compliance with applicable standards.
- (4) Except as provided in section (1) of this rule, where an Environmental Impact Statement (EIS) is prepared pursuant to the National Environmental Policy Act of 1969, project development shall be coordinated with the preparation of the EIS. All unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to issuance of the Final EIS.
- (5) If a local government decides not to build a project authorized by the TSP, it must evaluate whether the needs that the project would serve could otherwise be satisfied in a manner consistent with the TSP. If identified needs cannot be met consistent with the TSP, the local government shall initiate a plan amendment to change the TSP or the comprehensive plan to assure that there is an adequate transportation system to meet transportation needs.

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

Stat. Auth.: ORS 183 & 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712
197.717

Hist.: LCDD 1-1991, f. & cert. ef. 5-8-91; LCDD 2-1999, f. & cert. ef. 1-12-99; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0055

Timing of Adoption and Update of Transportation System Plans; Exemptions

- (1) MPOs shall complete regional TSPs for their planning areas by May 8, 1996. For those areas within a MPO, cities and counties shall adopt local TSPs and implementing measures within one year following completion of the regional TSP:
- (a) If by May 8, 2000, a Metropolitan Planning Organization (MPO) has not adopted a regional transportation system plan that meets the VMT reduction standard in OAR 660-012-0035 and the metropolitan area does not have an approved alternative standard established pursuant to OAR 660-012-0035, then the cities and counties within the metropolitan area shall prepare and adopt an integrated land use and transportation plan as outlined in OAR 660-012-0035. Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years;
 - (b) When an area is designated as an MPO or is added to an existing MPO, the affected local governments shall, within one year of adoption of the regional transportation plan, adopt a regional TSP in compliance with applicable requirements of this division and amend local transportation system plans to be consistent with the regional TSP.
 - (c) Local governments in metropolitan areas may request and the commission may by order grant an extension for completing an integrated land use and transportation plan required by this division. Local governments requesting an extension shall set forth a schedule for completion of outstanding work needed to complete an integrated land use and transportation plan as set forth in OAR 660-012-0035. This shall include, as appropriate:
 - (A) Adoption of a long-term land use and transportation vision for the region;
 - (B) Identification of centers and other land use designations intended to implement the vision;
 - (C) Adoption of housing and employment allocations to centers and land use designations; and

- (D) Adoption of implementing plans and zoning for designated centers and other land use designations.
- (d) Local governments within metropolitan areas that are not in compliance with the requirements of this division to adopt or implement a standard to increase transportation choices or have not completed an integrated land use and transportation plan as required by this division shall review plan and land use regulation amendments and adopt findings that demonstrate that the proposed amendment supports implementation of the region's adopted vision, strategy, policies or plans to increase transportation choices and reduce reliance on the automobile.
- (2) A plan or land use regulation amendment supports implementation of an adopted regional strategy, policy or plan for purposes of this section if it achieves the following as applicable:
 - (a) Implements the strategy or plan through adoption of specific plans or zoning that authorizes uses or densities that achieve desired land use patterns;
 - (b) Allows uses in designated centers or neighborhoods that accomplish the adopted regional vision, strategy, plan or policies; and
 - (c) Allows uses outside designated centers or neighborhood that either support or do not detract from implementation of desired development within nearby centers.
- (3) For areas outside an MPO, cities and counties shall complete and adopt regional and local TSPs and implementing measures by May 8, 1997.
- (4) By November 8, 1993, affected cities and counties shall, for non-MPO urban areas of 25,000 or more, adopt land use and subdivision ordinances or amendments required by OAR 660-012-0045(3), (4)(a)–(f) and (5)(d). By May 8, 1994 affected cities and counties within MPO areas shall adopt land use and subdivision ordinances or amendments required by 660-012-0045(3), (4)(a)–(e) and (5)(e). Affected cities and counties which do not have acknowledged ordinances addressing the requirements of this section by the deadlines listed above shall apply 660-012-0045(3), (4)(a)–(g) and (5)(e) directly to all land use decisions and all limited land use decisions.
- (5)
 - (a) Affected cities and counties that either:
 - (A) Have acknowledged plans and land use regulations that comply with this rule as of May 8, 1995, may continue to apply those acknowledged plans and land use regulations; or
 - (B) Have plan and land use regulations adopted to comply with this rule as of April 12, 1995, may continue to apply the provisions of this rule as they existed as of April 12, 1995, and may continue to pursue acknowledgment of the adopted plans and land use regulations under those same rule provisions provided such adopted plans and land use regulations are acknowledged by April 12, 1996. Affected cities and counties that qualify and make this election under this paragraph shall update their plans and land use regulations to comply with the 1995 amendments to OAR 660-012-0045 as part of their transportation system plans.
 - (b) Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, shall apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule have been adopted.
- (6) Cities and counties shall update their TSPs and implementing measures as necessary to comply with this division at each periodic review subsequent to initial compliance with this division. Local governments within metropolitan areas shall amend local transportation system plans to be consistent with an adopted regional transportation system plan within one year of the adoption of an updated regional transportation system plan or by a date specified in the adopted regional transportation system plan.
- (7) The director may grant a whole or partial exemption from the requirements of this division to cities under 10,000 population and counties under 25,000 population, and for areas within a county within an urban growth boundary that contains a population less than 10,000. Eligible jurisdictions may request that the director approve an exemption from all or part of the requirements in this division. Exemptions shall be for a period determined by the director or until the jurisdiction's next periodic review, whichever is shorter.
 - (a) The director's decision to approve an exemption shall be based upon the following factors:
 - (A) Whether the existing and committed transportation system is generally adequate to meet likely transportation needs;
 - (B) Whether the new development or population growth is anticipated in the planning area over the next five years;

- (C) Whether major new transportation facilities are proposed which would affect the planning areas;
 - (D) Whether deferral of planning requirements would conflict with accommodating state or regional transportation needs; and
 - (E) Consultation with the Oregon Department of Transportation on the need for transportation planning in the area, including measures needed to protect existing transportation facilities.
- (b) The director's decision to grant an exemption under this section is appealable to the commission as provided in OAR 660-002-0020 (Delegation of Authority Rule)
- (8) Portions of TSPs and implementing measures adopted as part of comprehensive plans prior to the responsible jurisdiction's periodic review shall be reviewed pursuant to OAR chapter 660, division 18, Post Acknowledgment Procedures.

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

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 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 identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(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 planned function, capacity, and 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 planned function, capacity or 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 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.
- (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 assuring that the allowed land uses are consistent with the function, capacity and 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 identified function, capacity or 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 (b)(A)–(C) are considered planned facilities, improvements and services, except where:
 - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
 - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- (d) As used in this section and section (3):
 - (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
 - (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
 - (C) Interstate interchange area means:
 - (i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or
 - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned

transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

- (5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.
- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments 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) below:
 - (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% 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% reduction allowed for by this section shall be available only if uses which 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% reduction required in subsection (a) above;
 - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure 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 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure 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 which 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) above. 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 which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.
- (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below 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 which 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 6, Section 3 of the Urban Growth Management 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) above 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 which is available for public use, such as a park or plaza.
 - (B) Generally include civic or cultural uses;
 - (C) A core commercial area where multi-story buildings are permitted;
 - (D) Buildings and building entrances oriented to streets;
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
 - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
 - (G) One or more transit stops (in urban areas with fixed route transit service); and
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.
- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a

zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.
- (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.
- (a) A proposed amendment qualifies for this section if it:
 - (A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and
 - (B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.
 - (b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:
 - (A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;
 - (B) Entirely within an urban growth boundary;
 - (C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;
- (D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and
 - (E) Located in one or more of the categories below:
 - (i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;
 - (ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or
 - (iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.
- (c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.
 - (A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:
 - (i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;
 - (ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and
 - (iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.
 - (B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the

interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

- (d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.
 - (e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.
- (11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.
- (a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) 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.
 - (D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:
 - (i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.
 - (ii) The amendment would provide land for “Other Employment Use” or “Prime Industrial Land” as those terms are defined in OAR 660-009-0005.
 - (iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.
 - (E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.
- (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 forty-five 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 function, capacity, and 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.

Stat. Auth.: ORS 183 & 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712, 197.717 & 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-1999, f. & cert. ef. 8-6-99; LCDD 3-2005, f. & cert. ef. 4-11-05; LCDD 11-2011, f. 12-30-11, cert. ef. 1-1-12

660-012-0065

Transportation Improvements on Rural Lands

- (1) This rule identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goals 3, 4, 11, and 14 without a goal exception.
- (2) For the purposes of this rule, the following definitions apply:
 - (a) "Access Roads" means low volume public roads that principally provide access to property or as specified in an acknowledged comprehensive plan;
 - (b) "Collectors" means public roads that provide access to property and that collect and distribute traffic between access roads and arterials or as specified in an acknowledged comprehensive plan;
 - (c) "Arterials" means state highways and other public roads that principally provide service to through traffic between cities and towns, state highways and major destinations or as specified in an acknowledged comprehensive plan;
 - (d) "Accessory Transportation Improvements" means transportation improvements that are incidental to a land use to provide safe and efficient access to the use;
 - (e) "Channelization" means the separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and

orderly movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. "Channelization" does not include continuous median turn lanes;

- (f) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan;
 - (g) "New Road" means a public road or road segment that is not a realignment of an existing road or road segment.
- (3) The following transportation improvements are consistent with Goals 3, 4, 11, and 14 subject to the requirements of this rule:
 - (a) Accessory transportation improvements for a use that is allowed or conditionally allowed by ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);
 - (b) Transportation improvements that are allowed or conditionally allowed by ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);
 - (c) Channelization not otherwise allowed under subsections (a) or (b) of this section;
 - (d) Realignment of roads not otherwise allowed under subsection (a) or (b) of this section;
 - (e) Replacement of an intersection with an interchange;
 - (f) Continuous median turn lane;
 - (g) New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
 - (h) Bikeways, footpaths and recreation trails not otherwise allowed as a modification or part of an existing road;
 - (i) Park and ride lots;
 - (j) Railroad mainlines and branchlines;
 - (k) Pipelines;
 - (l) Navigation channels;

- (m) Replacement of docks and other facilities without significantly increasing the capacity of those facilities;
 - (n) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes; and
 - (o) Transportation facilities, services and improvements other than those listed in this rule that serve local travel needs. The travel capacity and performance standards of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.
- (4) Accessory transportation improvements required as a condition of development listed in subsection (3)(a) of this rule shall be subject to the same procedures, standards and requirements applicable to the use to which they are accessory.
- (5) For transportation uses or improvements listed in subsections (3)(d) to (g) and (o) of this rule within an exclusive farm use (EFU) or forest zone, a jurisdiction shall, in addition to demonstrating compliance with the requirements of ORS 215.296:
- (a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - (b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
 - (c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
- (6) Notwithstanding any other provision of this division, if a jurisdiction has not met the deadline for TSP adoption set forth in OAR 660-012-0055, or any extension thereof, a transportation improvement that is listed in section (5) of this rule and that will significantly reduce peak hour travel time as provided in OAR 660-012-0035(10) may be allowed in the urban fringe only if the jurisdiction applies either:
- (a) The criteria applicable to a "reasons" exception provided in Goal 2 and OAR 660, division 4; or

- (b) The evaluation and selection criteria set forth in OAR 660-012-0035.

Stat. Auth.: ORS 183, 197.040, 197.245, 215.213, 215.283, 215.296
 Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717, 197.232, 215.213, 215.283
 Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-012-0070

Exceptions for Transportation Improvements on Rural Land

- (1) Transportation facilities and improvements which do not meet the requirements of OAR 660-012-0065 require an exception to be sited on rural lands.
 - (a) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons that demonstrate that the standards in this rule have been met. A local government denying a proposed exception shall adopt findings of fact and a statement of reasons explaining why the standards in this rule have not been met. However, findings and reasons denying a proposed exception need not be incorporated into the local comprehensive plan.
 - (b) The facts and reasons relied upon to approve or deny a proposed exception shall be supported by substantial evidence in the record of the local exceptions proceeding.
- (2) When an exception to Goals 3, 4, 11, or 14 is required to locate a transportation improvement on rural lands, the exception shall be taken pursuant to ORS 197.732(1)(c), Goal 2, and this division. The exceptions standards in OAR chapter 660, division 4 and OAR chapter 660, division 14 shall not apply. Exceptions adopted pursuant to this division shall be deemed to fulfill the requirements for goal exceptions required under ORS 197.732(1)(c) and Goal 2.
- (3) An exception shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement:
 - (a) The general location shall be specified as a corridor within which the proposed facility or improvement is to be located, including the outer limits of the proposed location. Specific sites or areas within the corridor may be excluded from the exception to avoid or lessen likely adverse impacts. Where detailed design level information is available, the exception may be specified as a specific alignment;
 - (b) The size, design and capacity of the proposed facility or improvement shall be described generally, but in sufficient detail to allow a general understanding of the likely impacts of the proposed facility or improvement and to

justify the amount of land for the proposed transportation facility. Measures limiting the size, design or capacity may be specified in the description of the proposed use in order to simplify the analysis of the effects of the proposed use;

- (c) The adopted exception shall include a process and standards to guide selection of the precise design and location within the corridor and consistent with the general description of the proposed facility or improvement. For example, where a general location or corridor crosses a river, the exception would specify that a bridge crossing would be built but would defer to project development decisions about precise location and design of the bridge within the selected corridor subject to requirements to minimize impacts on riparian vegetation, habitat values, etc.;
 - (d) Land use regulations implementing the exception may include standards for specific mitigation measures to offset unavoidable environmental, economic, social or energy impacts of the proposed facility or improvement or to assure compatibility with adjacent uses.
- (4) To address Goal 2, Part II(c)(1) the exception shall provide reasons justifying why the state policy in the applicable goals should not apply. Further, the exception shall demonstrate that there is a transportation need identified consistent with the requirements of OAR 660-012-0030 which cannot reasonably be accommodated through one or a combination of the following measures not requiring an exception:
- (a) Alternative modes of transportation;
 - (b) Traffic management measures; and
 - (c) Improvements to existing transportation facilities.
- (5) To address Goal 2, Part II(c)(2) the exception shall demonstrate that non-exception locations cannot reasonably accommodate the proposed transportation improvement or facility. The exception shall set forth the facts and assumptions used as the basis for determining why the use requires a location on resource land subject to Goals 3 or 4.
- (6) To determine the reasonableness of alternatives to an exception under sections (4) and (5) of this rule, cost, operational feasibility, economic dislocation and other relevant factors shall be addressed. The thresholds chosen to judge whether an alternative method or location cannot reasonably accommodate the proposed transportation need or facility must be justified in the exception.
- (a) In addressing sections (4) and (5) of this rule, the exception shall identify and address alternative methods and locations that are potentially reasonable to accommodate the identified transportation need.
 - (b) Detailed evaluation of such alternatives is not required when an alternative does not meet an identified threshold.
 - (c) Detailed evaluation of specific alternative methods or locations identified by parties during the local exceptions proceedings is not required unless the parties can specifically describe with supporting facts why such methods or locations can more reasonably accommodate the identified transportation need, taking into consideration the identified thresholds.
- (7) To address Goal 2, Part II(c)(3), the exception shall:
- (a) Compare the long-term economic, social, environmental and energy consequences of the proposed location and other alternative locations requiring exceptions. The exception shall describe the characteristics of each alternative location considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the location for the proposed transportation facility or improvement, and the typical positive and negative consequences resulting from the transportation facility or improvement at the proposed location with measures designed to reduce adverse impacts;
 - (b) Determine whether the net adverse impacts associated with the proposed exception site, with mitigation measures designed to reduce adverse impacts, are significantly more adverse than the net impacts from other locations which would also require an exception. A proposed exception location would fail to meet this requirement only if the affected local government concludes that the impacts associated with it are significantly more adverse than the other identified exception sites. The exception shall include the reasons why the consequences of the needed transportation facility or improvement at the proposed exception location are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed location. Where the proposed goal exception location is on resource lands subject to Goals 3 or 4, the exception shall include the facts used to determine which resource land is

least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base; and

- (c) The evaluation of the consequences of general locations or corridors need not be site-specific, but may be generalized consistent with the requirements of section (3) of this rule. Detailed evaluation of specific alternative locations identified by parties during the local exceptions proceeding is not required unless such locations are specifically described with facts to support the assertion that the locations have significantly fewer net adverse economic, social, environmental and energy impacts than the proposed exception location.
- (8) To address Goal 2, Part II(c)(4), the exception shall:
 - (a) Describe the adverse effects that the proposed transportation improvement is likely to have on the surrounding rural lands and land uses, including increased traffic and pressure for nonfarm or highway oriented development on areas made more accessible by the transportation improvement;
 - (b) Demonstrate how the proposed transportation improvement is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses; and
 - (c) Adopt as part of the exception, facility design and land use measures which minimize accessibility of rural lands from the proposed transportation facility or improvement and support continued rural use of surrounding lands.
- (9)
 - (a) Exceptions taken pursuant to this rule shall indicate on a map or otherwise the locations of the proposed transportation facility or improvement and of alternatives identified under subsection (4)(c), sections (5) and (7) of this rule.
 - (b) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.
- (10) An exception taken pursuant to this rule does not authorize uses other than the transportation facilities or improvements justified in the exception.

- (a) Modifications to unconstructed transportation facilities or improvements authorized in an exception shall not require a new exception if the modification is located entirely within the corridor approved in the exception.
- (b) Modifications to constructed transportation facilities authorized in an exception shall require a new exception, unless the modification is permitted without an exception under OAR 660-012-0065(3)(b)-(f). For purposes of this rule, minor transportation improvements made to a transportation facility or improvement authorized in an exception shall not be considered a modification to a transportation facility or improvement and shall not require a new exception.
- (c) Notwithstanding subsections (a) and (b) of this section, the following modifications to transportation facilities or improvements authorized in an exception shall require new goal exceptions:
 - (A) New intersections or new interchanges on limited access highways or expressways, excluding replacement of an existing intersection with an interchange.
 - (B) New approach roads located within the influence area of an interchange.
 - (C) Modifications that change the functional classification of the transportation facility.
 - (D) Modifications that materially reduce the effectiveness of facility design measures or land use measures adopted pursuant to subsection (8)(c) of this rule to minimize accessibility to rural lands or support continued rural use of surrounding rural lands, unless the area subject to the modification has subsequently been relocated inside an urban growth boundary.

Stat. Auth.: ORS 183 & 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717, 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06