

**Proposed Amendments to the Transportation Planning Rule
OAR Chapter 660, Division 012**

November 2005

This document includes the text of proposed rule amendments under consideration by the Land Conservation and Development Commission (LCDC). The proposed rule amendments were developed by a Joint Subcommittee of LCDC and the Oregon Transportation Commission (OTC) in consultation with a stakeholder working group. Detailed background information on the proposed amendments is available from the Department of Land Conservation and Development and at the following web page: <http://www.lcd.state.or.us/LCD/transplan.shtml>

Proposed new rule language is shown in bold and underlined. Existing rule language to be deleted is in brackets and struck over. To conserve space some sections of the rule that are not proposed for amendment have been omitted from this document.

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1 Note: New language is shown in **bold and underlined**. Deletions are shown in brackets
2 and [~~struck over~~].

3
4 **PURPOSE STATEMENT**

5
6 **660-012-0000**

7 **Purpose**

8
9 []

10
11 **(1) This division implements Statewide Planning Goal 12 (Transportation) to provide**
12 **and encourage a safe, convenient and economic transportation system. This division also**
13 **implements provisions of other statewide planning goals related to transportation planning**
14 **in order to plan and develop transportation facilities and services in close coordination**
15 **with urban and rural development. The purpose of this division is to direct transportation**
16 **planning in coordination with land use planning to:**

17 **(a) Promote the development of transportation systems adequate to serve statewide,**
18 **regional and local transportation needs and the mobility needs of the transportation**
19 **disadvantaged;**

20 **(b) Encourage and support the availability of a variety of transportation choices for**
21 **moving people that balance vehicular use with other transportation modes, including**
22 **walking, bicycling and transit.**

23 **(c) Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access**
24 **and circulation.**

25 **(d) Facilitate the safe, efficient and economic flow of freight and other goods and**
26 **services within regions and throughout the state through a variety of modes including road,**
27 **air, rail and marine transportation;**

28 **(e) Protect existing and planned transportation facilities, corridors and sites for their**
29 **identified functions;**

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

- 1 (g) Identify how transportation facilities are provided on rural lands consistent with the
2 goals;
- 3 (h) Ensure coordination among affected local governments and transportation service
4 providers and consistency between state, regional and local transportation plans; and
- 5 (i) Ensure that changes to comprehensive plans are supported by adequate planned
6 transportation facilities.
- 7
- 8 (2) In meeting the purposes described in section (1), coordinated land use and
9 transportation plans should ensure that the planned transportation system supports a
10 pattern of travel and land use in urban areas that will avoid the air pollution, traffic and
11 livability problems faced by other large urban areas of the country through measures
12 designed to increase transportation choices and make more efficient use of the existing
13 transportation system.
- 14
- 15 (3) The extent of planning required by this division and the outcome of individual
16 transportation plans will vary depending on community size, needs and circumstances.
17 Generally, larger and faster growing communities and regions will need to prepare more
18 comprehensive and detailed plans, while smaller communities and rural areas will have
19 more general plans. For all communities, the mix of planned transportation facilities and
20 services should be sufficient to ensure economic, sustainable and environmentally sound
21 mobility and accessibility for all Oregonians. Coordinating land use and transportation
22 planning will also complement efforts to meet other state and local objectives, including
23 containing urban development, reducing the cost of public services, protecting farm and
24 forest land, reducing air, water and noise pollution, conserving energy and reducing
25 emissions of greenhouse gases that contribute to global climate change.
- 26
- 27 (a) In all urban areas, coordinated land use and transportation plans are intended to
28 provide safe and convenient vehicular circulation and to enhance, promote and facilitate
29 safe and convenient pedestrian and bicycle travel by planning a well-connected network of
30 streets and supporting improvements for all travel modes.

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

6 (c) Within metropolitan areas, coordinated land use and transportation plans are
 7 intended to improve livability and accessibility by promoting changes in the transportation
 8 system and land use patterns. A key outcome of this effort is a reduction in reliance on
 9 single occupant automobile use, particularly during peak periods. To accomplish this
 10 outcome, this division promotes increased planning for alternative modes and street
 11 connectivity and encourages land use patterns throughout urban areas that make it more
 12 convenient for people to walk, bicycle, use transit, use automobile travel more efficiently,
 13 and drive less to meet their daily needs. The result of applying these portions of the rule
 14 will vary within metropolitan areas. Some parts of urban areas, such as downtowns,
 15 pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-
 16 friendly centers, will be highly convenient for a variety of modes, including walking,
 17 bicycling and transit, while others will be auto-oriented and include more modest measures
 18 to accommodate access and circulation by other modes.

19
 20 (4) This division sets requirements for coordination among affected levels of government
 21 and transportation service providers for preparation, adoption, refinement,
 22 implementation and amendment of transportation system plans. Transportation system
 23 plans adopted pursuant to this division fulfill the requirements for public facilities required
 24 under ORS 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 011, as they relate to
 25 transportation facilities. The rules in this division are not intended to make local
 26 government determinations “land use decisions” under ORS 197.015(10). The rules
 27 recognize, however, that under existing statutory and case law, many determinations
 28 relating to the adoption and implementation of transportation plans will be land use
 29 decisions.

1 with federally-required plan update or amendment. Such amendments shall be initiated no
2 later than 30 days from the adoption of the RTP amendment or update and shall be
3 adopted no later than 1 year from the adoption of the RTP amendment or update or
4 according to a work plan approved by the Commission. A plan amendment is “initiated”
5 for purposes of this section where the affected local government files a post-
6 acknowledgement plan amendment notice with the department as provided in OAR 660-
7 018.

8
9 In the Portland Metropolitan area, compliance with this section may be accomplished by
10 Metro through adoption of required findings or an amendment to the regional
11 transportation system plan.

12
13 (3) Adoption or amendment of a regional transportation plan relates to compliance
14 with this division for purposes of section (2) if it does one or more of the following:

- 15
16 (a) Changes plan policies;
17 (b) Adds or deletes a project from the list of planned transportation facilities, services or
18 improvements;
19 (c) Modifies the general location of a planned transportation facility or improvement;
20 (d) Changes the functional classification of a transportation facility; or,
21 (e) Changes the planning period or adopts or modifies the population or employment
22 forecast or allocation upon which the plan is based.

23
24 (4) The following amendments to a regional transportation plan do not relate to
25 compliance with this division for purposes of section (2):

- 26
27 (a) Adoption of an air quality conformity determination;
28 (b) Changes to a federal revenue projection;
29 (c) Changes to estimated cost of a planned transportation project;
30 (d) Deletion of a project from the list of planned projects where the project has been
31 constructed or completed.

1 **(5) Adoption or amendment of a regional transportation plan that extends the planning**
2 **period beyond that specified in the applicable acknowledged comprehensive plan or**
3 **regional transportation system plan is consistent with the requirements of this rule where**
4 **the following conditions are met:**

5
6 **(a) The future year population and employment forecasts are consistent with those**
7 **adopted by the relevant county or counties for the metropolitan area. Where a county's**
8 **adopted population or employment forecast is for a period of time shorter than the**
9 **federally-required planning period, an MPO forecast is consistent with the county's**
10 **adopted forecast if it extrapolates the adopted county forecast consistent with (1) the**
11 **adopted forecast for long-term growth rate for the county and (2) a continuation of**
12 **metropolitan area share of county population and employment growth;**

13
14 **(b) Land needed to accommodate future urban density population and employment and**
15 **other urban uses is identified in a manner consistent with Goal 14 and relevant rules;**

16
17 **(c) Urban density population and employment are allocated to designated centers and**
18 **other identified areas to provide for implementation of the metropolitan area's integrated**
19 **land use and transportation plan or strategy; and,**

20
21 **(d) Urban density population and employment or other urban uses are allocated to areas**
22 **outside of an acknowledged urban growth boundary only where:**

23
24 **(i) The allocation is done in conjunction with consideration by local governments of**
25 **possible urban growth boundary amendments consistent with Goal 14 and relevant rules,**
26 **and,**

27 **(ii) The RTP clearly identifies the proposed UGB amendments and any related projects as**
28 **illustrative² and subject to further review and approval by the affected local governments.**

² *Illustrative projects* are a category of projects provided for in federal law. Illustrative projects are included in the RTP but are not part of the MPOs financially-constrained project list: i.e. they are not scheduled for funding. (This footnote is for explanatory purposes only and is not part of the proposed rule language.)

1 **660-012-0035**

2 **Evaluation and Selection of Transportation System Alternatives**

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

7 (a) Improvements to existing facilities or services;

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

10 (c) Transportation system management measures;

11 (d) Demand management measures; and

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

14 (2) Local governments in MPO areas of larger than 1,000,000 population shall, and other
15 governments may also, evaluate alternative land use designations, densities, and design standards
16 to meet local and regional transportation needs. Local governments preparing such a strategy
17 shall consider:

18 (a) Increasing residential densities and establishing minimum residential densities within one
19 quarter mile of transit lines, major regional employment areas, and major regional retail
20 shopping areas;

21 (b) Increasing allowed densities in new commercial office and retail developments in designated
22 community centers;

23 (c) Designating lands for neighborhood shopping centers within convenient walking and cycling
24 distance of residential areas;

TRANSPORTATION PLANNING RULE

- 1 (d) Designating land uses to provide a better balance between jobs and housing considering:
- 2 (A) The total number of jobs and total of number of housing units expected in the area or
3 subarea;
- 4 (B) The availability of affordable housing in the area or subarea; and
- 5 (C) Provision of housing opportunities in close proximity to employment areas.
- 6 (3) The following standards shall be used to evaluate and select alternatives:
- 7 (a) The transportation system shall support urban and rural development by providing types and
8 levels of transportation facilities and services appropriate to serve the land uses identified in the
9 acknowledged comprehensive plan;
- 10 (b) The transportation system shall be consistent with state and federal standards for protection
11 of air, land and water quality including the State Implementation Plan under the Federal Clean
12 Air Act and the State Water Quality Management Plan;
- 13 (c) The transportation system shall minimize adverse economic, social, environmental and
14 energy consequences;
- 15 (d) The transportation system shall minimize conflicts and facilitate connections between modes
16 of transportation;
- 17 (e) The transportation system shall avoid principal reliance on any one mode of transportation **by**
18 **increasing transportation choices to** []reduce principal reliance on the automobile. In MPO
19 areas this shall be accomplished by selecting transportation alternatives which meet the
20 requirements in section (4) of this rule.
- 21 (4) In MPO areas, regional and local TSPs shall be designed to achieve – **adopted standards for**
22 **increasing transportation choices and reducing reliance on the automobile. Adopted**
23 standards are intended as means of measuring progress of metropolitan areas towards developing
24 and implementing transportation systems and land use plans that **increase transportation**

TRANSPORTATION PLANNING RULE

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

5 (5) **MPO areas shall adopt standards** to demonstrate progress towards **increasing**
6 **transportation choices and reducing** automobile reliance as provided for in this **rule**:

7 (a) The Commission shall approve standards by order upon demonstration by the metropolitan
8 area that:

9 (A) Achieving the standard will result in a reduction in reliance on automobiles;

10 (B) Achieving the standard will accomplish a significant increase in the availability or
11 convenience of alternative modes of transportation;

12 (C) Achieving the standard is likely to result in a significant increase in the share of trips made
13 by alternative modes, including walking, bicycling, ridesharing and transit;

14 (D) VMT per capita is unlikely to increase by more than 5%; and

15 (E) The standard is measurable and reasonably related to achieving the goal of **increasing**
16 **transportation choices and** reducing reliance on the automobile as described in OAR 660-012-
17 0000.

18 (b) In reviewing proposed standards for compliance with (a), the Commission shall give credit
19 to regional and local plans, programs, and actions implemented since 1990 that have already
20 contributed to achieving the objectives specified in (A)–(E) above;

21 (c) If a plan using a standard, approved pursuant to this rule, is expected to result in an increase
22 in VMT per capita, then the cities and counties in the metropolitan area shall prepare and adopt
23 an integrated land use and transportation plan including the elements listed in (A)–(E) below.
24 Such a plan shall be prepared in coordination with the MPO and shall be adopted within three
25 years of the approval of the alternative standard:

TRANSPORTATION PLANNING RULE

- 1 (A) Changes to land use plan designations, densities, and design standards listed in 0035(2)(a)–
2 (d);
- 3 (B) A transportation demand management plan that includes significant new transportation
4 demand management measures;
- 5 (C) A public transit plan that includes a significant expansion in transit service;
- 6 (D) Policies to review and manage major roadway improvements to ensure that their effects are
7 consistent with achieving the adopted strategy for reduced reliance on the automobile, including
8 policies that provide for the following:
- 9 (i) An assessment of whether improvements would result in development or travel that is
10 inconsistent with what is expected in the plan;
- 11 (ii) Consideration of alternative measures to meet transportation needs;
- 12 (iii) Adoption of measures to limit possible unintended effects on travel and land use patterns
13 including access management, limitations on subsequent plan amendments, phasing of
14 improvements. etc.
- 15 [For purposes of this section a "major roadway expansion" includes new arterial roads or streets
16 and highways, the addition of travel lanes, and construction of interchanges to a limited access
17 highway.]
- 18 (E) Plan and ordinance provisions that meet all other applicable requirements of this division.
- 19 (d) Standards may include but are not limited to:
- 20 (A) Modal share of alternative modes, including walking, bicycling, and transit trips;
- 21 (B) Vehicle hours of travel per capita;
- 22 (C) Vehicle trips per capita;

- 1 (D) Measures of accessibility by alternative modes (i.e. walking, bicycling and transit); or
2 (E) The Oregon Benchmark for a reduction in peak hour commuting by single occupant vehicles.

3 (e) Metropolitan areas shall adopt TSP policies to evaluate progress towards achieving the
4 **standard or standards adopted and approved pursuant to this rule. Such evaluation shall**
5 **occur** at regular intervals **corresponding with federally-required updates of the regional**
6 **transportation plan. This shall include** monitoring and reporting of VMT per capita.

7 **(6) A metropolitan area may also accomplish compliance with requirements of**
8 **0035(3)(e), (4), (5) by demonstrating to the Commission that adopted plans and measures**
9 **are likely to achieve a 5% reduction in VMT per capita over the 20-year planning period.**
10 **The Commission shall consider and act on metropolitan area requests under this**
11 **subsection as an order other than a contested case. A metropolitan area that receives**
12 **approval under this subsection shall adopt interim benchmarks for VMT reduction and**
13 **shall evaluate progress in achieving VMT reduction at each update of the regional**
14 **transportation system plan.**

15 (7) Regional and local TSPs shall include benchmarks to assure satisfactory progress towards
16 meeting **the approved standard or standards adopted pursuant to this section at regular**
17 intervals over the planning period. MPOs and local governments shall evaluate progress in
18 meeting benchmarks at **each update of the regional transportation plan.** Where benchmarks
19 are not met, the relevant TSP shall be amended to include new or additional efforts adequate to
20 meet the requirements of this section.

21 (8) The Commission shall, at **regular** intervals, evaluate the results of efforts to achieve the
22 reduction in VMT and the effectiveness of **approved plans and standards** in achieving the
23 objective of **increasing transportation choices and** reducing reliance on the automobile.

TRANSPORTATION PLANNING RULE

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

4
5 (10) Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and
6 located in an urban fringe may be included in a TSP only if the improvement project identified in
7 the Transportation System Plan as described in section] **(12)** of this rule, will not significantly
8 reduce peak hour travel time for the route as determined pursuant to section **(11)** of this rule, or
9 the jurisdiction determines that the following alternatives can not reasonably satisfy the purpose
10 of the improvement project:

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

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

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

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

20 (12) A "transportation improvement project" described in section **(10)** of this rule:

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

23 (b) Has utility as an independent transportation project.

1 **660-012-0055**

2 **Timing of Adoption and Update of Transportation System Plans; Exemptions**

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

6 (a) If by May 8, 2000, a Metropolitan Planning Organization (MPO) has not adopted a regional
7 transportation system plan that meets the VMT reduction standard in 0035(4) and the
8 metropolitan area does not have an approved alternative standard established pursuant to
9 0035(5), then the cities and counties within the metropolitan area shall prepare and adopt an
10 integrated land use and transportation plan as outlined in 0035(5) (c) (A)-(E). Such a plan shall
11 be prepared in coordination with the MPO and shall be adopted within three years;

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

16 **(c) Local governments in metropolitan areas may request and the Commission may by**
17 **order grant an extension for completing an integrated land use and transportation plan**
18 **required by this division. A metropolitan area requesting an extension shall set forth a**
19 **schedule for completion of outstanding work needed to complete an integrated land use**
20 **and transportation plan as set forth in 0035. This shall include, as appropriate:**

- 21
- 22 **(A) Adoption of a long-term land use and transportation vision for the region;**
 - 23 **(B) Identification of centers and other land use designations intended to implement the**
24 **vision;**
 - 25 **(C) Adoption of housing and employment allocations to centers and land use designations;**
26 **and**

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

3
4 **(d) Local governments within metropolitan areas that are not in compliance with the**
5 **requirements of this division to adopt or implement a standard to increase transportation**
6 **choices or have not completed an integrated land use and transportation plan as required**
7 **by this division shall review plan and land use regulation amendments and adopt findings**
8 **that demonstrate that the proposed amendment supports implementation of the region's**
9 **adopted vision, strategy, policies or plans to increase transportation choices and reduce**
10 **reliance on the automobile.**

11
12 **A plan or land use regulation amendment supports implementation of an adopted regional**
13 **strategy, policy or plan for purposes of this section if it achieves the following as**
14 **applicable:**

15
16 **(A) Implements the strategy or plan through adoption of specific plans or zoning that**
17 **authorizes uses or densities that achieve desired land use patterns;**

18 **(B) Allows uses in designated centers or neighborhoods that accomplish the adopted**
19 **regional vision, strategy, plan or policies;**

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

22
23 (2) For areas outside an MPO, cities and counties shall complete and adopt regional and local
24 TSPs and implementing measures by May 8, 1997.

25
26 (3) By November 8, 1993, affected cities and counties shall, for non-MPO urban areas of 25,000
27 or more, adopt land use and subdivision ordinances or amendments required by OAR 660-012-
28 0045(3), (4)(a)-(f) and (5)(d). By May 8, 1994 affected cities and counties within MPO areas
29 shall adopt land use and subdivision ordinances or amendments required by OAR 660-012-
30 0045(3), (4)(a)-(e) and (5)(e). Affected cities and counties which do not have acknowledged
31 ordinances addressing the requirements of this section by the deadlines listed above shall apply

TRANSPORTATION PLANNING RULE

1 OAR 660-012-0045(3), (4)(a)-(g) and (5)(e) directly to all land use decisions and all limited land
2 use decisions.

3 (4)(a) Affected cities and counties that either:

4 (A) Have acknowledged plans and land use regulations that comply with this rule as of May 8,
5 1995, may continue to apply those acknowledged plans and land use regulations; or

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

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

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

23

24

25

1 (6) The director may grant a whole or partial exemption from the requirements of this division to
2 cities under 10,000 population, and counties under 25,000 population, **and for areas within a**
3 **county within an urban growth boundary that contains a population less than 10,000.**

4 Eligible jurisdictions may request that the director approve an exemption from all or part of the
5 requirements in this division. **Exemptions shall be for a period determined by the Director or**
6 **until the jurisdiction's next periodic review, whichever is shorter.**

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

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

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

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

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

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

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

20 (7) Portions of TSPs and implementing measures adopted as part of comprehensive plans prior
21 to the responsible jurisdiction's periodic review shall be reviewed pursuant to OAR Chapter 660,
22 Division 18, Post Acknowledgment Procedures.

TRANSPORTATION PROJECT DEVELOPMENT

Section 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;

(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

1 TSP where the TSP makes decisions about transportation need, mode, function and general
2 location for the facility or improvement as required by this division.

3
4 (a) Project development does not involve land use decision-making to the extent that it
5 involves transportation facilities, services or improvements identified in OAR 660-012-
6 045(1)(a); the application of uniform road improvement design standards and other uniformly
7 accepted engineering design standards and practices that are applied during project
8 implementation; procedures and standards for right-of-way acquisition as set forth in the
9 Oregon Revised Statutes; or the application of local, state or federal rules and regulations that
10 are not a part of the local government's land use regulations.

11
12 (b) Project development involves land use decision-making to the extent that issues of
13 compliance with applicable requirements requiring interpretation or the exercise of policy or
14 legal discretion or judgment remain outstanding at the project development phase. These
15 requirements may include, but are not limited to, regulations protecting or regulating
16 development within floodways and other hazard areas, identified Goal 5 resource areas,
17 estuarine and coastal shoreland areas, and the Willamette River Greenway, and local
18 regulations establishing land use standards or processes for selecting specific alignments.
19 They also may include transportation improvements required to comply with ORS 215.296 or
20 OAR 660-012-0065(5). When project development involves land use decision-making, all
21 unresolved issues of compliance with applicable acknowledged comprehensive plan policies
22 and land use regulations shall be addressed and findings of compliance adopted prior to
23 project approval.

24
25 (c) To the extent compliance with local requirements has already been determined during
26 transportation system planning, including adoption of a refinement plan, affected local
27 governments may rely on and reference the earlier findings of compliance with applicable
28 standards.

29

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

6

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

12

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

1 **GOAL EXCEPTIONS**

2 **660-012-0070**

3 **Exceptions for Transportation Improvements on Rural Land**

4 (1) Transportation facilities and improvements which do not meet the requirements of OAR
5 660-012-0065 require an exception to be sited on rural lands.

6 **(a) A local government approving a proposed exception shall adopt as part of its**
7 **comprehensive plan findings of fact and a statement of reasons that demonstrate that the**
8 **standards in this rule have been met. A local government denying a proposed exception**
9 **shall adopt findings of fact and a statement of reasons explaining why the standards in this**
10 **rule have not been met. However, findings and reasons denying a proposed exception need**
11 **not be incorporated into the local comprehensive plan.**

12 **(b) The facts and reasons relied upon to approve or deny a proposed exception shall be**
13 **supported by substantial evidence in the record of the local exceptions proceeding.**

14
15 (2) When an exception to Goals 3, 4, 11, or 14 is required **to locate a transportation**
16 **improvement on rural lands**, the exception shall be taken pursuant to ORS 197.732(1)(c) ,
17 Goal 2 and this division. **The exceptions standards in OAR 660, Division 4 and OAR 660,**
18 **Division 14 shall not apply. Exceptions adopted pursuant to this Division shall be deemed**
19 **to fulfill the requirements for goal exceptions required under ORS 197.732(1)(c) and Goal**
20 **2.**

21
22 (3) An exception shall, at a minimum, decide need, mode, function and general location for the
23 proposed facility or improvement:

24 (a) The general location shall be specified as a corridor within which the proposed facility or
25 improvement is to be located, including the outer limits of the proposed location. Specific sites
26 or areas within the corridor may be excluded from the exception to avoid or lessen likely adverse

1 impacts. **Where detailed design level information is available, the exception may be**
2 **specified as a specific alignment;**

3 (b) The size, design and capacity of the proposed facility or improvement shall be described
4 generally, but in sufficient detail to allow a general understanding of the likely impacts of the
5 proposed facility or improvement. Measures limiting the size, design or capacity may be
6 specified in the description of the proposed use in order to simplify the analysis of the effects of
7 the proposed use;

8 (c) The adopted exception shall include a process and standards to guide selection of the precise
9 design and location within the corridor and consistent with the general description of the
10 proposed facility or improvement. For example, where a general location or corridor crosses a
11 river, the exception would specify that a bridge crossing would be built but would defer to
12 project development decisions about precise location and design of the bridge within the selected
13 corridor subject to requirements to minimize impacts on riparian vegetation, habitat values, etc.;

14 (d) Land use regulations implementing the exception may include standards for specific
15 mitigation measures to offset unavoidable environmental, economic, social or energy impacts of
16 the proposed facility or improvement or to assure compatibility with adjacent uses.

17

18 (4) To address Goal 2, Part II(c)(1) the exception shall provide reasons justifying why the state
19 policy in the applicable goals should not apply. Further, the exception shall demonstrate that
20 there is a transportation need identified consistent with the requirements of OAR 660-012-0030
21 which cannot reasonably be accommodated through one or a combination of the following
22 measures not requiring an exception:

23 (a) Alternative modes of transportation;

24 (b) Traffic management measures; and

25 (c) Improvements to existing transportation facilities.

26

27 (5) To address Goal 2, Part II(c)(2) the exception shall demonstrate that non-exception locations
28 cannot reasonably accommodate the proposed transportation improvement or facility.

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(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 economic, social, environmental and energy consequences of the proposed location and other alternative locations requiring exceptions;

(b) Determine whether the net adverse impacts associated with the proposed exception site 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;

(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**

1 **support the assertion that the locations have significantly fewer net adverse economic,**
2 **social, environmental and energy impacts than the proposed exception location.**

3

4 (8) To address Goal 2, Part II(c)(4), the exception shall:

5 (a) Describe the adverse effects that the proposed transportation improvement is likely to have on
6 the surrounding rural lands and land uses, including increased traffic and pressure for nonfarm or
7 highway oriented development on areas made more accessible by the transportation
8 improvement;

9 (b) Demonstrate how the proposed transportation improvement is compatible with other adjacent
10 uses or will be so rendered through measures designed to reduce adverse impacts;

11 (c) Adopt as part of the exception, facility design and land use measures which minimize
12 accessibility of rural lands from the proposed transportation facility or improvement and support
13 continued rural use of surrounding lands.

14

15 **(9) (a) Exceptions taken pursuant to this rule shall indicate on a map or otherwise the**
16 **locations of the proposed transportation facility or improvement and of alternatives**
17 **identified under subsections 4 (c), (5) and (7) of this rule.**

18 **(b) Each notice of a public hearing on a proposed exception shall specifically note that a**
19 **goal exception is proposed and shall summarize the issues in an understandable manner.**

20

21 **(10) An exception taken pursuant to this rule does not authorize uses other than the**
22 **transportation facilities or improvements justified in the exception.**

23

24 **(a) Modifications to unconstructed transportation facilities or improvements authorized in**
25 **an exception shall not require a new exception if the modification is located entirely within**
26 **the corridor approved in the exception.**

27

28 **(b) Modifications to constructed transportation facilities authorized in an exception shall**
29 **require a new exception, unless the modification is permitted without an exception under**

1 **OAR 660-012-0065(3)(b)-(f). For purposes of this section, minor transportation**
2 **improvements made to a transportation facility or improvement authorized in an exception**
3 **shall not be considered a modification to a transportation facility or improvement and shall**
4 **not require a new exception.**

5
6 **(c) Notwithstanding subsections (a) and (b) of this section, the following shall require new**
7 **goal exceptions:**

8 **(1) New intersections or new interchanges on limited access highways or expressways,**
9 **excluding replacement of an existing intersection with an interchange.**

10 **(2) New approach roads located within the influence area of an interchange.**

11 **(3) Modifications that change the functional classification of the transportation facility.**

12 **(4) Modifications that materially reduce the effectiveness of facility design measures or**
13 **land use measures adopted pursuant to Section 8(c) of this rule to minimize accessibility to**
14 **rural lands or support continued rural use of surrounding rural lands, unless the area**
15 **subject to the modification has subsequently been relocated inside an urban growth**
16 **boundary.**

Division 004 Amendments

660-004-0000

Purpose

(1) The purpose of this rule is to explain the three types of exceptions set forth in Goal 2 "Land Use Planning, Part II, Exceptions." Except as provided for in OAR chapter 660, **Division 14**, "Application of the Statewide Planning Goals to **Newly Incorporated Cities and to Urban Development on Rural Lands**" and **OAR 660, Division 12, "Transportation Planning"**, **Section 0070, "Exceptions for Transportation Improvements on Rural Land"**, this Division interprets the exception process as it applies to statewide Goals 3 to 19.

(2) and (3) – No changes

660-004-0022

Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in subsequent sections of this rule or **in OAR 660-012-0070 or OAR 660, Division 014**, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

1 (c) The proposed use or activity has special features or qualities that necessitate its location on or
2 near the proposed exception site.

3 (2) – (11) – No changes

4

1 **MINOR AND HOUSEKEEPING AMENDMENTS**

2
3 **660-012-0005**

4 **Definitions**

5 (11) "Minor transportation improvements" include, but are not limited to, signalization, addition
6 of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets,
7 transportation system management measures, **modification of existing interchange facilities**
8 **within public right of way and design modifications located within an approved corridor.**

9 Minor transportation improvements may or may not be listed as planned projects in a TSP where
10 the improvement is otherwise consistent with the TSP. Minor transportation improvements do
11 not include **new interchanges; new approach roads within the influence area of an**
12 **interchange; new intersections on limited access roadways, highways or expressways;** new
13 collector or arterial streets, road realignments or addition of travel lanes.

14
15 (16) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit
16 stop which provides a place for pedestrians to sit, stand or rest. They are usually paved with
17 concrete, pavers, bricks or similar material and include seating, pedestrian scale lighting and
18 similar pedestrian improvements. Low walls or planters and landscaping are usually provided to
19 create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and
20 vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance or an
21 intersection and connect directly to adjacent sidewalks, walkways, transit stops and buildings. A
22 plaza including 150-250 square feet would be considered "small."

23
24 **NOTE: The following are new definitions and should be inserted alphabetically and the**
25 **definitions renumbered consecutively.**

26
27 (#) **“Approach Road” means a legally constructed, public or private connection, providing**
28 **vehicular access to and/or from a highway and an adjoining property.**

1 (#) **“Influence area of an interchange” means the area 1320 feet from an interchange ramp**
2 **terminal measured on the crossroad away from the mainline.**

3
4 (#) **“Local streets” means streets that are functionally classified as local streets to serve**
5 **primarily local access to property and circulation within neighborhoods or specific areas.**
6 **Local streets do not include streets functionally classified as collector or arterials.”**

7
8 (#) **“Regional Transportation Plan” or “RTP” means the long-range transportation plan**
9 **prepared and adopted by a metropolitan planning organization for a metropolitan area as**
10 **provided for in federal law.**

11
12 **NOTE: The existing definition for “Metropolitan area” included in 0005(38) will be**
13 **inserted alphabetically in the list of definitions and renumbered accordingly.**

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18 **660-012-0020**
19 **Elements of Transportation System Plans**

20 (3)
21 (b) A system of planned transportation facilities, services and major improvements. The system
22 shall include a description of the type or functional classification of planned facilities and
23 services and their planned capacities and **performance standards;**

1 **660-012-0025**

2 **Complying with the Goals in Preparing Transportation System Plans; Refinement Plans**

3

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

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

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

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

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

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

17

18

19 **660-012-0030**

20 **Determination of Transportation Needs**

21

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

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

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

1 **660-012-0045**

2
3 **Implementation of the Transportation System Plan**

4
5 (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with
6 applicable federal and state requirements, to protect transportation facilities, corridors and sites
7 for their identified functions. Such regulations shall include:

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

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

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

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

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

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

20 (A) Land use applications that require public hearings;

21 (B) Subdivision and partition applications;

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

23 (D) Other applications within airport noise corridors and imaginary surfaces which affect airport
24 operations.

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

28
29
30 (7) Local governments shall establish standards for local streets and accessways that minimize
31 pavement width and total right-of-way consistent with the operational needs of the facility. The
32 intent of this requirement is that local governments consider and reduce excessive standards for

1 local streets and accessways in order to reduce the cost of construction, provide for more efficient
2 use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic
3 volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Not
4 withstanding subsection (1) or (3) of this section, local street standards adopted to meet this
5 requirement need not be adopted as land use regulations. **Local ordinances or standards that**
6 **allow outright 28' streets (curb-to-curb) with parking on both sides of the street in low and**
7 **medium density residential areas (i.e. 10 or fewer dwelling units per acre) are considered to**
8 **comply with the requirements of this section.**

10

11 **660-012-0055**

12 (6) The director may grant a whole or partial exemption from the requirements of this division to
13 cities under 10,000 population, and counties under 25,000 population, **and for areas within a**
14 **county within an urban growth boundary that contains a population less than 10,000.**

15 Eligible jurisdictions may request that the director approve an exemption from all or part of the
16 requirements in this division. **Exemptions shall be for a period determined by the Director or**
17 **until the jurisdiction's next periodic review, whichever is shorter.**

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

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

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

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

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

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

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

5

6 **660-012-0065**

7 **Transportation Improvements on Rural Lands**

8

9 (1) This rule identifies transportation facilities, services and improvements which may be
10 permitted on rural lands consistent with Goals 3, 4, 11, and 14 without a goal exception.

11 (2) For the purposes of this rule, the following definitions apply:

12 (a) "Access Roads" means low volume public roads that principally provide access to property or
13 as specified in an acknowledged comprehensive plan;

14 (b) "Collectors" means public roads that provide access to property and that collect and distribute
15 traffic between access roads and arterials or as specified in an acknowledged comprehensive
16 plan;

17 (C) "Arterials" means state highways and other public roads that principally provide service to
18 through traffic between cities and towns, state highways and major destinations or as specified in
19 an acknowledged comprehensive plan;

20 (d) "Accessory Transportation Improvements" means transportation improvements that are
21 incidental to a land use to provide safe and efficient access to the use;

22 (e) "Channelization" means the separation or regulation of conflicting traffic movements into
23 definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly
24 movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn
25 refuges, right turn refuges including the construction of islands at intersections to separate traffic,
26 and raised medians at driveways or intersections to permit only right turns. "Channelization"
27 does not include continuous median turn lanes;

28 (f) "Realignment" means rebuilding an existing roadway on a new alignment where the new
29 centerline shifts outside the existing right of way, and where the existing road surface is either
30 removed, maintained as an access road or maintained as a connection between the realigned

1 roadway and a road that intersects the original alignment. The realignment shall maintain the
2 function of the existing road segment being realigned as specified in the acknowledged
3 comprehensive plan;

4 (g) "New Road" means a public road or road segment that is not a realignment of an existing
5 road or road segment.

6 (3) The following transportation improvements are consistent with goals 3, 4, 11, and 14 subject
7 to the requirements of this rule:

8 (a) Accessory transportation improvements for a use that is allowed or conditionally allowed by
9 ORS 215.213, 215.283 or OAR 660, Division 6 (Forest Lands);

10 (b) Transportation improvements that are allowed or conditionally allowed by ORS 215.213,
11 215.283 or OAR 660, Division 6 (Forest Lands);

12 (c) Channelization not otherwise allowed under subsections (a) or (b) of this section;

13 (d) Realignment of roads not otherwise allowed under subsection (a) or (b) of this section;

14 (e) Replacement of an intersection with an interchange;

15 (f) Continuous median turn lane;

16 (g) New access roads and collectors within a built or committed exception area, or in other areas
17 where the function of the road is to reduce local access to or local traffic on a state highway.
18 These roads shall be limited to two travel lanes. Private access and intersections shall be limited
19 to rural needs or to provide adequate emergency access.

20 (h) Bikeways, footpaths and recreation trails not otherwise allowed as a modification or part of
21 an existing road;

22 (i) Park and ride lots;

23 (j) Railroad mainlines and branchlines;

24 (k) Pipelines;

25 (l) Navigation channels;

26 (m) Replacement of docks and other facilities without significantly increasing the capacity of
27 those facilities;

28 (n) Expansions or alterations of public use airports that do not permit service to a larger class of
29 airplanes; and

30 (o) Transportation facilities, services and improvements other than those listed in this rule that
31 serve local travel needs. The travel capacity and **performance standards** of facilities and

1 improvements serving local travel needs shall be limited to that necessary to support rural land
2 uses identified in the acknowledged comprehensive plan or to provide adequate emergency
3 access.

4 (4) Accessory transportation improvements required as a condition of development listed in
5 subsection (3)(a) of this rule shall be subject to the same procedures, standards and requirements
6 applicable to the use to which they are accessory.

7 (5) For transportation uses or improvements listed in subsection (3)(d) to (g) and (o) of this rule
8 within an exclusive farm use (EFU) or forest zone, a jurisdiction shall, in addition to
9 demonstrating compliance with the requirements of ORS 215.296:

10 (a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and
11 can be constructed at a reasonable cost, not considering raw land costs, with available technology.
12 The jurisdiction need not consider alternatives that are inconsistent with applicable standards or
13 not approved by a registered professional engineer;

14
15