

Appendix C

OAR 660-012

Transportation Planning

(Excerpt)

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Excerpt of OAR 660 Division 12 Transportation Planning

OAR 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 and 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)(m) through (p) and ORS 215.283(1)(k) through (n), consistent with the provisions of 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 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 that affect airport operations.
- (g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP.

Stat. Auth.: ORS 183 & ORS 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