

**Climate-Friendly and Equitable Communities
Proposed Amendments to Division 12 (Transportation Planning Rules)**

PROPOSED ADOPTION DRAFT – July 7, 2022

Summary

These proposed amendments to the Transportation Planning Rules (Oregon Administrative Rules Chapter 660, Division 12) are a response to the direction provided in [Executive Order 20-04](#), the multi-agency work through the [Every Mile Counts](#) Multi-Agency Work Program, to implement the [Statewide Transportation Strategy](#). The proposed rules are informed by guidance received from the Land Conservation and Development Commission, the advisory committee, and input from the public and other interested parties.

Summary 1

0000: Purpose 3

0005: Definitions 5

0011: Applicable Rules 11

0012A: Effective Dates and Transition Period [More Urgent Option] 12

0012B: Effective Dates and Transition Period [More Time Option] 15

0015: Preparation and Coordination of Transportation System Plans 17

0016: Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas.... 18

0035: Evaluation and Selection of Transportation System Alternatives 19

0045: Implementation of the Transportation System Plan 20

0060: Plan and Land Use Regulation Amendments 24

0100: Transportation System Plans in Metropolitan Areas 33

0105: Transportation System Plan Updates 34

0110: Transportation System Planning Area 35

0115: Funding Projections 35

0120: Transportation System Planning Engagement 36

0125: Underserved Populations 36

0130: Decision-Making with Underserved Populations 37

0135: Equity Analysis 38

0140: Transportation System Planning in the Portland Metropolitan Area 38

0145: Transportation Options Planning 40

0150: Transportation System Inventories 41

0155: Prioritization Framework	41
0160: Reducing Vehicle Miles Traveled	43
0170: Unconstrained Project List.....	44
0180: Financially-Constrained Project List.....	45
0190: Transportation System Refinement Plans	45
0200: Temporary Projects.....	46
0210: Transportation Modeling and Analysis	46
0215: Transportation Performance Standards	47
0300: Coordinated Land Use and Transportation System Planning	47
0310: Climate-Friendly Areas.....	48
0315: Designation of Climate-Friendly Areas	50
0320: Land Use Requirements in Climate-Friendly Areas	53
0325: Transportation Review in Climate-Friendly Areas	56
0330: Land Use Requirements	57
0340: Land Use Assumptions for Transportation Planning	60
0350: Urban Growth Boundary Expansions.....	60
0360: Key Destinations	61
0400: Parking Management.....	62
0405: Parking Regulation Improvements	62
0410: Electric Vehicle Charging.....	63
0415: Parking Maximums and Evaluation in More Populous Communities.....	63
0420: Exemption for Communities without Parking Mandates	64
0425: Reducing the Burden of Parking Mandates	64
0430: Reduction of Parking Mandates for Development Types.....	65
0435: Parking Reform in Climate-Friendly Areas.....	66
0440: Parking Reform near Transit Corridors	66
0445: Parking Management Alternative Approaches.....	67
0450: Parking Management in More Populous Communities.....	68
0500: Pedestrian System Planning.....	68
0505: Pedestrian System Inventory	69
0510: Pedestrian System Requirements.....	69
0520: Pedestrian System Projects.....	70
0600: Bicycle System Planning.....	71

0605: Bicycle System Inventory	72
0610: Bicycle System Requirements	72
0620: Bicycle System Projects	73
0630: Bicycle Parking	74
0700: Public Transportation System Planning	75
0705: Public Transportation System Inventory	76
0710: Public Transportation System Requirements	76
0720: Public Transportation System Projects	77
0800: Street and Highway System Planning	78
0805: Street and Highway System Inventory.....	79
0810: Street and Highway System Requirements	79
0820: Street and Highway System Projects	81
0830: Enhanced Review of Select Roadway Projects	82
0900: Reporting	86
0905: Land Use and Transportation Performance Measures.....	88
0910: Land Use and Transportation Performance Targets.....	89
0915: Review of Reports	89
0920: Compliance Hearings	91

1 **0000: Purpose**

- 2 (1) This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage
3 a safe, convenient, and economic transportation system. This division also implements provisions
4 of other statewide planning goals related to transportation planning in order to plan and develop
5 transportation facilities and services in close coordination with urban and rural development. The
6 purpose of this division is to direct transportation planning in coordination with land use planning
7 to:
- 8 (a) Provide for safe transportation for all Oregonians;
- 9 (b) Promote the development of transportation systems adequate to serve statewide, regional,
10 and local transportation needs;
- 11 (c) Provide a transportation system that serves the mobility and access needs of those who
12 cannot drive and other underserved populations;
- 13 (d) Provide for affordable, accessible and convenient transit, pedestrian, and bicycle access
14 and circulation, with improved connectivity to destinations people want to reach, such as

- 1 education facilities, workplaces, services, shopping, places of worship, parks, open
2 spaces, and community centers;
- 3 (e) Reduce pollution from transportation to meet statewide statutory and executive goals to
4 reduce climate pollution;
- 5 (f) Recognize and remedy impacts of past practices that have harmed underserved
6 populations, such as redlining, displacement, exclusionary zoning, inaccessible design,
7 and roadway and other public infrastructure siting;
- 8 (g) Engage underserved populations in decision-making and prioritize investments serving
9 those communities;
- 10 (h) Facilitate the safe flow of freight, goods, and services within regions and throughout the
11 state through a variety of modes including road, air, rail, and marine transportation;
- 12 (i) Protect the functions of existing and planned transportation facilities, corridors, and sites;
- 13 (j) Provide for the construction and implementation of transportation facilities,
14 improvements, and services necessary to support acknowledged comprehensive plans;
- 15 (k) Identify how transportation facilities are provided on rural lands consistent with the
16 statewide planning goals;
- 17 (l) Protect and restore safe passage for fish and wildlife, flood waters, and other natural
18 system functions at roadway crossings of waterbodies and other native habitat corridors;
- 19 (m) Require coordination among affected local governments and transportation service
20 providers and consistency between state, regional, and local transportation plans; and
- 21 (n) Encourage changes to comprehensive plans to be supported by adequate planned
22 transportation facilities for all modes.
- 23 (2) In meeting the purposes described in section (1), coordinated land use and transportation plans
24 should ensure the transportation system supports a pattern of travel and land use in urban areas
25 that will avoid common air pollution, climate pollution, inequity, wasteful spending, and health
26 and livability problems, through measures designed to increase transportation options and make
27 more efficient use of the existing transportation system.
- 28 (3) The extent of planning required by this division and the outcome of individual transportation
29 plans will vary depending on community size, needs and circumstances. Generally, larger and
30 faster growing communities and regions will need to prepare more comprehensive and detailed
31 plans, while smaller communities and rural areas will have more general plans. For all
32 communities, the mix of planned transportation facilities and services should be sufficient to
33 promote economic, sustainable, and environmentally sound mobility and accessibility for all
34 Oregonians. Coordinating land use and transportation planning will also complement efforts to
35 meet other state and local objectives, including containing urban development, reducing the cost
36 of public services, protecting farm and forest land, reducing air, water, and noise pollution,
37 conserving energy, and reducing climate pollution.
- 38 (a) In all urban areas, coordinated land use and transportation plans are intended to provide
39 safe transportation and to enhance, promote and facilitate safe and convenient pedestrian
40 and bicycle travel by planning a well-connected network of streets, sidewalks, paths, and
41 trails, and supporting improvements for non-driving travel modes.
- 42 (b) In urban areas with a population greater than 25,000 persons, coordinated land use and
43 transportation plans are intended to improve livability and accessibility by promoting the

1 provision of transit service and more efficient performance of existing transportation
2 facilities through transportation system management and demand management measures.

3 (c) Within metropolitan areas, coordinated land use and transportation plans are intended to
4 improve livability and accessibility by promoting changes in the transportation system
5 and land use patterns. A key outcome of this effort is a reduction in dependence on single
6 occupant automobile use, particularly during peak periods. To accomplish this outcome,
7 this division promotes increased planning for non-driving modes and street connectivity
8 and encourages land use patterns throughout urban areas that make it more convenient for
9 people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less
10 to meet their daily needs. The result of applying these portions of the division will vary
11 within metropolitan areas. Some parts of urban areas, such as downtowns, pedestrian
12 districts, transit-oriented developments, climate-friendly areas, areas along priority transit
13 corridors, and other mixed-use, pedestrian-friendly centers, will be highly convenient for
14 a variety of modes, including walking, bicycling and transit, while others will be more
15 auto-oriented while still providing safe and convenient access and circulation by other
16 modes. In all instances, infrastructure shall be designed and constructed to deliver safety
17 and convenience for all Oregonians.

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

27 **0005: Definitions**

28 (1) "Access Management" means measures regulating access to streets, roads and highways from
29 public roads and private driveways. Measures may include but are not limited to restrictions on
30 the siting of interchanges, restrictions on the type and amount of access to roadways, and use of
31 physical controls, such as signals and channelization including raised medians, to reduce impacts
32 of approach road traffic on the main facility.

33 (2) “Accessible dwelling unit” means a dwelling unit constructed to accommodate persons with
34 disabilities, in compliance with the Americans with Disabilities Act and applicable construction
35 requirements in adopted building codes.

36 (3) “Accessible” means complying with the American with Disabilities Act.

37 (4) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between
38 streets or from a street to a building or other destination such as a school, park, or transit stop.
39 Accessways generally include a walkway and additional land on either side of the walkway, often
40 in the form of an easement or right-of-way, to provide clearance and separation between the
41 walkway and adjacent uses. Accessways through parking lots are generally physically separated
42 from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include
43 landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised,
44 paved, or marked in a manner that provides convenient access for pedestrians.

- 1 (5) "Affected Local Government" means a city, county, or metropolitan service district that is
2 directly impacted by a proposed transportation facility or improvement.
- 3 (6) "Approach Road" means a legally constructed, public or private connection that provides
4 vehicular access either to or from or to and from a highway and an adjoining property.
- 5 (7) "Area, net" means the total area of a development site exclusive of proposed or existing public
6 rights of way, public parks, public open space, protected natural features, and any other areas
7 permanently precluded from development due to development constraints, easements, or similar
8 legal instruments.
- 9 (8) "At or near a major transit stop: "At" means a parcel or ownership that is adjacent to or includes a
10 major transit stop generally including portions of such parcels or ownerships that are within 200
11 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300 feet of a
12 major transit stop. The term "generally" is intended to allow local governments through their
13 plans and ordinances to adopt more specific definitions of these terms considering local needs and
14 circumstances consistent with the overall objective and requirement to provide convenient
15 pedestrian access to transit.
- 16 (9) "Bicycle boulevard" means bicycle facilities on streets with low motorized traffic volumes and
17 speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs,
18 markings, traffic diverters, or other measures to discourage through trips by motor vehicles. A
19 bicycle boulevard may also include traffic control features to create safe, convenient bicycle
20 crossings of intersecting streets.
- 21 (10) "Climate-friendly area" means an urban mixed-use area containing, or planned to contain, a
22 mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or
23 planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to
24 provide frequent and convenient connections to key destinations within the city and region. These
25 areas feature a well-designed and connected pedestrian environment. To maximize community
26 benefits these areas typically do not contain or require large parking lots, and are provided with
27 abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors,
28 residents, and employees. Climate-friendly areas will reduce the reliance on light duty motor
29 vehicle trips for residents, workers, and visitors by providing more proximate destinations within
30 climate-friendly areas, improved connectivity to key destinations elsewhere in the community,
31 and enhanced alternative transportation options.
- 32 (11) "Commercial parking lot" means a site without a primary use where vehicle parking spaces are
33 rented or leased. It does not include shared parking.
- 34 (12) "Committed transportation facilities" means those proposed transportation facilities and
35 improvements that are consistent with the acknowledged comprehensive plan and have approved
36 funding for construction in a public facilities plan or the Six-Year Highway or Transportation
37 Improvement Program.
- 38 (13) "Demand management" means actions that are designed to change travel behavior in order to
39 improve performance of transportation facilities and to reduce need for additional road capacity.
40 Methods may include, but are not limited to, the use of non-driving modes, ride-sharing and
41 vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid
42 parking.

- 1 (14) “Equitable outcomes” means outcomes that burdens underserved populations less than and
 2 benefits underserved populations as much or more as the city or county population as a whole.
 3 Examples of equitable outcomes include:
- 4 (a) Increased stability of underserved populations, lowering the likelihood of displacement
 5 due to gentrification from public and private investments;
 - 6 (b) More accessible, safe, affordable and equitable transportation options with better
 7 connectivity to destinations people want to reach;
 - 8 (c) Adequate housing with access to employment, education, fresh food, goods, services,
 9 recreational and cultural opportunities, and social spaces;
 - 10 (d) Increased safety for people in public spaces, transportation and community development;
 - 11 (e) Equitable access to parks, nature, open spaces and public spaces;
 - 12 (f) Better and more racially equitable health outcomes across the lifespan, particularly health
 13 outcomes connected to transportation choices, air pollution, and food;
 - 14 (g) Recognizing and remedying impacts of past practices such as redlining, displacement,
 15 exclusionary zoning, and roadway and other public infrastructure siting decisions that
 16 harmed underserved communities; and
 - 17 (h) Fairly-distributed benefits to residents and local governments across cities and counties
 18 within metropolitan areas.
- 19 (15) “Freeway” means a limited-access highway with access points exclusively from interchanges
 20 with other streets and highways. Limited access may be provided for rural land uses in rural areas
 21 where no other access is available.
- 22 (16) “Horizon year” means the final year of the twenty-year planning period.
- 23 (17) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal
 24 measured on the crossroad away from the mainline.
- 25 (18) "Local streets" means streets that are functionally classified as local streets to serve primarily
 26 local access to property and circulation within neighborhoods or specific areas. Local streets do
 27 not include streets functionally classified as collector or arterials.
- 28 (19) "Local Street Standards" include but are not limited to standards for right-of-way, pavement
 29 width, travel lanes, parking lanes, curb turning radius, and accessways.
- 30 (20) "Major" means, in general, those facilities or developments that, considering the size of the urban
 31 or rural area and the range of size, capacity or service level of similar facilities or developments
 32 in the area, are either larger than average, serve more than neighborhood needs or have significant
 33 land use or traffic impacts on more than the immediate neighborhood:
- 34 (a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation
 35 facilities means those facilities that are most important to the functioning of the system or
 36 that provide a high level, volume or frequency of service;
 - 37 (b) "Major" as it modifies industrial, institutional and retail development means such
 38 developments that are larger than average, serve more than neighborhood needs or that
 39 have traffic impacts on more than the immediate neighborhood;
 - 40 (c) Application of the term "major" will vary from area to area depending upon the scale of
 41 transportation improvements, transit facilities and development that occur in the area. A
 42 facility considered to be major in a smaller or less densely developed area may, because
 43 of the relative significance and impact of the facility or development, not be considered a

- 1 major facility in a larger or more densely developed area with larger or more intense
2 development or facilities.
- 3 (21) "Major transit stop" means existing and planned transit stations, including light rail stations and
4 other transit transfer stations, except for temporary facilities; other planned stops designated as
5 major transit stops in a transportation system plan and existing stops that:
- 6 (a) Have or are planned for an above average frequency of scheduled, fixed-route service
7 when compared to region wide service. In urban areas of 1,000,000 or more population
8 major transit stops are generally located along routes that have or are planned for 15-
9 minute or better service frequency throughout the day and on weekends; and
- 10 (b) Are located in a transit oriented development or within one-quarter mile of an area
11 planned and zoned for:
- 12 (A) Medium or high density residential development; or
13 (B) Intensive commercial or institutional uses within one-quarter mile of land uses in
14 paragraph (A); or
15 (C) Uses likely to generate a relatively high level of transit ridership.
- 16 (22) "Metropolitan area" means the local governments that are responsible for adopting local or
17 regional transportation system plans within a metropolitan planning organization (MPO)
18 boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.
- 19 (23) "Metropolitan Planning Organization (MPO)" means an organization located within the State of
20 Oregon and designated by the Governor to coordinate transportation planning in an urbanized
21 area of the state including such designations made subsequent to the adoption of this rule. The
22 Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the
23 purposes of this division.
- 24 (24) "Minor transportation improvements" include, but are not limited to, signalization, addition of
25 turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets,
26 transportation system management measures, modification of existing interchange facilities
27 within public right of way and design modifications located within an approved corridor. Minor
28 transportation improvements may or may not be listed as planned projects in a TSP where the
29 improvement is otherwise consistent with the TSP. Minor transportation improvements do not
30 include new interchanges; new approach roads within the influence area of an interchange; new
31 intersections on limited access roadways, highways, or expressways; new collector or arterial
32 streets, road realignments or addition of travel lanes.
- 33 (25) "ODOT" means the Oregon Department of Transportation.
- 34 (26) "Parking benefit district" means a designated area where some of the revenues from parking fees
35 or permits for public parking within the designated area are dedicated to public improvements in
36 the area.
- 37 (27) "Parking mandates" means requirements to include a minimum number of off-street parking
38 spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential
39 development.
- 40 (28) "Parking maximums" means limits on the number of off-street parking spaces that can be
41 included in a development.
- 42 (29) "Parking spaces" means on and off-street spaces designated for automobile parking, other than
43 parking spaces reserved for carpools, vanpools, or parking under the Americans with Disabilities
44 Act.

- 1 (30) "Pedestrian district" means a comprehensive plan designation or implementing land use
2 regulations, such as an overlay zone, that establish requirements to provide a safe and convenient
3 pedestrian environment in an area planned for a mix of uses likely to support a relatively high
4 level of pedestrian activity. Such areas include but are not limited to:
- 5 (a) Lands planned for a mix of commercial or institutional uses near lands planned for
6 medium to high density housing; or
- 7 (b) Areas with a concentration of employment and retail activity; and
- 8 (c) That have, or could develop, or have planned a network of streets and accessways that
9 provide convenient pedestrian circulation.
- 10 (31) "Pedestrian facility" means a continuous, unobstructed, reasonably direct route between two
11 points that is intended and suitable for pedestrian use. Pedestrian facilities include but are not
12 limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed
13 parcels, pedestrian facilities are generally hard surfaced. In parks and natural areas, pedestrian
14 facilities may be soft-surfaced pathways. On undeveloped parcels and parcels intended for
15 redevelopment, pedestrian facilities may also include rights of way or easements for future
16 pedestrian improvements.
- 17 (32) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop
18 that provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete,
19 pavers, bricks, or similar material and include seating, pedestrian scale lighting, and similar
20 pedestrian improvements. Low walls or planters and landscaping are usually provided to create a
21 semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle
22 maneuvering areas. Plazas are generally located at a transit stop, building entrance, or an
23 intersection and connect directly to adjacent sidewalks, walkways, transit stops, and buildings. A
24 plaza including 150-250 square feet would be considered "small."
- 25 (33) "Pedestrian scale" means site and building design elements that are dimensionally less than those
26 intended to accommodate automobile traffic, flow, and buffering. Examples include ornamental
27 lighting of limited height; bricks, pavers, or other modules of paving with small dimensions; a
28 variety of planting and landscaping materials; arcades or awnings that reduce the height of walls;
29 and signage and signpost details that can only be perceived from a short distance.
- 30 (34) "People with disabilities" means people who have a record or history of physical, mental,
31 intellectual, or sensory impairments that in interaction with various barriers may hinder their full
32 and effective participation in society on an equal basis with others.
- 33 (35) "Planning period" means the twenty-year period beginning with the date of adoption of a TSP to
34 meet the requirements of this division.
- 35 (36) "Preliminary Design" means an engineering design that specifies in detail the location and
36 alignment of a planned transportation facility or improvement.
- 37 (37) "Priority transit corridor" means a corridor that has a high existing or planned level of transit
38 service relative to other transit service in the community, including service frequency and span of
39 service. The corridor may be described as a series of stations when served by high-capacity transit
40 services with widely spaced stations.
- 41 (38) "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line
42 or a route that does not involve a significant amount of out-of-direction travel for likely users.
- 43 (39) "Refinement Plan" means an amendment to the transportation system plan, that resolves, at a
44 systems level, determinations on function, mode or general location which were deferred during

- 1 transportation system planning because detailed information needed to make those determinations
2 could not reasonably be obtained during that process.
- 3 (40) "Regional Transportation Plan" or "RTP" means the long-range transportation plan prepared and
4 adopted by a metropolitan planning organization for a metropolitan area as provided for in federal
5 law.
- 6 (41) "Roads" means streets, roads, and highways.
- 7 (42) "Rural community" means areas defined as resort communities and rural communities in
8 accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need
9 only meet the definitions contained in the Unincorporated Communities Rule although the area
10 may not have been designated as an unincorporated community in accordance with OAR 660-
11 022-0020.
- 12 (43) "Separated or protected bicycle facilities" means bicycle facilities that are physically separated or
13 protected from motor vehicle traffic by barriers that inhibit intrusion into the bicycle facility.
14 Protection may include parked motor vehicles. Separated or protected bicycle facilities may be
15 unidirectional or two-way. Separated or protected bicycle facilities are designed to address
16 conflicting traffic at intersections and other vehicular accesses to the street or highway.
- 17 (44) "Shared parking" means parking spaces used to meet the parking mandates for two or more uses,
18 structures, or parcels of land, to the extent that the owners or operators show the overall demand
19 for parking spaces can be met by the shared parking.
- 20 (45) "Transit-Oriented Development (TOD)" means a mix of residential, retail and office uses and a
21 supporting network of roads, bicycle and pedestrian ways focused on a major transit stop
22 designed to support a high level of transit use. The key features of transit oriented development
23 include:
- 24 (a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian
25 and bicycle travel from the surrounding area;
- 26 (b) High density of residential development proximate to the transit stop sufficient to support
27 transit operation and neighborhood commercial uses within the TOD;
- 28 (c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian
29 access within the TOD and high levels of transit use.
- 30 (46) "Transportation Facilities" means any physical facility that moves or assist in the movement of
31 people or goods including facilities identified in OAR 660-012-0020 but excluding electricity,
32 sewage, and water systems.
- 33 (47) "Transportation System Management Measures" means techniques for increasing the efficiency,
34 safety, capacity, or level of service of a transportation facility without increasing its size.
35 Examples include, but are not limited to, traffic signal improvements, traffic control devices
36 including installing medians and parking removal, channelization, access management, ramp
37 metering, and restriping of high occupancy vehicle (HOV) lanes.
- 38 (48) "Transportation Needs" means estimates of the movement of people and goods consistent with
39 acknowledged comprehensive plan and the requirements of this division. Needs are typically
40 based on projections of future travel demand resulting from a continuation of current trends as
41 modified by policy objectives, including those expressed in Goal 12 and this division, and
42 attaining the state's goals for greenhouse gas emissions reduction, especially those for avoiding
43 principal reliance on any one mode of transportation.
- 44 (49) "Transportation Needs, Local" means needs for movement of people and goods within
45 communities and portions of counties and the need to provide access to local destinations.

- 1 (50) "Transportation Needs, Regional" means needs for movement of people and goods between and
 2 through communities and accessibility to regional destinations within a metropolitan area, county,
 3 or associated group of counties.
- 4 (51) "Transportation Needs, State" means needs for movement of people and goods between and
 5 through regions of the state and between the state and other states.
- 6 (52) "Transportation Options Provider" means an entity providing services that work to change travel
 7 behavior in order to increase transportation system efficiency.
- 8 (53) "Transportation Project Development" means implementing the transportation system plan (TSP)
 9 by determining the precise location, alignment, and preliminary design of improvements included
 10 in the TSP based on site-specific engineering and environmental studies.
- 11 (54) "Transportation Service" means a service for moving people and goods, such as intercity bus
 12 service and passenger rail service.
- 13 (55) "Transportation System Plan (TSP)" means a plan for one or more transportation facilities that are
 14 planned, developed, operated, and maintained in a coordinated manner to supply continuity of
 15 movement between modes, and within and between geographic and jurisdictional areas.
- 16 (56) "Urban Area" means lands within an urban growth boundary, two or more contiguous urban
 17 growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9).
 18 For the purposes of this division, the area need only meet the definition contained in the
 19 Unincorporated Communities Rule although the area may not have been designated as an
 20 unincorporated community in accordance with 660-022-0020.
- 21 (57) "Unbundled parking" means a requirement that parking spaces for each unit in a development be
 22 rented, leased or sold separately from the unit itself. The parking space(s) must be rented, leased,
 23 or sold at market rates for comparable local off-street parking. The renter, lessor, or buyer of the
 24 unit must be allowed to opt out of renting, leasing, or buying the parking space.
- 25 (58) "Urban Fringe" means:
- 26 (a) Areas outside the urban growth boundary that are within five miles of the urban growth
 27 boundary of an MPO area; and
- 28 (b) Areas outside the urban growth boundary within two miles of the urban growth boundary
 29 of an urban area containing a population greater than 25,000.
- 30 (59) "Vehicle Miles Traveled (VMT)" means all jurisdiction household-based light vehicle travel
 31 regardless of where the travel occurs.
- 32 (60) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including
 33 sidewalks and surfaced portions of accessways.

34 **0011: Applicable Rules**

- 35 (1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-12-
 36 0050, OAR 660-012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide, where
 37 this division is applicable.
- 38 (2) OAR 660-012-0012 and OAR 660-012-0100 through OAR 660-012-0920 apply to the following
 39 local governments:
- 40 (a) Cities within metropolitan areas;
- 41 (b) Portions of counties within urban growth boundaries of cities in metropolitan areas; and

- 1 (c) Metro and cities and portions of counties within the Metro urban growth boundary.
- 2 (3) OAR 660-012-0010 through OAR 660-012-0045 and OAR 660-012-0055 apply to all local
- 3 governments other than those listed in section (2) of this rule, where this division is applicable.
- 4 (4) Cities or counties that otherwise would be required to use rules as provided in section (3) of this
- 5 rule, may choose to instead adopt a transportation system plan meeting the rules that apply to
- 6 jurisdictions as provided in section (2) of this rule. Upon acknowledgement of such a
- 7 transportation system plan, the city shall continue to be subject to these rules in all respects.
- 8 (5) All cities are either subject to the rules in section (2) or section (3) of this rule, but not both.
- 9 (6) Counties may have different applicable rules in different parts of the county.

10 **0012A: Effective Dates and Transition Period [More Urgent Option]**

- 11 (1) The rules in this division adopted on July 21, 2022, and amendments to rules in this division
- 12 adopted on that date, are effective August 12, 2022, except as provided in this rule.
- 13 (2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make
- 14 interim updates to the local transportation system plan using requirements as provided in OAR
- 15 660-012-0015 if the city or county:
 - 16 (a) Has submitted notice of the proposed change to the comprehensive plan to the
 - 17 department as provided in OAR 660-018-0020 no later than December 31, 2022; or
 - 18 (b) The interim update is not a major transportation system plan update as provided in OAR
 - 19 660-012-0105, and the city or county has submitted notice of the proposed change to the
 - 20 comprehensive plan to the department as provided in OAR 660-018-0020 no later than
 - 21 June 30, 2027. Interim updates must comply with applicable requirements in this division
 - 22 within the scope of the transportation system plan amendment but need not bring the
 - 23 entire transportation system plan in compliance with all applicable regulations.
- 24 (3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or
- 25 deadlines in section (4) of this rule.
 - 26 (a) A submitted proposal for alternative dates shall include:
 - 27 (A) A description of any work already underway to begin complying with the new
 - 28 requirements of this division;
 - 29 (B) Proposed dates for accomplishing requirements in lieu of effective dates or
 - 30 deadlines provided in this rule; and
 - 31 (C) A schedule for updating local transportation system plans to comply with new
 - 32 requirements of this division.
 - 33 (b) Proposed alternative dates must demonstrate consistent progress toward meeting the
 - 34 updated requirements of this division. Proposed alternative dates must include at least
 - 35 some work implemented by December 31, 2023. Proposed alternative dates must include
 - 36 completion of all elements included in the alternative dates, except for a major update to
 - 37 the transportation system plan, by June 30, 2027.
 - 38 (c) Proposed alternative dates should be designed to sequence work in a logical progression,
 - 39 considering acknowledged plans, other work, and the work of other jurisdictions within
 - 40 the metropolitan area. Cities and counties in a metropolitan area may submit joint
 - 41 proposed alternative dates for a metropolitan area.

- 1 (d) Proposed alternative dates may not be submitted to the department after January 31,
2 2023.
- 3 (e) Local governments in regions required to submit a work program as provided in OAR
4 660-044-0015 may submit a single combined work program that proposes alternative
5 dates as provided in this rule and meets the requirements as provided in OAR 660-044-
6 0100. Notwithstanding subsection (d), the combined work program must be submitted by
7 the date as provided in OAR 660-044-0015.
- 8 (f) The director shall review the proposed alternative dates to determine whether the
9 proposed alternative dates meet the following criteria:
- 10 (A) Ensures urgent action;
- 11 (B) Coordinates actions across jurisdictions within the metropolitan area;
- 12 (C) Coordinates with work required as provided in OAR 660-044-0100;
- 13 (D) Sequences elements into a logical progression; and
- 14 (E) Considers availability of funding and other resources to complete the work.
- 15 (g) Upon the director finding the proposed alternative dates meet the criteria in (f), the
16 alternative dates shall be used.
- 17 (h) The director may modify alternative dates at any time as necessary to achieve the
18 purposes of this division.
- 19 (4) The dates in this section apply unless alternative dates are approved by the director as provided in
20 section (3).
- 21 (a) Cities outside the Portland Metropolitan area with a population over 5,000 in the urban
22 area, and counties outside the Portland Metropolitan Area with an unincorporated
23 population over 5,000 in the urban area, must adopt a major transportation system plan
24 update as provided in OAR 660-012-0105 by December 31, 2029.
- 25 (b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation
26 performance standards take effect on June 30, 2025.
- 27 (c) A city or county that is subject to the requirements of OAR 660-012-0310 shall adopt
28 land use requirements for climate-friendly areas and a climate-friendly comprehensive
29 plan element as provided in OAR 660-012-0315 by December 31, 2024.
- 30 (d) Metro shall amend the urban growth management functional plan in conjunction with its
31 next growth management analysis under ORS 197.296 and no later than December 31,
32 2024, to require local government adoption of Region 2040 centers and land use
33 regulations as described in the acknowledged urban growth management functional plan.
34 Within the Metro urban growth boundary, a county with planning jurisdiction in
35 unincorporated areas provided with urban water, sanitary sewer, stormwater, and
36 transportation services, or a city shall comply with the adopted requirements of the urban
37 growth management functional plan by December 31, 2025.
- 38 (e) Cities and counties shall adopt land use regulations to meet the requirements of OAR
39 660-012-0330 no later than the date of adoption of a major transportation system plan
40 update as provided in OAR 660-012-0105.

- 1 (f) Cities and counties shall adopt comprehensive plan amendments and land use regulations
2 meeting requirements as provided in OAR 660-012-0400, OAR 660-012-0405, and OAR
3 660-012-0415 through OAR 660-012-0450 no later than June 30, 2023, except as
4 provided below. If a city or county has not done so, it may not apply parking mandates
5 after that date.
- 6 (A) Cities and counties that pass population thresholds in OAR 660-012-0400, OAR
7 660-012-0415 or OAR 660-012-0450 must adopt comprehensive plan
8 amendments and land use regulations meeting requirements within 12 months of
9 passing those population thresholds.
- 10 (B) If cities and counties adopt an approach in OAR 660-012-0445, policies must
11 take effect no later than June 30, 2023.
- 12 (C) Cities and counties adopting an approach in OAR 660-012-0435 shall do so
13 concurrently with adoption of any climate-friendly area under OAR 660-012-
14 0315.
- 15 (g) Cities choosing to report on the share of on-street parking spaces that are priced as
16 provided in OAR 660-012-0450(1)(b) must:
- 17 (A) Demonstrate at least five percent of on-street parking spaces are priced by
18 September 30, 2023; and
- 19 (B) Demonstrate at least 10 percent of on-street parking spaces are priced by
20 September 30, 2025.
- 21 (5) The following dates may not be adjusted through proposed alternative dates as provided in
22 section (3):
- 23 (a) The provisions of OAR 660-012-0210 take effect June 30, 2024.
- 24 (b) A city or county that is subject to the requirements of OAR 660-012-0310 shall submit a
25 study of climate-friendly areas as provided in OAR 660-012-0315(4) and (5) by
26 December 31, 2023.
- 27 (c) The provisions of OAR 660-012-0310(4)(a) and (b) take effect June 30, 2023.
- 28 (d) Cities shall implement the requirements for electric vehicle charging as provided in OAR
29 660-012-0410 no later than March 31, 2023.
- 30 (e) Cities and counties shall implement the requirements of OAR 660-012-0430 and 660-
31 012-0440 when reviewing development applications submitted after December 31, 2022.
- 32 (6) Cities and counties with voter-approved bond-funded projects where the election occurred before
33 January 1, 2022 may use approved bond funding as a factor when prioritizing projects in an
34 unconstrained project list as provided in OAR 660-012-0170(4).
- 35 (7) The first reporting year for the reporting requirements as provided in OAR 660-012-0900 is 2023,
36 with reports due no later than May 31, 2024.

1 **0012B: Effective Dates and Transition Period [More Time Option]**

- 2 (1) The rules in this division adopted on July 21, 2022, and amendments to rules in this division
3 adopted on that date, are effective August 12, 2022, except as provided in this rule.
- 4 (2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make
5 interim updates to the local transportation system plan using requirements as provided in OAR
6 660-012-0015 if the city or county:
- 7 (a) Has submitted notice of the proposed change to the comprehensive plan to the
8 department as provided in OAR 660-018-0020 no later than June 30, 2023; or
- 9 (b) The interim update is not a major transportation system plan update as provided in OAR
10 660-012-0105, and the city or county has submitted notice of the proposed change to the
11 comprehensive plan to the department as provided in OAR 660-018-0020 no later than
12 June 30, 2029. Interim updates must comply with applicable requirements in this division
13 within the scope of the transportation system plan amendment but need not bring the
14 entire transportation system plan in compliance with all applicable regulations.
- 15 (3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or
16 deadlines in section (4) of this rule.
- 17 (a) A submitted proposal for alternative dates shall include:
- 18 (A) A description of any work already underway to begin complying with the new
19 requirements of this division;
- 20 (B) Proposed dates for accomplishing requirements in lieu of effective dates or
21 deadlines provided in this rule; and
- 22 (C) A schedule for updating local transportation system plans to comply with new
23 requirements of this division.
- 24 (b) Proposed alternative dates must demonstrate consistent progress toward meeting the
25 updated requirements of this division. Proposed alternative dates must include at least
26 some work implemented by June 30, 2024. Proposed alternative dates must include
27 completion of all elements included in the alternative dates, except for a major update to
28 the transportation system plan, by June 30, 2028.
- 29 (c) Proposed alternative dates should be designed to sequence work in a logical progression,
30 considering acknowledged plans, other work, and the work of other jurisdictions within
31 the metropolitan area. Cities and counties in a metropolitan area may submit joint
32 proposed alternative dates for a metropolitan area.
- 33 (d) Proposed alternative dates may not be submitted to the department after January 31,
34 2023.
- 35 (e) Local governments in regions required to submit a work program as provided in OAR
36 660-044-0015 may submit a single combined work program that proposes alternative
37 dates as provided in this rule and meets the requirements as provided in OAR 660-044-
38 0100. Notwithstanding subsection (d), the combined work program must be submitted by
39 the date as provided in OAR 660-044-0015.
- 40 (f) The director shall review the proposed alternative dates to make a recommendation to the
41 commission as to whether the proposed alternative dates meet the following criteria:
- 42 (A) Ensures urgent action;
- 43 (B) Coordinates actions across jurisdictions within the metropolitan area;

- 1 (C) Coordinates with work required as provided in OAR 660-044-0100;
- 2 (D) Sequences elements into a logical progression; and
- 3 (E) Considers availability of funding and other resources to complete the work.
- 4 (g) The commission shall hold a hearing to review the proposed alternative dates and the
5 director's recommendation. If the commission finds that the proposed alternative dates
6 are complete and meet the criteria in subsection (f), then the commission shall issue an
7 order approving the alternative dates; otherwise, the commission shall remand the
8 proposed alternative dates with specific directions for changes needed. Upon approval by
9 the commission, the alternative dates supersede the effective dates or deadlines in this
10 rule.
- 11 (h) The commission may modify alternative dates at any time as necessary to achieve the
12 purposes of this division.
- 13 (4) The dates in this section apply unless alternative dates are approved by the commission as
14 provided in section (3).
- 15 (a) Cities outside the Portland Metropolitan area with a population over 5,000 in the urban
16 area, and counties outside the Portland Metropolitan Area with an unincorporated
17 population over 5,000 in the urban area, must adopt a major transportation system plan
18 update as provided in OAR 660-012-0105 by December 31, 2029.
- 19 (b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation
20 performance standards take effect upon the date of adoption of a major transportation
21 system plan update as provided in OAR 660-012-0105.
- 22 (c) A city or county that is subject to the requirements of OAR 660-012-0310 shall adopt
23 land use requirements for climate-friendly areas and a climate-friendly comprehensive
24 plan element as provided in OAR 660-012-0315(6) by December 31, 2025.
- 25 (d) Metro shall amend the urban growth management functional plan in conjunction with its
26 next growth management analysis under ORS 197.296 and no later than December 31,
27 2024, to require local government adoption of Region 2040 centers and land use
28 regulations as described in the acknowledged urban growth management functional plan.
29 Within the Metro urban growth boundary, a county with planning jurisdiction in
30 unincorporated areas provided with urban water, sanitary sewer, stormwater, and
31 transportation services, or a city shall comply with the adopted requirements of the urban
32 growth management functional plan by June 30, 2026.
- 33 (e) Cities and counties shall adopt land use regulations to meet the requirements of OAR
34 660-012-0330 no later than the date of adoption of a major transportation system plan
35 update as provided in OAR 660-012-0105.
- 36 (f) Cities and counties shall adopt comprehensive plan amendments and land use regulations
37 meeting requirements as provided in OAR 660-012-0400, OAR 660-012-0405, and OAR
38 660-012-0415 through OAR 660-012-0450 no later than December 31, 2023, except as
39 provided below. If a city or county has not done so, it may not apply parking mandates
40 after that date.
- 41 (A) Cities and counties required to adopt parking maximums under OAR 660-012-
42 0415 must do so prior to or when adopting a major transportation system plan
43 update.
- 44 (B) Cities and counties that pass population thresholds in OAR 660-012-0400, OAR
45 660-012-0415, or OAR 660-012-0450 must adopt comprehensive plan

- 1 amendments and land use regulations meeting requirements within 12 months of
2 passing those population thresholds.
- 3 (C) If cities and counties adopt an approach in OAR 660-012-0445, policies must
4 take effect no later than December 31, 2023.
- 5 (D) Cities and counties adopting an approach in OAR 660-012-0435 shall do so
6 concurrently with adoption of any climate-friendly area under OAR 660-012-
7 0315.
- 8 (g) Cities choosing to report on the share of on-street parking spaces that are priced as
9 provided in OAR 660-012-0450(1)(b) must:
- 10 (A) Demonstrate at least five percent of on-street parking spaces are priced by June
11 30, 2024; and
- 12 (B) Demonstrate at least 10 percent of on-street parking spaces are priced by June 30,
13 2026.
- 14 (5) The following dates may not be adjusted through proposed alternative dates as provided in
15 section (3):
- 16 (a) The provisions of OAR 660-012-0210 take effect June 30, 2025.
- 17 (b) A city or county that is subject to the requirements of OAR 660-012-0310 shall submit a
18 study of climate-friendly areas as provided in OAR 660-012-0315(4) and (5) by
19 December 31, 2023.
- 20 (c) The provisions of OAR 660-012-0310(4)(a) and (b) take effect December 31, 2023.
- 21 (d) Cities shall implement the requirements for electric vehicle charging as provided in OAR
22 660-012-0410 no later than March 31, 2023.
- 23 (e) Cities and counties shall implement the requirements of OAR 660-012-0430 and 660-
24 012-0440 when reviewing development applications submitted after December 31, 2023.
- 25 (6) Cities and counties with voter-approved bond-funded projects where the election occurred before
26 January 1, 2023 may use approved bond funding as a factor when prioritizing projects in an
27 unconstrained project list as provided in OAR 660-012-0170(4).
- 28 (7) The first reporting year for the reporting requirements as provided in OAR 660-012-0900 is 2023,
29 with reports due no later than May 31, 2024.

30 **0015: Preparation and Coordination of Transportation System Plans**

- 31 (1) ODOT shall prepare, adopt, and amend a state TSP in accordance with ORS 184.618, its program
32 for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-
33 0035, 660-012-0050, 660-012-0065 and 660-012-0070. The state TSP shall identify a system of
34 transportation facilities and services adequate to meet identified state transportation needs:
- 35 (a) The state TSP shall include the state transportation policy plan, modal systems plans, and
36 transportation facility plans as set forth in OAR chapter 731, division 15;
- 37 (b) State transportation project plans shall be compatible with acknowledged comprehensive
38 plans as provided for in OAR chapter 731, division 15. Disagreements between ODOT
39 and affected local governments shall be resolved in the manner established in that
40 division.

- 1 (2) Counties shall prepare and amend regional TSPs in compliance with this division. Counties shall
2 prepare regional TSPs for areas and facilities:
- 3 (a) Regional TSPs shall establish a system of transportation facilities and services adequate
4 to meet identified regional transportation needs and shall be consistent with adopted
5 elements of the state TSP;
- 6 (b) Where elements of the state TSP have not been adopted, the county shall coordinate the
7 preparation of the regional TSP with ODOT to ensure that state transportation needs are
8 accommodated;
- 9 (c) Regional TSPs prepared by counties shall be adopted by the county.
- 10 (3) Cities and counties shall prepare, adopt, and amend local TSPs for lands within their planning
11 jurisdiction in compliance with this division:
- 12 (a) Local TSPs shall establish a system of transportation facilities and services adequate to
13 meet identified local transportation needs and shall be consistent with regional TSPs and
14 adopted elements of the state TSP;
- 15 (b) Where the regional TSP or elements of the state TSP have not been adopted, the city or
16 county shall coordinate the preparation of the local TSP with the regional transportation
17 planning body and ODOT to ensure that regional and state transportation needs are
18 accommodated.
- 19 (4) Cities and counties shall adopt regional and local TSPs required by this division as part of their
20 comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be
21 adopted as a supporting document to the comprehensive plan.
- 22 (5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local
23 governments, special districts, and private providers of transportation services.
- 24 (6) Mass transit, transportation, airport, and port districts shall participate in the development of TSPs
25 for those transportation facilities and services they provide. These districts shall prepare and
26 adopt plans for transportation facilities and services they provide. Such plans shall be consistent
27 with and adequate to carry out relevant portions of applicable regional and local TSPs.
28 Cooperative agreements executed under ORS 195.020(2) shall include the requirement that mass
29 transit, transportation, airport, and port districts adopt a plan consistent with the requirements of
30 this section.
- 31 (7) Where conflicts are identified between proposed regional TSPs and acknowledged
32 comprehensive plans, representatives of affected local governments shall meet to discuss means
33 to resolve the conflicts. These may include:
- 34 (a) Changing the draft TSP to eliminate the conflicts; or
35 (b) Amending acknowledged comprehensive plan provision to eliminate the conflicts.

36 **0016: Coordination with Federally-Required Regional Transportation Plans in Metropolitan**
37 **Areas**

38 [Rule deleted]

1 **0035: Evaluation and Selection of Transportation System Alternatives**

- 2 (1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can
3 reasonably be expected to meet the identified transportation needs in a safe manner and at a
4 reasonable cost with available technology. The following shall be evaluated as components of
5 system alternatives:
- 6 (a) Improvements to existing facilities or services;
 - 7 (b) New facilities and services, including different modes or combinations of modes that
8 could reasonably meet identified transportation needs;
 - 9 (c) Transportation system management measures;
 - 10 (d) Demand management measures; and
 - 11 (e) A no-build system alternative required by the National Environmental Policy Act of 1969
12 or other laws.
- 13 (2) The following standards shall be used to evaluate and select alternatives:
- 14 (a) The transportation system shall support urban and rural development by providing types
15 and levels of transportation facilities and services appropriate to serve the land uses
16 identified in the acknowledged comprehensive plan;
 - 17 (b) The transportation system shall be consistent with state and federal standards for
18 protection of air, land and water quality including the State Implementation Plan under
19 the Federal Clean Air Act and the State Water Quality Management Plan;
 - 20 (c) The transportation system shall minimize adverse economic, social, environmental and
21 energy consequences;
 - 22 (d) The transportation system shall minimize conflicts and facilitate connections between
23 modes of transportation; and
 - 24 (e) The transportation system shall avoid principal reliance on any one mode of
25 transportation by increasing transportation choices to reduce principal reliance on the
26 automobile.
- 27 (3) Where existing and committed transportation facilities and services have adequate capacity to
28 support the land uses in the acknowledged comprehensive plan, the local government shall not be
29 required to evaluate alternatives as provided in this rule.
- 30 (4) Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and
31 located in an urban fringe may be included in a TSP only if the project identified in the
32 transportation system plan as described in section (6) of this rule, will not significantly reduce
33 peak hour travel time for the route as determined pursuant to section (5) of this rule, or the
34 jurisdiction determines that the following alternatives cannot reasonably satisfy the purpose of the
35 improvement project:
- 36 (a) Improvements to transportation facilities and services within the urban growth boundary;
 - 37 (b) Transportation system management measures that do not significantly increase capacity;
38 or

- 1 (c) Transportation demand management measures. The jurisdiction needs only to consider
2 alternatives that are safe and effective, consistent with applicable standards and that can
3 be implemented at a reasonable cost using available technology.
- 4 (5) A project significantly reduces peak hour travel time when, based on recent data, the time to
5 travel the route is reduced more than 15 percent during weekday peak hour conditions over the
6 length of the route located within the urban fringe. For purposes of measuring travel time, a route
7 shall be identified by the predominant traffic flows in the project area.
- 8 (6) A "transportation improvement project" described in section (4) of this rule:
- 9 (a) Is intended to solve all of the reasonably foreseeable transportation problems within a
10 general geographic location, within the planning period; and
- 11 (b) Has utility as an independent transportation project.

12 **0045: Implementation of the Transportation System Plan**

- 13 (1) Each local government shall amend its land use regulations to implement the TSP.
- 14 (a) The following transportation facilities, services and improvements need not be subject to
15 land use regulations except as necessary to implement the TSP and, under ordinary
16 circumstances do not have a significant impact on land use:
- 17 (A) Operation, maintenance, and repair of existing transportation facilities identified
18 in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and
19 major regional pipelines and terminals;
- 20 (B) Dedication of right-of-way, authorization of construction and the construction of
21 facilities and improvements, where the improvements are consistent with clear
22 and objective dimensional standards;
- 23 (C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k),
24 consistent with the provisions of OAR 660-012-0065; and
- 25 (D) Changes in the frequency of transit, rail and airport services.
- 26 (b) To the extent, if any, that a transportation facility, service or improvement concerns the
27 application of a comprehensive plan provision or land use regulation, it may be allowed
28 without further land use review if it is permitted outright or if it is subject to standards
29 that do not require interpretation or the exercise of factual, policy or legal judgment;
- 30 (c) In the event that a transportation facility, service or improvement is determined to have a
31 significant impact on land use or to concern the application of a comprehensive plan or
32 land use regulation and to be subject to standards that require interpretation or the
33 exercise of factual, policy or legal judgment, the local government shall provide a review
34 and approval process that is consistent with OAR 660-012-0050. To facilitate
35 implementation of the TSP, each local government shall amend its land use regulations to
36 provide for consolidated review of land use decisions required to permit a transportation
37 project.

- 1 (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with
2 applicable federal and state requirements, to protect transportation facilities, corridors, and sites
3 for their identified functions. Such regulations shall include:
- 4 (a) Access control measures, for example, driveway and public road spacing, median control
5 and signal spacing standards, that are consistent with the functional classification of roads
6 and consistent with limiting development on rural lands to rural uses and densities;
 - 7 (b) Standards to protect future operation of roads, transitways and major transit corridors;
 - 8 (c) Measures to protect public use airports by controlling land uses within airport noise
9 corridors and imaginary surfaces, and by limiting physical hazards to air navigation;
 - 10 (d) A process for coordinated review of future land use decisions affecting transportation
11 facilities, corridors or sites;
 - 12 (e) A process to apply conditions to development proposals in order to minimize impacts and
13 protect transportation facilities, corridors or sites;
 - 14 (f) Regulations to provide notice to public agencies providing transportation facilities and
15 services, MPOs, and ODOT of:
 - 16 (A) Land use applications that require public hearings;
 - 17 (B) Subdivision and partition applications;
 - 18 (C) Other applications that affect private access to roads; and
 - 19 (D) Other applications within airport noise corridors and imaginary surfaces that
20 affect airport operations; and
 - 21 (g) Regulations ensuring that amendments to land use designations, densities, and design
22 standards are consistent with the functions, capacities and performance standards of
23 facilities identified in the TSP.
- 24 (3) Local governments shall adopt land use or subdivision regulations for urban areas and rural
25 communities as set forth below. The purposes of this section are to provide for safe and
26 convenient pedestrian, bicycle and vehicular circulation consistent with access management
27 standards and the function of affected streets, to ensure that new development provides on-site
28 streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in
29 areas where pedestrian and bicycle travel is likely if connections are provided, and that avoids
30 wherever possible levels of automobile traffic that might interfere with or discourage pedestrian
31 or bicycle travel.
- 32 (a) Bicycle parking facilities as part of new multi-family residential developments of four
33 units or more, new retail, office and institutional developments, and all transit transfer
34 stations and park-and-ride lots;

- 1 (b) On-site facilities shall be provided that accommodate safe and convenient pedestrian and
2 bicycle access from within new subdivisions, multi-family developments, planned
3 developments, shopping centers, and commercial districts to adjacent residential areas
4 and transit stops, and to neighborhood activity centers within one-half mile of the
5 development. Single-family residential developments shall generally include streets and
6 accessways. Pedestrian circulation through parking lots should generally be provided in
7 the form of accessways.
- 8 (A) "Neighborhood activity centers" include, but are not limited to, existing or
9 planned schools, parks, shopping areas, transit stops, or employment centers;
- 10 (B) Bikeways shall be required along arterials and major collectors. Sidewalks shall
11 be required along arterials, collectors and most local streets in urban areas, except
12 that sidewalks are not required along controlled access roadways, such as
13 freeways;
- 14 (C) Cul-de-sacs and other dead-end streets may be used as part of a development
15 plan, consistent with the purposes set forth in this section;
- 16 (D) Local governments shall establish their own standards or criteria for providing
17 streets and accessways consistent with the purposes of this section. Such
18 measures may include but are not limited to: standards for spacing of streets or
19 accessways; and standards for excessive out-of-direction travel;
- 20 (E) Streets and accessways need not be required where one or more of the following
21 conditions exist:
- 22 (i) Physical or topographic conditions make a street or accessway
23 connection impracticable. Such conditions include but are not limited to
24 freeways, railroads, steep slopes, wetlands or other bodies of water
25 where a connection could not reasonably be provided;
- 26 (ii) Buildings or other existing development on adjacent lands physically
27 preclude a connection now or in the future considering the potential for
28 redevelopment; or
- 29 (iii) Where streets or accessways would violate provisions of leases,
30 easements, covenants, restrictions or other agreements existing as of May
31 1, 1995, which preclude a required street or accessway connection.
- 32 (c) Where off-site road improvements are otherwise required as a condition of development
33 approval, they shall include facilities accommodating convenient pedestrian and bicycle
34 travel, including bicycle ways along arterials and major collectors;
- 35 (d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian
36 routes, facilities and improvements that:
- 37 (A) Are reasonably free from hazards, particularly types or levels of automobile
38 traffic that would interfere with or discourage pedestrian or cycle travel for short
39 trips;
- 40 (B) Provide an accessible and reasonably direct route of travel between destinations
41 such as between a transit stop and a store; and

- 1 (C) Meet travel needs of cyclists and pedestrians considering destination and length
2 of trip; and considering that the most common trip length of pedestrians is
3 generally under one-half mile.
- 4 (e) Internal pedestrian circulation within new office parks and commercial developments
5 shall be provided through clustering of buildings, construction of accessways, walkways
6 and similar techniques.
- 7 (4) To support transit in urban areas containing a population greater than 25,000, where the area is
8 already served by a public transit system or where a determination has been made that a public
9 transit system is feasible, local governments shall adopt land use and subdivision regulations as
10 provided in subsections (a)–(g) below:
- 11 (a) Transit routes and transit facilities shall be designed to support transit use through
12 provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking
13 restrictions and similar facilities, as appropriate;
- 14 (b) New retail, office, and institutional buildings at or near major transit stops shall provide
15 for convenient pedestrian access to transit through the measures listed in paragraphs (A)
16 and (B) below.
- 17 (A) Accessible walkways shall be provided connecting building entrances and streets
18 adjoining the site;
- 19 (B) Accessible pedestrian facilities connecting to adjoining properties shall be
20 provided except where such a connection is impracticable as provided for in
21 paragraph (3)(b)(E). Pedestrian facilities shall connect the on-site circulation
22 system to existing or proposed streets, walkways, and driveways that abut the
23 property. Where adjacent properties are undeveloped or have potential for
24 redevelopment, streets, accessways and walkways on site shall be laid out or
25 stubbed to allow for extension to the adjoining property;
- 26 (C) In addition to paragraphs (A) and (B) above, on sites at major transit stops
27 provide the following:
- 28 (i) Either locate buildings within 20 feet of the transit stop, a transit street or
29 an intersecting street or provide a pedestrian plaza at the transit stop or a
30 street intersection;
- 31 (ii) An accessible and reasonably direct pedestrian facility between the
32 transit stop and building entrances on the site;
- 33 (iii) A transit passenger landing pad accessible to people with disabilities;
- 34 (iv) An easement or dedication for a passenger shelter if requested by the
35 transit provider; and
- 36 (v) Lighting at the transit stop.
- 37 (c) Local governments may implement paragraphs (b)(A) and (B) through the designation of
38 pedestrian districts and adoption of appropriate implementing measures regulating
39 development within pedestrian districts. Pedestrian districts must comply with the
40 requirement of paragraph (b)(C);
- 41 (d) Designated employee parking areas in new developments shall provide preferential
42 parking for carpools and vanpools;

- 1 (e) Existing development shall be allowed to redevelop a portion of existing parking areas
2 for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride
3 stations, transit-oriented developments, and similar facilities, where appropriate;
- 4 (f) Road systems for new development shall be provided that can be adequately served by
5 transit, including provision of pedestrian access to existing and identified future transit
6 routes. This shall include, where appropriate, separate accessways to minimize travel
7 distances;
- 8 (g) Along existing or planned transit routes, designation of types and densities of land uses
9 adequate to support transit.
- 10 (5) In developing a bicycle and pedestrian circulation plan as required by OAR 660-012-0020(2)(d),
11 local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet
12 local travel needs in developed areas. Appropriate improvements should provide for more direct,
13 convenient, accessible, and safer bicycle or pedestrian travel within and between residential areas
14 and neighborhood activity centers (*i.e.*, schools, shopping, transit stops). Specific measures
15 include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing
16 walkways between buildings, and providing direct access between adjacent uses.
- 17 (6) Local governments shall establish standards for local streets and accessways that minimize
18 pavement width and total right-of-way consistent with the operational needs of the facility. The
19 intent of this requirement is that local governments consider and reduce excessive standards for
20 local streets and accessways in order to reduce the cost of construction, provide for more efficient
21 use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic
22 volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation.
23 Notwithstanding section (1) or (3) of this rule, local street standards adopted to meet this
24 requirement need not be adopted as land use regulations.

25 **0060: Plan and Land Use Regulation Amendments**

- 26 (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use
27 regulation (including a zoning map) would significantly affect an existing or planned
28 transportation facility, then the local government must put in place measures as provided in
29 section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.
30 A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - 31 (a) Change the functional classification of an existing or planned transportation facility
32 (exclusive of correction of map errors in an adopted plan);
 - 33 (b) Change standards implementing a functional classification system; or
 - 34 (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a
35 local government is evaluating a performance standard based on projected levels of motor
36 vehicle traffic, then the results must be based on projected conditions measured at the end
37 of the planning period identified in the adopted TSP. As part of evaluating projected
38 conditions, the amount of traffic projected to be generated within the area of the
39 amendment may be reduced if the amendment includes an enforceable, ongoing
40 requirement that would demonstrably limit traffic generation, including, but not limited
41 to, transportation demand management. This reduction may diminish or completely
42 eliminate the significant effect of the amendment.

- 1 (A) Types or levels of travel or access that are inconsistent with the functional
2 classification of an existing or planned transportation facility;
- 3 (B) Degrade the performance of an existing or planned transportation facility such
4 that it would not meet the performance standards identified in the TSP or
5 comprehensive plan; or
- 6 (C) Degrade the performance of an existing or planned transportation facility that is
7 otherwise projected to not meet the performance standards identified in the TSP
8 or comprehensive plan.
- 9 (2) If a local government determines that there would be a significant effect, then the local
10 government must ensure that allowed land uses are consistent with the performance standards of
11 the facility measured or projected at the end of the planning period identified in the adopted TSP
12 through one or a combination of the remedies listed in subsections (a) through (e) below, unless
13 the amendment meets the balancing test in subsection (e) or qualifies for partial mitigation in
14 section (11) of this rule. A local government using subsection (e), section (3), section (10) or
15 section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion
16 may result and that other facility providers would not be expected to provide additional capacity
17 for motor vehicles in response to this congestion.
- 18 (a) Adopting measures that demonstrate allowed land uses are consistent with the
19 performance standards of the transportation facility.
- 20 (b) Amending the TSP or comprehensive plan to provide transportation facilities,
21 improvements or services adequate to support the proposed land uses consistent with the
22 requirements of this division. Such amendments shall include a funding plan or
23 mechanism consistent with section (4) or include an amendment to the transportation
24 finance plan so that the facility, improvement, or service will be provided by the end of
25 the planning period.
- 26 (c) Amending the TSP to modify the performance standards of the transportation facility.
- 27 (d) Providing other measures as a condition of development or through a development
28 agreement or similar funding method, including, but not limited to, transportation system
29 management measures or minor transportation improvements. Local governments shall,
30 as part of the amendment, specify when measures or improvements provided pursuant to
31 this subsection will be provided.
- 32 (e) Providing improvements that would benefit modes other than the significantly affected
33 mode, improvements to facilities other than the significantly affected facility, or
34 improvements at other locations, if:
- 35 (A) The provider of the significantly affected facility provides a written statement
36 that the system-wide benefits are sufficient to balance the significant effect, even
37 though the improvements would not result in consistency for all performance
38 standards;
- 39 (B) The providers of facilities being improved at other locations provide written
40 statements of approval; and
- 41 (C) The local jurisdictions where facilities are being improved provide written
42 statements of approval.

- 1 (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment
2 that would significantly affect an existing transportation facility without ensuring that the allowed
3 land uses are consistent with the performance standards of the facility where:
- 4 (a) In the absence of the amendment, planned transportation facilities, improvements, and
5 services as set forth in section (4) of this rule would not be adequate to achieve
6 consistency with the performance standard for that facility by the end of the planning
7 period identified in the adopted TSP;
- 8 (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of
9 the amendment in a manner that avoids further degradation to the performance of the
10 facility by the time of the development through one or a combination of transportation
11 improvements or measures;
- 12 (c) The amendment does not involve property located in an interchange area as defined in
13 paragraph (4)(d)(C); and
- 14 (d) For affected state highways, ODOT provides a written statement that the proposed
15 funding and timing for the identified mitigation improvements or measures are, at a
16 minimum, sufficient to avoid further degradation to the performance of the affected state
17 highway. However, if a local government provides the appropriate ODOT regional office
18 with written notice of a proposed amendment in a manner that provides ODOT
19 reasonable opportunity to submit a written statement into the record of the local
20 government proceeding, and ODOT does not provide a written statement, then the local
21 government may proceed with applying subsections (a) through (c) of this section.
- 22 (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected
23 transportation facility and service providers and other affected local governments.
- 24 (a) In determining whether an amendment has a significant effect on an existing or planned
25 transportation facility under subsection (1)(c) of this rule, local governments shall rely on
26 existing transportation facilities and services and on the planned transportation facilities,
27 improvements and services set forth in subsections (b) and (c) below.
- 28 (b) Outside of interstate interchange areas, the following are considered planned facilities,
29 improvements, and services:
- 30 (A) Transportation facilities, improvements or services that are funded for
31 construction or implementation in the Statewide Transportation Improvement
32 Program or a locally or regionally adopted transportation improvement program
33 or capital improvement plan or program of a transportation service provider.
- 34 (B) Transportation facilities, improvements or services that are authorized in a local
35 transportation system plan and for which a funding plan or mechanism is in place
36 or approved. These include, but are not limited to, transportation facilities,
37 improvements, or services for which: transportation systems development charge
38 revenues are being collected; a local improvement district or reimbursement
39 district has been established or will be established prior to development; a
40 development agreement has been adopted; or conditions of approval to fund the
41 improvement have been adopted.
- 42 (C) Transportation facilities, improvements, or services in a metropolitan planning
43 organization (MPO) area that are part of the area's federally-approved, financially
44 constrained regional transportation system plan.

- 1 (D) Improvements to state highways that are included as planned improvements in a
2 regional or local transportation system plan or comprehensive plan when ODOT
3 provides a written statement that the improvements are reasonably likely to be
4 provided by the end of the planning period.
- 5 (E) Improvements to regional and local roads, streets or other transportation facilities
6 or services that are included as planned improvements in a regional or local
7 transportation system plan or comprehensive plan when the local government(s)
8 or transportation service provider(s) responsible for the facility, improvement or
9 service provides a written statement that the facility, improvement, or service is
10 reasonably likely to be provided by the end of the planning period.
- 11 (c) Within interstate interchange areas, the improvements included in paragraphs (b)(A)–(C)
12 are considered planned facilities, improvements, and services, except where:
- 13 (A) ODOT provides a written statement that the proposed funding and timing of
14 mitigation measures are sufficient to avoid a significant adverse impact on the
15 Interstate Highway system, then local governments may also rely on the
16 improvements identified in paragraphs (b)(D) and (E) of this section; or
- 17 (B) There is an adopted interchange area management plan, then local governments
18 may also rely on the improvements identified in that plan and which are also
19 identified in paragraphs (b)(D) and (E) of this section.
- 20 (d) As used in this section and section (3):
- 21 (A) Planned interchange means new interchanges and relocation of existing
22 interchanges that are authorized in an adopted transportation system plan or
23 comprehensive plan;
- 24 (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
- 25 (C) Interstate interchange area means:
- 26 (i) Property within one-quarter mile of the ramp terminal intersection of an
27 existing or planned interchange on an Interstate Highway; or
- 28 (ii) The interchange area as defined in the Interchange Area Management
29 Plan adopted as an amendment to the Oregon Highway Plan.
- 30 (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D),
31 (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility
32 provider, as appropriate, shall be conclusive in determining whether a transportation
33 facility, improvement, or service is a planned transportation facility, improvement, or
34 service. In the absence of a written statement, a local government can only rely upon
35 planned transportation facilities, improvements, and services identified in paragraphs
36 (b)(A)–(C) to determine whether there is a significant effect that requires application of
37 the remedies in section (2).
- 38 (5) The presence of a transportation facility or improvement shall not be a basis for an exception to
39 allow residential, commercial, institutional, or industrial development on rural lands under this
40 division or OAR 660-004-0022 and 660-004-0028.
- 41 (6) If a local government is determining whether proposed land uses would affect or be consistent
42 with planned transportation facilities as provided in sections (1) and (2) using a performance
43 standard based on projected levels of motor vehicle traffic, then the local government shall give

1 full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-
2 friendly centers, and neighborhoods as provided in subsections (a)–(d);

3 (a) Absent adopted local standards or detailed information about the vehicle trip reduction
4 benefits of mixed-use, pedestrian-friendly development, local governments shall assume
5 that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will
6 generate 10 percent fewer daily and peak hour trips than are specified in available
7 published estimates, such as those provided by the Institute of Transportation Engineers
8 (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-
9 use, pedestrian-friendly development. The 10 percent reduction allowed for by this
10 subsection shall be available only if uses that rely solely on auto trips, such as gas
11 stations, car washes, storage facilities, and motels are prohibited;

12 (b) Local governments shall use detailed or local information about the trip reduction
13 benefits of mixed-use, pedestrian-friendly development where such information is
14 available and presented to the local government. Local governments may, based on such
15 information, allow reductions greater than the 10 percent reduction required in subsection
16 (a);

17 (c) Where a local government assumes or estimates lower vehicle trip generation as provided
18 in subsection (a) or (b), it shall ensure through conditions of approval, site plans, or
19 approval standards that subsequent development approvals support the development of a
20 mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and
21 pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3)
22 and (4). The provision of on-site bike and pedestrian connectivity and access to transit
23 may be accomplished through application of acknowledged ordinance provisions which
24 comply with 660-012-0045(3) and (4) or through conditions of approval or findings
25 adopted with the plan amendment that ensure compliance with these rule requirements at
26 the time of development approval; and

27 (d) The purpose of this section is to provide an incentive for the designation and
28 implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering
29 the regulatory barriers to plan amendments that accomplish this type of development. The
30 actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary
31 from case to case and may be somewhat higher or lower than presumed pursuant to
32 subsection (a). The Commission concludes that this assumption is warranted given
33 general information about the expected effects of mixed-use, pedestrian-friendly
34 development and its intent to encourage changes to plans and development patterns.
35 Nothing in this section is intended to affect the application of provisions in local plans or
36 ordinances that provide for the calculation or assessment of systems development charges
37 or in preparing conformity determinations required under the federal Clean Air Act.

38 (7) Amendments to acknowledged comprehensive plans and land use regulations that meet all of the
39 criteria listed in subsections (a)–(c) shall include an amendment to the comprehensive plan,
40 transportation system plan, the adoption of a local street plan, access management plan, future
41 street plan, or other binding local transportation plan to provide for on-site alignment of streets or
42 accessways with existing and planned arterial, collector, and local streets surrounding the site as
43 necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

44 (a) The plan or land use regulation amendment results in designation of two or more acres of
45 land for commercial use;

- 1 (b) The local government has not adopted a TSP or local street plan that complies with OAR
2 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's
3 requirement for street connectivity as contained in Title 1, Section 3.08.110 of the
4 Regional Transportation Functional Plan; and
- 5 (c) The proposed amendment would significantly affect a transportation facility as provided
6 in section (1).
- 7 (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- 8 (a) Any one of the following:
- 9 (A) An existing central business district or downtown;
- 10 (B) An area designated as a central city, regional center, town center or main street in
11 the Portland Metro 2040 Regional Growth Concept;
- 12 (C) An area designated in an acknowledged comprehensive plan as a transit-oriented
13 development or a pedestrian district; or
- 14 (D) An area designated as a special transportation area as provided for in the Oregon
15 Highway Plan.
- 16 (b) An area other than those listed in subsection (a) which includes or is planned to include
17 the following characteristics:
- 18 (A) A concentration of a variety of land uses in a well-defined area, including the
19 following:
- 20 (i) Medium to high density residential development (12 or more units per
21 acre);
- 22 (ii) Offices or office buildings;
- 23 (iii) Retail stores and services;
- 24 (iv) Restaurants; and
- 25 (v) Public open space or private open space that is available for public use,
26 such as a park or plaza.
- 27 (B) Generally include civic or cultural uses;
- 28 (C) A core commercial area where multi-story buildings are permitted;
- 29 (D) Buildings and building entrances oriented to streets;
- 30 (E) Street connections and crossings that make the center safe and conveniently
31 accessible from adjacent areas;
- 32 (F) A network of streets and, where appropriate, accessways and major driveways
33 that make it attractive and highly convenient for people to walk between uses
34 within the center or neighborhood, including streets and major driveways within
35 the center with wide sidewalks and other features, including pedestrian-oriented
36 street crossings, street trees, pedestrian-scale lighting and on-street parking;
- 37 (G) One or more transit stops (in urban areas with fixed route transit service); and

- 1 (H) Limit or do not allow low-intensity or land extensive uses, such as most
2 industrial uses, automobile sales and services, and drive-through services.
- 3 (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a
4 zoning map does not significantly affect an existing or planned transportation facility if all of the
5 following requirements are met.
- 6 (a) The proposed zoning is consistent with the existing comprehensive plan map designation
7 and the amendment does not change the comprehensive plan map;
- 8 (b) The local government has an acknowledged TSP and the proposed zoning is consistent
9 with the TSP; and
- 10 (c) The area subject to the zoning map amendment was not exempted from this rule at the
11 time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d),
12 or the area was exempted from this rule but the local government has a subsequently
13 acknowledged TSP amendment that accounted for urbanization of the area.
- 14 (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional
15 plan, a comprehensive plan, or a land use regulation without applying performance standards
16 related to motor vehicle traffic congestion (*e.g.* volume to capacity ratio or V/C), delay or travel
17 time if the amendment meets the requirements of subsection (a) of this section. This section does
18 not exempt a proposed amendment from other transportation performance standards or policies
19 that may apply including, but not limited to, safety for all modes, network connectivity for all
20 modes (*e.g.* sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency
21 required by the development.
- 22 (a) A proposed amendment qualifies for this section if it:
- 23 (A) Is a map or text amendment affecting only land entirely within a multimodal
24 mixed-use area (MMA); and
- 25 (B) Is consistent with the definition of an MMA and consistent with the function of
26 the MMA as described in the findings designating the MMA.
- 27 (b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:
- 28 (A) With a boundary adopted by a local government as provided in subsection (d) or
29 (e) of this section and that has been acknowledged;
- 30 (B) Entirely within an urban growth boundary;
- 31 (C) With adopted plans and development regulations that allow the uses listed in
32 paragraphs (8)(b)(A) through (C) of this rule and that require new development
33 to be consistent with the characteristics listed in paragraphs (8)(b)(D) through
34 (H) of this rule;
- 35 (D) With land use regulations that do not require the provision of off-street parking,
36 or regulations that require lower levels of off-street parking than required in other
37 areas and allow flexibility to meet the parking requirements (*e.g.* count on-street
38 parking, allow long-term leases, allow shared parking); and
- 39 (E) Located in one or more of the categories below:
- 40 (i) At least one-quarter mile from any ramp terminal intersection of existing
41 or planned interchanges;

- 1 (ii) Within the area of an adopted Interchange Area Management Plan
2 (IAMP) and consistent with the IAMP; or
- 3 (iii) Within one-quarter mile of a ramp terminal intersection of an existing or
4 planned interchange if the mainline facility provider has provided written
5 concurrence with the MMA designation as provided in subsection (c) of
6 this section.
- 7 (c) When a mainline facility provider reviews an MMA designation as provided in
8 subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in
9 paragraph (A) of this subsection.
- 10 (A) The potential for operational or safety effects to the interchange area and the
11 mainline highway, specifically considering:
- 12 (i) Whether the interchange area has a crash rate that is higher than the
13 statewide crash rate for similar facilities;
- 14 (ii) Whether the interchange area is in the top ten percent of locations
15 identified by the safety priority index system (SPIS) developed by
16 ODOT; and
- 17 (iii) Whether existing or potential future traffic queues on the interchange exit
18 ramps extend onto the mainline highway or the portion of the ramp
19 needed to safely accommodate deceleration.
- 20 (B) If there are operational or safety effects as described in paragraph (A) of this
21 subsection, the effects may be addressed by an agreement between the local
22 government and the facility provider regarding traffic management plans
23 favoring traffic movements away from the interchange, particularly those
24 facilitating clearing traffic queues on the interchange exit ramps.
- 25 (d) A local government may designate an MMA by adopting an amendment to the
26 comprehensive plan or land use regulations to delineate the boundary following an
27 existing zone, multiple existing zones, an urban renewal area, other existing boundary, or
28 establishing a new boundary. The designation must be accompanied by findings showing
29 how the area meets the definition of an MMA. Designation of an MMA is not subject to
30 the requirements in sections (1) and (2) of this rule.
- 31 (e) A local government may designate an MMA on an area where comprehensive plan map
32 designations or land use regulations do not meet the definition, if all of the other elements
33 meet the definition, by concurrently adopting comprehensive plan or land use regulation
34 amendments necessary to meet the definition. Such amendments are not subject to
35 performance standards related to motor vehicle traffic congestion, delay or travel time.
- 36 (11) A local government may approve an amendment with partial mitigation as provided in section (2)
37 of this rule if the amendment complies with subsection (a) of this section, the amendment meets
38 the balancing test in subsection (b) of this section, and the local government coordinates as
39 provided in subsection (c) of this section.
- 40 (a) The amendment must meet paragraphs (A) and (B) of this subsection.
- 41 (A) Create direct benefits in terms of industrial or traded-sector jobs created or
42 retained by limiting uses to industrial or traded-sector industries.

- 1 (B) Not allow retail uses, except limited retail incidental to industrial or traded sector
2 development, not to exceed five percent of the net developable area.
- 3 (C) For the purpose of this section:
- 4 (i) “Industrial” means employment activities generating income from the
5 production, handling or distribution of goods including, but not limited
6 to, manufacturing, assembly, fabrication, processing, storage, logistics,
7 warehousing, importation, distribution and transshipment and research
8 and development.
- 9 (ii) “Traded-sector” means industries in which member firms sell their goods
10 or services into markets for which national or international competition
11 exists.
- 12 (b) A local government may accept partial mitigation only if the local government
13 determines that the benefits outweigh the negative effects on local transportation facilities
14 and the local government receives from the provider of any transportation facility that
15 would be significantly affected written concurrence that the benefits outweigh the
16 negative effects on their transportation facilities. If the amendment significantly affects a
17 state highway, then ODOT must coordinate with the Oregon Business Development
18 Department regarding the economic and job creation benefits of the proposed amendment
19 as defined in subsection (a) of this section. The requirement to obtain concurrence from a
20 provider is satisfied if the local government provides notice as required by subsection (c)
21 of this section and the provider does not respond in writing (either concurring or non-
22 concurring) within 45 days.
- 23 (c) A local government that proposes to use this section must coordinate with Oregon
24 Business Development Department, Department of Land Conservation and Development,
25 area commission on transportation, metropolitan planning organization, and
26 transportation providers and local governments directly impacted by the proposal to
27 allow opportunities for comments on whether the proposed amendment meets the
28 definition of economic development, how it would affect transportation facilities and the
29 adequacy of proposed mitigation. Informal consultation is encouraged throughout the
30 process starting with pre-application meetings. Coordination has the meaning given in
31 ORS 197.015 and Goal 2 and must include notice at least 45 days before the first
32 evidentiary hearing. Notice must include the following:
- 33 (A) Proposed amendment.
- 34 (B) Proposed mitigating actions from section (2) of this rule.
- 35 (C) Analysis and projections of the extent to which the proposed amendment in
36 combination with proposed mitigating actions would fall short of being
37 consistent with the performance standards of transportation facilities.
- 38 (D) Findings showing how the proposed amendment meets the requirements of
39 subsection (a) of this section.
- 40 (E) Findings showing that the benefits of the proposed amendment outweigh the
41 negative effects on transportation facilities.

1 **0100: Transportation System Plans in Metropolitan Areas**

2 (1) Cities shall develop and adopt a transportation system plan. Cities shall develop a transportation
3 system plan and amendments to that plan consistent with the provisions of OAR 660-012-0105
4 through OAR 660-012-0215. A transportation system plan includes the following elements:

- 5 (a) The core transportation system plan elements as provided in section (2);
- 6 (b) Funding projections as provided in OAR 660-012-0115;
- 7 (c) A transportation options element as provided in OAR 660-012-0145;
- 8 (d) An unconstrained project list as provided in OAR 660-012-0170;
- 9 (e) A financially-constrained project list as provided in OAR 660-012-0180;
- 10 (f) Any refinement plans adopted as provided in OAR 660-012-0190;
- 11 (g) A pedestrian system element as provided in OAR 660-012-0500;
- 12 (h) A bicycle system element as provided in OAR 660-012-0600;
- 13 (i) A public transportation system element as provided in OAR 660-012-0700; and
- 14 (j) A street and highway system element as provided in OAR 660-012-0800.

15 (2) A transportation system plan shall include the following core elements:

- 16 (a) The base and planning horizon years as provided in section (3) of this rule;
- 17 (b) The land use assumptions as provided in OAR 660-012-0340;
- 18 (c) A list of all elements of the plan, and the date of adoption or amendment of each;
- 19 (d) The coordinated land use and transportation system planning policies in the city's
20 comprehensive plan;
- 21 (e) The local transportation system plan goals and policies;
- 22 (f) Areas with concentrations of underserved populations as provided in OAR 660-012-
23 0125, identified using best available data;
- 24 (g) A record of the engagement, involvement, and decision-making processes used in
25 development of the plan, as provided in OAR 660-012-0130;
- 26 (h) A major equity analysis as provided in OAR 660-012-0135, or an engagement-focused
27 equity analysis as provided in OAR 660-012-0135 for urban areas under 5,000 in
28 population; and
- 29 (i) The dates of each report made to the director as provided in OAR 660-012-0900,
30 including all applicable city and county reports for the planning area.

31 (3) Cities shall determine the base and horizon years of a transportation system plan as follows:

- 32 (a) The base year is the present or past year which is used for the development of plan
33 elements. The base year shall be the year of adoption of a major update to the
34 Transportation System Update, or no earlier than five years prior.
- 35 (b) The horizon year is the future year for which the plan contains potential projects and shall
36 be at least twenty years from the year of adoption of a major update to the transportation
37 system plan.

38 (4) The director may grant a whole or partial exemption from the requirements of this division to
39 cities and counties with a population of less than 10,000 within the urban area. The director may

1 also grant a whole or partial temporary exemption from the requirements of this division to
2 jurisdictions of any size that are newly included in an existing metropolitan area or a newly
3 designated metropolitan area. The director shall use the criteria and process as provided in OAR
4 660-012-0055(7) to decide to approve an exemption.

- 5 (5) The development of a transportation system plan shall be coordinated with affected cities,
6 counties, transportation facility owners, and transportation service providers, and transportation
7 options providers.
- 8 (6) Adoption or amendment of a transportation system plan shall constitute the land use decision
9 regarding the function, mode, general location, and need for transportation facilities, services, and
10 major improvements.
- 11 (7) Adoption or amendment of a transportation system plan shall include findings of compliance with
12 applicable statewide planning goals, acknowledged comprehensive plan policies, and land use
13 regulations.
- 14 (8) Cities and counties shall design transportation system plans to achieve transportation performance
15 targets as provided in OAR 660-012-0910.
- 16 (9) Metro shall adopt a regional transportation system plan provided in OAR 660-012-0140.
- 17 (10) Cities and counties in the Portland Metropolitan area shall additionally meet the requirements as
18 provided in OAR 660-012-0140.

19 **0105: Transportation System Plan Updates**

- 20 (1) Any amendment to a transportation system plan must be either a major update as provided in
21 section (2), or a minor update, which is any update that is not a major update.
- 22 (2) A major update to a transportation system plan is any update that:
- 23 (a) Includes a change to the horizon year of the plan;
- 24 (b) Is adopted after January 1 of the planning horizon year of the acknowledged plan; or
- 25 (c) Adds a facility authorized as provided in OAR 660-012-0830.
- 26 (3) A city or county making a major update to a transportation system plan shall:
- 27 (a) Update the core transportation system plan elements as provided in OAR 660-012-
28 0100(2);
- 29 (b) Include all other applicable transportation system plan elements as provided in OAR 660-
30 012-0100; and
- 31 (c) Comply with the engagement requirements of OAR 660-012-0120.
- 32 (4) A city or county making a minor update to a transportation system plan shall, at a minimum:
- 33 (a) Update core transportation system plan elements as provided in OAR 660-012-0100(2)
34 that are applicable to the scope of the minor update;
- 35 (b) Comply with the engagement requirements of OAR 660-012-0120; and
- 36 (c) Identify areas with concentrations of underserved populations as provided in OAR 660-
37 012-0125 using best available data; and
- 38 (d) Conduct an engagement-focused equity analysis as provided in OAR 660-012-0135.

1 **0110: Transportation System Planning Area**

- 2 (1) The planning area for transportation system plans is the area within the acknowledged urban
3 growth boundary. The unincorporated area within urban growth boundaries is the urbanizable
4 area.
- 5 (2) Cities and counties are responsible for cooperatively developing transportation system plans
6 within the urban area, including the urbanizable area. Cities and counties shall jointly determine
7 and agree how transportation system planning will occur in the urbanizable area, including plan
8 adoption.
- 9 (a) Cities may develop and adopt a single transportation system plan for the entire urban
10 area;
- 11 (b) A county may choose to develop and adopt a separate transportation system plan for
12 areas in the urbanizable area; or
- 13 (c) A city and county may jointly determine the geographic extent of each of their
14 transportation system plans within the urban area.
- 15 (3) Counties planning for urban areas as provided in this rule, and associated cities, shall meet these
16 requirements:
- 17 (a) Counties shall meet the applicable requirements of this division as if they were a city,
18 even when requirements only refer to cities.
- 19 (b) Both the city and county shall meet all applicable requirements of this division based on
20 the population of the entire urban area, except where a population threshold in a rule
21 specifically refers to the population of the urban unincorporated area.
- 22 (c) When a county develops a transportation system plan for a portion of the urban area
23 within an urban growth boundary, both transportation system plans must have the same
24 planning horizon year. This subsection does not apply in urban areas with more than one
25 city.
- 26 (4) Counties shall plan areas outside urban growth boundaries as rural, regardless of location within a
27 metropolitan area. Counties planning for unincorporated communities within a metropolitan area
28 must meet requirements provided in OAR chapter 660, division 22.

29 **0115: Funding Projections**

- 30 (1) Cities and counties must include funding projections in the transportation system plan. Funding
31 projections must include the list of funding sources and amount of funding available, as provided
32 in this rule.
- 33 (2) The required list of funding sources must include all funding sources that the city or county
34 expects to use over the planning period to operate, maintain, or construct the transportation
35 system. These sources include, but are not limited to:
- 36 (a) Local, regional, state, and federal funding sources; and
- 37 (b) Sources expected from any transportation facility or service operator within the planning
38 area.
- 39 (3) The list of funding sources shall include, for each source of funding identified:
- 40 (a) The expected funding over the remainder of the planning period;

- 1 (b) The purpose of the source of funding and any key limitations on the use of the funding;
2 and
- 3 (c) Reasons that the funding source is expected to be available during the planning period.
4 These reasons may include, but are not limited to, that the funding is provided by:
- 5 (A) Transportation facility pricing revenues, including parking revenues;
6 (B) Tax or bond revenues;
7 (C) Fees, charges, or other local revenues;
8 (D) Grants given using a formula or other regular disbursement;
9 (E) Regional funds from a Metropolitan Planning Organization; or
10 (F) A source that previously provided funds to the city or county and can reasonably
11 expected to provide more in the future.
- 12 (4) The city or county shall use the list of funding sources to determine the amount of funding
13 expected to be available to develop transportation projects over the planning period. Funding to
14 maintain and operate the transportation system, or used for purposes other than development of
15 transportation projects, shall be excluded. The transportation system plan shall clearly describe
16 the amounts that are included and excluded.

17 **0120: Transportation System Planning Engagement**

- 18 (1) Cities and counties shall develop transportation system plans using methods of public
19 engagement and decision making consistent with the statewide planning goals and the local
20 acknowledged comprehensive plan.
- 21 (2) Public engagement and decision making shall follow the practices as provided in OAR 660-012-
22 0130 to place an increased emphasis on centering the voices of underserved populations
23 identified in OAR 660-012-0125.
- 24 (3) Cities or counties engaged in an update of the transportation system plan as provided in OAR
25 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-012-
26 0340, shall make a special effort to ensure underserved populations, as identified in OAR 660-
27 012-0125, are:
- 28 (a) Informed about the choices that need to be made in the planning process;
29 (b) Given a meaningful opportunity to inform the planning process; and
30 (c) Given an equitable share of the decision-making power over key decisions, to the extent
31 possible.

32 **0125: Underserved Populations**

- 33 (1) Cities and counties shall prioritize community-led engagement and decision-making, with
34 specific attention to the underserved populations listed in section (2) of this rule.
- 35 (2) Underserved populations deserve prioritized attention regarding transportation and land use
36 planning due to historic and current marginalization. Underserved populations include, but are not
37 limited to:
- 38 (a) Black and African American people;

- 1 (b) Indigenous people (including Tribes, American Indian/Alaska Native and Hawaii
2 Native);
- 3 (c) People of Color (including but not limited to Hispanic, Latina/o/x, Asian, Arabic or North
4 African, Middle Eastern, Pacific Islander, and mixed-race or mixed-ethnicity
5 populations);
- 6 (d) Immigrants, including undocumented immigrants and refugees;
- 7 (e) People with limited English proficiency;
- 8 (f) People with disabilities;
- 9 (g) People experiencing homelessness;
- 10 (h) Low-income and low-wealth community members;
- 11 (i) Low- and moderate-income renters and homeowners;
- 12 (j) Single parents;
- 13 (k) Lesbian, gay, bisexual, transgender, queer, intersex, asexual, or two-spirit community
14 members; and
- 15 (l) Youth and seniors.

16 **0130: Decision-Making with Underserved Populations**

- 17 (1) Cities and counties shall, as a part of an involvement program required as provided in OAR 660-
18 015-0000(1), center the voices of underserved populations in processes at all levels of decision-
19 making under this division. Actions that may accomplish this include, but are not limited to:
 - 20 (a) Reporting regularly on progress made under this rule as provided by section (3);
 - 21 (b) Conducting equity analyses as provided in OAR 660-012-0135;
 - 22 (c) Considering the effect on underserved populations when developing plans, including land
23 use plans and plans for public investment;
 - 24 (d) Developing decision-making factors that recognize and work to reduce historic and
25 current inequities; and,
 - 26 (e) Engaging in additional outreach activities with underserved populations and in areas with
27 concentrations of underserved populations. Such outreach activities should include
28 activities in multiple languages and formats, and be accessible to:
 - 29 (A) People with disabilities,
 - 30 (B) People without internet access, and
 - 31 (C) People with limited transportation and child care options, and with schedule
32 constraints around employment or other critical responsibilities.
- 33 (2) Cities and counties shall identify federally recognized sovereign tribes whose ancestral lands
34 include the planning area. The city or county shall engage with affected tribes to notify them of
35 coordinated land use and transportation planning activities and projects under this division.
- 36 (3) Cities and counties shall regularly assess and report on progress made under this rule by:
 - 37 (a) Reporting to the department annually as provided in OAR 660-012-0900;

- 1 (b) Making regular reports to the planning commission and governing body of the city or
- 2 county; and
- 3 (c) Making regular public reports to the community.

4 **0135: Equity Analysis**

- 5 (1) Cities and counties shall determine whether the land use and transportation plans required in this
- 6 division improve outcomes for underserved populations by using an equity analysis. An equity
- 7 analysis is intended to determine benefits and burdens on underserved populations, as provided in
- 8 OAR 660-012-0125.
- 9 (2) A city or county engaging in a major equity analysis shall conduct all the actions in the
- 10 engagement-focused equity analysis in section (3). In addition, a city or county shall:
 - 11 (a) Assess, document, acknowledge, and address where current and past land use,
 - 12 transportation, and housing policies and effects of climate change have harmed or are
 - 13 likely to harm underserved populations;
 - 14 (b) Assess, document, acknowledge, and address where current and past racism in land use,
 - 15 transportation, and housing has harmed or is likely to harm underserved populations;
 - 16 (c) Identify geographic areas with significantly disproportionate concentrations of
 - 17 underserved populations;
 - 18 (d) Develop key performance measures as required in OAR 660-012-0905, or review
 - 19 existing performance measures, for key community outcomes as provided in subsection
 - 20 (3)(a) over time; and
 - 21 (e) Use the best available data in conducting sections (a) through (d).
- 22 (3) A city or county conducting an engagement-focused equity analysis shall:
 - 23 (a) Engage with members of underserved populations as provided in OAR 660-012-0125 to
 - 24 develop key community outcomes;
 - 25 (b) Gather, collect, and value qualitative and quantitative information, including lived
 - 26 experience, from the community on how the proposed change benefits or burdens
 - 27 underserved populations;
 - 28 (c) Recognize where and how intersectional discrimination compounds disadvantages;
 - 29 (d) Analyze the proposed changes for impacts and alignment with desired key community
 - 30 outcomes and key performance measures under OAR 660-012-0905;
 - 31 (e) Adopt strategies to create greater equity or minimize negative consequences; and
 - 32 (f) Report back and share the information learned from the analysis and unresolved issues
 - 33 with people engaged as provided in subsection (a).

34 **0140: Transportation System Planning in the Portland Metropolitan Area**

- 35 (1) This rule applies to cities and counties in the Portland Metropolitan Area, and Metro. In the
- 36 Portland Metropolitan Area, cities and counties shall develop and adopt local transportation
- 37 system plans as provided in OAR 660-012-0100. Metro shall develop and adopt a regional
- 38 transportation system plan as provided in this rule.

- 1 (2) Cities and counties shall amend comprehensive plans, land use regulations, and transportation
2 system plans to be consistent with Metro’s regional transportation system plan. Consistent means
3 city and county comprehensive plans and implementing ordinances conform with the policies and
4 projects in the regional transportation system plan. If Metro finds a local transportation system
5 plan is consistent with the Regional Transportation Functional Plan, the transportation system
6 plan shall be deemed consistent with the regional transportation system plan.
- 7 (3) Metro shall prepare, adopt, amend, and update a regional transportation system plan in
8 coordination the with regional transportation plan required by federal law. Insofar as possible, the
9 regional transportation system plan shall be accomplished through a single coordinated process
10 that complies with the applicable requirements of federal law and this division.
- 11 (a) When Metro adopts or amends the regional transportation plan to comply with this
12 division as provided in this section, Metro shall review the adopted plan or amendment
13 and either:
- 14 (A) Adopt findings that the proposed regional transportation plan amendment or
15 update is consistent with the applicable provisions of adopted regional
16 transportation system plan and compliant with applicable provisions of this
17 division; or
- 18 (B) Adopt amendments to the regional transportation system plan that make the
19 regional transportation plan consistent and compliant with applicable provisions
20 of this division. Necessary plan amendments or updates shall be prepared and
21 adopted in coordination with the federally-required plan update or amendment.
22 Such amendments shall be initiated no later than 30 days from the adoption of the
23 regional transportation plan amendment or update and shall be adopted no later
24 than one year from the adoption of the regional transportation plan amendment or
25 update or according to a work program approved by the commission. A plan
26 amendment is initiated for purposes of this subsection where the affected local
27 government files a post-acknowledgement plan amendment notice with the
28 department as provided in OAR 660-018-0020.
- 29 (b) Adoption or amendment of the regional transportation plan relates to compliance with
30 this division for purposes of this section if it does one or more of the following:
- 31 (A) Changes plan policies;
- 32 (B) Adds or deletes a project from the list of planned transportation facilities,
33 services, or improvements or from the financially-constrained project list
34 required by federal law;
- 35 (C) Modifies the general location of a planned transportation facility or
36 improvement;
- 37 (D) Changes the functional classification of a transportation facility; or
- 38 (E) Changes the planning period or adopts or modifies the population or employment
39 forecast or allocation upon which the plan is based.
- 40 (c) The following amendments to the regional transportation plan do not relate to compliance
41 with this division for purposes of this section:
- 42 (A) Adoption of an air quality conformity determination;
- 43 (B) Changes to a federal revenue projection;
- 44 (C) Changes to estimated cost of a planned transportation project; or

- 1 (D) Deletion of a project from the list of planned projects where the project has been
2 constructed or completed.
- 3 (4) Notwithstanding any requirement in this division, Metro may adopt provisions into a regional
4 functional plan that require cities and counties to meet an additional requirement for
5 transportation system planning where Metro finds that the additional requirement is necessary to
6 meet regional planning objectives and supports the purposes of this division.
- 7 (5) Notwithstanding requirements for transportation system planning areas provided in OAR 660-
8 012-0110:
- 9 (a) Metro shall work cooperatively with cities and counties to determine responsibility for
10 planning areas in the urbanizable area. Where a county has responsibility for a planning
11 area, the county must meet the requirements as provided for counties in OAR 660-012-
12 0110;
- 13 (b) Counties planning for unincorporated areas with the urban growth boundary shall meet
14 all applicable requirements based on the population of the planning area; and
- 15 (c) Counties and cities need not have the same planning horizon year.
- 16 (6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-
17 0150, Metro shall prescribe inventory requirements in transportation system plans for cities and
18 counties in a regional functional plan.
- 19 (7) Metro may propose alternative requirements in lieu of requirements provided in this division.
- 20 (a) The director shall review proposed alternative requirements to make a recommendation
21 to the commission as to whether the proposed alternative requirements would meet the
22 objectives of the original requirements and support the purposes of this division.
- 23 (b) The commission shall hold a hearing to review the proposed alternative requirements and
24 the director's recommendation. If the commission finds that the proposed alternative
25 requirements meet the objectives of the original requirements and support the purposes of
26 this division, then the commission shall issue an order approving the proposed alternative
27 requirements; otherwise, the commission shall remand the proposed alternative
28 requirements to Metro with specific directions for changes needed to meet the objectives
29 of the original requirement and support the purposes of this division.
- 30 (c) Upon approval by the commission, Metro may adopt the proposed alternative
31 requirements into a regional functional plan. Upon adoption by Metro, cities and counties
32 that comply with the alternative requirements of the regional functional plan are no
33 longer required to meet the specific requirements of this division as described in the
34 commission order.

35 **0145: Transportation Options Planning**

- 36 (1) The transportation system options element of a transportation system plan shall include:
- 37 (a) The existing programs, services, and projects identified in section (2);
- 38 (b) The future transportation demand management needs identified in section (3) and the
39 performance targets as provided in OAR 660-012-0910; and
- 40 (c) A trip reduction strategy for large employers.

- 1 (2) Cities and counties shall coordinate with transportation options providers, public transportation
2 service providers, state agencies, and other cities and counties to identify existing transportation
3 options and transportation demand management programs, services, and projects. These shall
4 include, but are not limited to:
- 5 (a) Education, encouragement, and other transportation demand management programs and
6 services that focus on forms of transportation other than single-occupant vehicles;
 - 7 (b) Transportation demand management programs and policies that discourage the use of
8 single-occupancy vehicles; and
 - 9 (c) Transportation options needs of underserved populations.
- 10 (3) Cities and counties shall coordinate with transportation options providers, public transportation
11 service providers, and other cities and counties to identify future transportation demand
12 management needs. These shall include, but are not limited to:
- 13 (a) Commute trip reduction consultation and promotion of programs such as the provision of
14 transit passes and parking cash-out;
 - 15 (b) Physical improvements such as carpool parking spaces and park and ride locations; and
 - 16 (c) Regional solutions for intercity travel.

17 **0150: Transportation System Inventories**

- 18 (1) This rule applies to transportation inventories as provided in OAR 660-012-0505, OAR 660-012-
19 0605, OAR 660-012-0705, and OAR 660-012-0805.
- 20 (2) Cities and counties shall coordinate with other publicly owned transportation facility and service
21 providers, including, but not limited to state agencies, other cities and counties, and public
22 transportation system operators to develop the transportation system inventory.
- 23 (3) Inventories shall include all publicly owned, operated, or supported transportation facilities and
24 services within the planning area, regardless of ownership or maintenance responsibility.
25 Inventories shall note ownership or maintenance responsibility for all facilities.
- 26 (4) Inventories shall clearly identify the following for each inventoried facility or service:
- 27 (a) Function, including the classification of the facility or service, its primary uses, and
28 whether it primarily serves local, regional, pass-through, or freight traffic.
 - 29 (b) Primary users of the facility, including whether users are primarily on foot, bicycle,
30 transit, freight, or personal vehicle.
 - 31 (c) Land use context for each segment of the facility, including determining what types of
32 planned land uses surround the facility.

33 **0155: Prioritization Framework**

- 34 (1) Cities, counties, Metro, and state agencies shall use the framework in this rule for decision
35 making regarding prioritization of transportation facilities and services. Cities, counties, Metro,
36 and state agencies shall consider the following:
- 37 (a) Prioritization factors as provided in section (3);
 - 38 (b) Classification of facilities or segments as provided in section (4);

- 1 (c) The planned land use context as provided in section (5); and
2 (d) Expected primary users as provided in section (6).
- 3 (2) Cities, counties, Metro, and state agencies may use local values determined through engagement
4 as provided in OAR 660-012-0120 to weight various prioritized factors when making
5 prioritization decisions as provided in this division.
- 6 (3) Cities, counties, Metro, and state agencies shall prioritize transportation facilities and services
7 based on the following factors:
- 8 (a) Meeting greenhouse gas reduction targets, including:
9 (A) Reducing per-capita vehicle miles traveled to meet greenhouse gas reduction
10 targets as provided in OAR 660-044-0020 or OAR 660-044-0025;
11 (B) Supporting compact, pedestrian-friendly patterns of development in urban areas,
12 particularly in climate-friendly areas;
13 (C) Reducing single-occupant vehicle travel as a share of overall travel; and
14 (D) Meeting performance targets as provided in OAR 660-012-0910.
- 15 (b) Improving equitable outcomes for underserved populations identified as provided in
16 OAR 660-012-0125;
- 17 (c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;
- 18 (d) Improving access for people with disabilities;
- 19 (e) Improving access to destinations, particularly key destinations as provided in OAR 660-
20 012-0360;
- 21 (f) Completing the multimodal transportation network, including filling gaps and making
22 connections;
- 23 (g) Supporting the economies of the community, region, and state; and
24 (h) Other factors determined in the community.
- 25 (4) Cities, counties, Metro, and state agencies shall consider the functional classification of planned
26 or existing transportation facilities or segments when making decisions about appropriate
27 transportation facilities and services. Cities, counties, Metro, and state agencies may establish
28 different functional classifications for each mode on any facility or segment that they own and
29 operate.
- 30 (5) Cities, counties, Metro, and state agencies shall consider the planned land use context around an
31 existing or planned transportation facility or segment when making decisions about appropriate
32 transportation facilities and services.
- 33 (a) Within climate-friendly areas, cities, counties, Metro, and state agencies shall prioritize
34 pedestrian, bicycle, and public transportation facilities and services. Cities, counties,
35 Metro, and state agencies shall ensure facilities are planned for these modes to experience
36 safe, low stress, and comfortable travel for people of all ages and abilities within climate-
37 friendly areas with minimal interference from motor vehicle traffic.
- 38 (b) In areas with concentrations of underserved populations, cities, counties, Metro, and state
39 agencies shall prioritize transportation projects addressing historic and current
40 marginalization. Proposed transportation projects in these areas must work to rectify
41 previous harms and prevent future harms from occurring. These areas may have suffered
42 from disinvestment or harmful investments, including transportation system investments.

1 Such harms include but are not limited to displacement and increased exposure to
2 pollutants, destruction and division of neighborhoods, heat islands, and unsafe conditions
3 for pedestrians, cyclists, transit users, and others.

4 (6) Cities, counties, Metro, and state agencies shall consider the expected primary users of an
5 existing or planned transportation facility or segment when making decisions about appropriate
6 transportation facilities and services. In particular:

7 (a) In areas near schools or other locations with expected concentrations of children, or areas
8 with expected concentrations of older people or people with disabilities, cities, counties,
9 Metro, and state agencies must prioritize safe, protected, and continuous pedestrian and
10 bicycle networks connecting to key destinations, including transit stops.

11 (b) In industrial areas, along routes accessing key freight terminals, and other areas where
12 accommodations for freight are needed, cities, counties, Metro, and state agencies must
13 consider the needs of freight users. Pedestrian, bicycle, and public transportation system
14 connections must be provided in industrial areas at a level that provides safe access for
15 workers.

16 **0160: Reducing Vehicle Miles Traveled**

17 (1) The following jurisdictions are exempt from the requirements of this rule:

18 (a) Cities under 5,000 population;

19 (b) Counties under 5,000 population within urban growth boundaries but outside of
20 incorporated cities; and

21 (c) Counties under 10,000 population within urban growth boundaries but outside of
22 incorporated cities.

23 (2) When a city or county, makes a major update to a transportation system plan as provided in OAR
24 660-012-0105, or Metro makes an update to a regional transportation plan as provided in OAR
25 660-012-0140, they shall use the following requirements to project vehicle miles traveled per
26 capita for the planning period.

27 (a) The city, county, or Metro must prepare a projection that estimates changes between
28 vehicle miles traveled per capita from the base year and vehicle miles traveled per capita
29 that would result from all projects on the financially-constrained project list as provided
30 in OAR 660-012-0180; and

31 (b) Projections of vehicle miles traveled per capita must incorporate the best available
32 science on latent and induced travel of additional roadway capacity.

33 (3) The projections prepared as provided in section (2) must be based on:

34 (a) Land use and transportation policies in an acknowledged comprehensive plan and in the
35 proposed transportation system plan;

36 (b) Local actions consistent with the adopted performance targets under OAR 660-012-0910,
37 or OAR 660-044-0120; and

38 (c) Forecast land use patterns as provided in OAR 660-012-0340.

39 (4) Cities and counties may only adopt a transportation system plan if the projected vehicle miles
40 traveled per capita at the horizon year using the financially-constrained project list is lower than
41 estimated vehicle miles traveled per capita in the base year scenario.

- 1 (5) A city or county is not required to meet the requirements in sections (2) through (4) of this rule if
- 2 the city or county has selected a financially-constrained project list that does not contain any
- 3 project that would require review as provided in OAR 660-012-0830(1).
- 4 (6) Metro shall adopt a regional transportation plan in which the projected vehicle miles traveled per
- 5 capita at the horizon year using the financially-constrained project list is lower than the estimated
- 6 vehicle miles traveled per capita at the base year by an amount that is consistent with the
- 7 metropolitan greenhouse gas reduction targets in OAR 660-044-0020. Metro may rely on
- 8 assumptions on future state and federal actions, including the following state-led actions that
- 9 affect auto operating costs:
- 10 (a) State-led pricing policies, and energy prices; and
- 11 (b) Vehicle and fuel technology, including vehicle mix, vehicle fuel efficiency, fuel mix, and
- 12 fuel carbon intensity.

13 **0170: Unconstrained Project List**

- 14 (1) Cities and counties shall create a combined project list by combining:
- 15 (a) The pedestrian project list developed as provided in OAR 660-012-0520;
- 16 (b) The bicycle project list developed as provided in OAR 660-012-0620;
- 17 (c) The public transportation project list developed as provided in OAR 660-012-0720; and
- 18 (d) The streets and highways project list developed as provided in OAR 660-012-0820.
- 19 (2) Cities and counties shall, to the extent practicable, combine proposed projects from multiple
- 20 single-mode lists into a single multimodal project on the combined project list.
- 21 (3) Cities and counties shall develop an unconstrained project list by prioritizing the combined
- 22 project list, including multimodal projects. Cities and counties need not include every project in
- 23 the combined project list on the unconstrained project list. There is no limit to the number of
- 24 projects that may be included on the unconstrained project list.
- 25 (4) Cities and counties shall develop a method of prioritizing projects on the unconstrained project
- 26 list. Projects on the unconstrained project list may be ranked individually or in tiers.
- 27 Unconstrained project lists ranked in tiers shall have enough tiers to clearly be able to determine
- 28 the relative ranking of projects when making decisions. Cities and counties shall describe the
- 29 method used to prioritize the unconstrained project list in the transportation system plan. Cities
- 30 and counties must emphasize the following requirements when developing a method of
- 31 prioritizing projects on the unconstrained project list:
- 32 (a) The project will help reduce vehicle miles traveled;
- 33 (b) The project burdens underserved populations less than and benefit as much as the city or
- 34 county population as a whole; and
- 35 (c) The project will help achieve the performance targets as provided in OAR 660-012-0910.
- 36 (5) Cities and counties shall develop planning-level cost estimates for the top ranked projects on the
- 37 prioritized unconstrained project list as provided in section (4) of this rule. The city or county
- 38 shall make estimates for as many projects as the city or county reasonably believes could be
- 39 funded in the planning period. The city or county need not make cost estimates for every project
- 40 on the unconstrained project list.

1 **0180: Financially-Constrained Project List**

- 2 (1) Cities and counties shall include a financially-constrained project list in a transportation system
3 plan. Cities and counties shall use the prioritized unconstrained project list developed as provided
4 in OAR 660-012-0170 and the amount of funding available developed as provided in OAR 660-
5 012-0115 to produce the financially-constrained project list.
- 6 (2) Cities, counties, Metro, and the state may only develop, fund, and construct projects on the
7 financially-constrained project list.
- 8 (a) Cities and counties may only submit projects on the financially-constrained project list in
9 their transportation system plan to the financially-constrained list of a federally-required
10 regional transportation plan.
- 11 (b) Cities and counties may permit projects on the unconstrained project list but not on the
12 financially-constrained list to be constructed if the project is built by a property owner as
13 a requirement of land development and the project would not require review as provided
14 in OAR 660-012-0830.
- 15 (3) Cities and counties shall create a financially-constrained project list using the top available
16 projects on the prioritized unconstrained project list and the planning-level cost estimates
17 developed as provided in OAR 660-012-0170. The sum of the planning-level cost estimates for
18 projects placed on the financially-constrained project list shall not exceed 125 percent of the
19 funding available as identified in OAR 660-012-0115. Cities and counties shall select projects
20 such that the resulting financially-constrained list would:
- 21 (a) Reduce per capita vehicle miles traveled, as provided in OAR 660-012-0160;
- 22 (b) Burden underserved populations less than and benefit underserved populations as much
23 or more as the city or county population as a whole; and
- 24 (c) Make significant progress towards meeting the performance targets set for each
25 performance measure as provided in OAR 660-012-0910 or OAR 660-044-0110.
- 26 (4) If the list of projects cannot meet each test in section (3), the city or county must adjust the
27 project list to find the highest-ranking set of projects that can meet the criteria in section (3). This
28 is the financially-constrained project list.
- 29 (5) Cities or counties making a major or minor amendment to the transportation system plan as
30 provided in OAR 660-012-0105 which includes an update to any project list, shall update the
31 financially-constrained project list as provided in this rule.
- 32 (6) Cities and counties shall prioritize the implementation of projects from the financially-
33 constrained project list for their ability to reduce climate pollution and improve equitable
34 outcomes using the criteria provided in section (3) of this rule.

35 **0190: Transportation System Refinement Plans**

- 36 (1) A city or county may, when adopting a major update to the transportation system plan as
37 provided in OAR 660-012-0105, defer decisions regarding function, general location, and mode
38 of a refinement plan if findings are adopted that:
- 39 (a) Identify the transportation need for which decisions regarding function, general location,
40 or mode are being deferred;

- 1 (b) Demonstrate why information required to make final determinations regarding function,
2 general location, or mode cannot reasonably be made available within the time allowed
3 for preparation of the transportation system plan;
- 4 (c) Explain how deferral does not invalidate the assumptions upon which the transportation
5 system plan is based or preclude implementation of the remainder of the transportation
6 system plan;
- 7 (d) Describe the nature of the findings that will be needed to resolve issues deferred to a
8 refinement plan; and
- 9 (e) Set a deadline for adoption of a refinement plan.
- 10 (2) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements
11 of the National Environmental Policy Act of 1969, the development of the refinement plan shall
12 be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted
13 prior to the issuance of the Final EIS.

14 **0200: Temporary Projects**

- 15 (1) Notwithstanding any other part of this division, an operator of a transportation facility may
16 undertake a temporary project to change streets, roads, or highways consistent with this rule,
17 without specific inclusion in a project list in a transportation system plan.
- 18 (2) Temporary projects may include:
- 19 (a) Temporary projects to convert areas dedicated to existing on-street parking or general-
20 purpose travel lanes to pedestrian facilities, areas, or plazas; bicycle facilities; or transit
21 lanes.
- 22 (b) Temporary projects to implement a pilot program to price facilities for motor vehicles on
23 a street or highway. This rule does not restrain any parking pricing or parking
24 management activities.
- 25 (c) Temporary transportation projects to provide basic transportation network connectivity
26 and function after a major emergency impacting the transportation system to a significant
27 degree.
- 28 (3) Temporary projects as provided in this rule may be in place until the end of the planning period.
29 Projects extending past this duration must be adopted into the transportation system plan.

30 **0210: Transportation Modeling and Analysis**

- 31 (1) A city or county relying on transportation models or mathematical analysis of the transportation
32 system to make a land use decision shall do so consistently with this rule.
- 33 (2) The model or analysis must account for changes in vehicle miles traveled per capita that would
34 result from any transportation projects proposed as a part of the land use decision.
- 35 (3) The assumptions and inputs used with the modeling or analysis must be consistent with
36 acknowledged plans.
- 37 (4) The modeling or analysis must demonstrate that the land use decision will not increase vehicle
38 miles traveled per capita.

1 **0215: Transportation Performance Standards**

- 2 (1) This rule applies to transportation performance standards that cities and counties use to review
3 comprehensive plan and land use regulation amendments as provided in OAR 660-012-0060. If a
4 city or county requires applicants to analyze transportation impacts as part of development review
5 in acknowledged local land use regulations, then that review must include evaluation of the
6 performance standards established under this rule. This rule applies to transportation performance
7 standards that Metro uses to review functional plan amendments as provided in OAR 660-012-
8 0060.
- 9 (2) Cities and counties shall adopt transportation performance standards. The transportation
10 performance standards must support meeting the targets for performance measures provided in
11 OAR 660-012-0910. The transportation performance standards must include these elements:
- 12 (3) Characteristics of the transportation system that will be measured, estimated, or projected, and the
13 methods to calculate their performance;
- 14 (4) Thresholds to determine whether the measured, estimated, or projected performance meets the
15 performance standard. Thresholds may vary by facility type, location, or other factors. Thresholds
16 shall be set at the end of the planning period, time of development, or another time; and
- 17 (5) Findings for how the performance standard supports meeting the targets for performance
18 measures provided in OAR 660-012-0910.
- 19 (6) Cities, counties, Metro, and state agencies shall adopt two or more transportation performance
20 standards. At least one of the transportation performance standards must support increasing
21 transportation options and avoiding principal reliance on the automobile. The transportation
22 system plan must clearly establish how to apply the multiple performance standards to a proposal
23 that meets some, but not all, of the transportation performance standards. The transportation
24 performance standards must evaluate at least two of the following objectives for the
25 transportation system, for any or all modes of transportation:
- 26 (a) Reducing climate pollution;
- 27 (b) Equity;
- 28 (c) Safety;
- 29 (d) Network connectivity;
- 30 (e) Accessibility;
- 31 (f) Efficiency;
- 32 (g) Reliability; and
- 33 (h) Mobility.

34 **0300: Coordinated Land Use and Transportation System Planning**

- 35 (1) Cities and counties shall coordinate land use and transportation plans.
- 36 (2) Cities and counties shall, if applicable, adopt and implement climate-friendly areas as provided in
37 OAR 660-012-0310.
- 38 (3) Cities and counties shall adopt and implement the applicable land use requirements as provided in
39 OAR 660-012-0330.

- 1 (4) Cities and counties shall, in the development of transportation plans, use the land use assumptions
2 developed as provided in OAR 660-012-0340.
- 3 (5) Cities and counties shall develop a list of key destinations, as provided in OAR 660-012-0360.

4 **0310: Climate-Friendly Areas**

- 5 (1) This rule and rules 660-012-0315 and 660-012-0320 apply to cities and counties that:
- 6 (a) Are within a metropolitan area other than the Portland metropolitan area;
- 7 (b) Are inside incorporated cities or areas within an urban growth boundary as provided in
8 Section (3); and
- 9 (c) Have a population of more than 5,000 within an urban growth boundary.
- 10 (2) Cities and counties shall study and zone climate-friendly areas for locations that meet the
11 following requirements.
- 12 (a) Locations able to support development consistent with the land use requirements of OAR
13 660-012-0320.
- 14 (b) The locations shall be in existing or planned urban centers, including downtowns,
15 neighborhood centers, transit-served corridors, or similar districts. To the extent
16 practicable, climate-friendly areas should be located within, or in close proximity to,
17 areas planned for, or provided with, high density residential uses and a high concentration
18 of employment opportunities.
- 19 (c) The locations shall be in areas that are served, or planned for service, by high quality
20 pedestrian, bicycle, and transit services.
- 21 (d) The locations shall not be in areas where development is limited or disallowed by
22 provisions adopted pursuant to Statewide Planning Goal 7. Climate-friendly areas may be
23 designated in such areas if the local government has adopted requirements for
24 development that will mitigate potential hazards to life and property, in compliance with
25 Statewide Planning Goal 7.
- 26 (e) Cities may designate climate-friendly areas within the urban growth boundary, but
27 outside the city limits boundary, if the following requirements are met:
- 28 (A) The area is contiguous with the city limits boundary;
- 29 (B) The provision of urban services is contingent upon annexation into the city limits
30 and the area is readily serviceable with urban water, sewer, stormwater, and
31 transportation. “Readily serviceable” means that urban infrastructure services are
32 nearby and could be provided to allow construction on the site within one year of
33 an application for a building permit;
- 34 (C) The zoning that will be applied upon annexation, based on the city’s
35 comprehensive plan designation for the area, is consistent with climate-friendly
36 area requirements;
- 37 (D) The county in which the subject area is located has adopted a consistent
38 comprehensive plan designation for the area; and
- 39 (E) The city can demonstrate that at least 70 percent of complete annexation
40 applications within the last five years have been approved within one year of the
41 date of complete annexation application.

- 1 (f) Climate-friendly areas shall have a minimum width of 750 feet, including any internal
2 rights of way that may be unzoned. Contiguous climate-friendly areas with distinct land
3 use requirements may be considered cumulatively to demonstrate compliance with the
4 minimum width requirement. Exceptions to these minimum dimensional requirements are
5 allowed due to natural barriers, such as rivers; or due to long-term barriers in the built
6 environment, such as freeways. Exceptions are also allowed if potential climate-friendly
7 areas are constrained by adjacent areas planned and zoned to meet industrial land needs.
- 8 (3) Cities and counties shall designate climate-friendly areas. Counties with planning jurisdiction in
9 unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation
10 services within an identified urban growth boundary shall coordinate with the respective city or
11 cities to address climate-friendly area requirements for those areas. Areas under county
12 jurisdiction outside urban growth boundaries; or within urban growth boundaries but not provided
13 with urban water, sanitary sewer, stormwater, and transportation services; are not subject to this
14 rule.
- 15 (4) Cities and counties shall designate climate-friendly areas as they cross the population thresholds
16 in subsections (a) and (b). City population is as determined by the most recently certified Portland
17 State University Population Research Center population estimate. Compliance timelines are based
18 upon the date of the certification of the population estimate. County population within an urban
19 growth boundary may be calculated by interpolating Portland State University Population
20 Research Center’s population forecast for the area within an urban growth boundary, then
21 subtracting the certified city population estimate from the total population within the urban
22 growth boundary for the current year.
- 23 (a) A city or county with a population within an urban growth boundary exceeding 5,000, but
24 less than 10,001 shall submit a study of potential climate-friendly areas to the department
25 as provided in OAR 660-012-0315 within 545 days of reaching a population exceeding
26 5,000. The city or county shall subsequently adopt land use requirements as provided in
27 OAR 660-012-0315, and climate-friendly elements to their comprehensive plans within
28 365 days of the deadline for submittal of the study of potential climate-friendly areas.
- 29 (b) A city or a county with a population exceeding 10,000 within an urban growth boundary
30 shall submit a study of potential climate-friendly areas to the department as provided in
31 OAR 660-012-0315 within 545 days of reaching a population exceeding 10,000. The city
32 or county shall subsequently adopt land use requirements as provided in OAR 660-012-
33 0315, and climate-friendly elements to their comprehensive plans within 365 days of the
34 deadline for submittal of the study of potential climate-friendly areas. The city or county
35 shall maintain sufficient lands within climate-friendly areas as their population grows, as
36 provided in OAR 660-012-0315. For cities also subject to OAR 660-008-0045,
37 compliance with this requirement shall be demonstrated in each Housing Capacity
38 Analysis following the initial designation of climate-friendly areas. Land use
39 requirements for climate-friendly areas shall be established concurrent or prior to the
40 adoption of the Housing Capacity Analysis as provided in OAR 660-012-0320. Counties
41 subject to this rule shall coordinate with cities to address climate-friendly area
42 requirements within an urban growth boundary.
- 43 (5) If a city or county has not designated sufficient climate-friendly areas as provided in this rule, the
44 commission may:
- 45 (a) Initiate periodic review for the city of county to address the requirement; or
46 (b) Issue an enforcement order to the city or county, consistent with ORS 197.646.

1 **0315: Designation of Climate-Friendly Areas**

2 (1) The designation of climate-friendly areas refers to the process of studying potential climate-
3 friendly areas and adopting land use requirements and climate-friendly elements into
4 comprehensive plans, as provided in this rule. Cities and counties subject to the requirements of
5 OAR 660-012-0310 with a population greater than 10,000 shall designate climate-friendly areas
6 sufficient to accommodate at least 30 percent of the total identified number of housing units
7 necessary to meet all current and future housing needs by calculating zoned building capacity as
8 provided in section (2), or using an alternative methodology as provided in OAR 660-012-
9 0320(10). A local government may designate one or several climate-friendly areas to
10 accommodate at least 30 percent of housing units.

11 (a) The total number of housing units necessary to meet all current and future housing needs
12 shall be determined from the local government’s most recently adopted and
13 acknowledged housing capacity analysis, by adding the total number of existing dwelling
14 units identified in the buildable land inventory to the anticipated number of future needed
15 housing units over the planning period of the housing capacity analysis.

16 (2) Cities and counties subject to section (1) shall calculate the housing unit capacity within climate-
17 friendly areas, as follows:

18 (a) Regardless of existing development in a climate-friendly area, determine the potential
19 square footage of zoned building capacity for each net developable area based on existing
20 or anticipated development standards within the climate-friendly area, including
21 applicable setbacks, allowed building heights, open space requirements, on-site parking
22 requirements, and similar regulations. Within developed areas with no blocks greater than
23 5.5 acres, analysis of net developable areas may be conducted for each city block,
24 without regard to property boundaries within the block. Within areas bounded by streets
25 of 5.5 acres or more, the local government shall assume the same ratio of total land area
26 to net land area as that which exists in the most fully developed urban center.

27 (b) Where the local government has not established a maximum building height, assumed
28 building height shall be 85 feet. For the purpose of calculating zoned building capacity,
29 cities and counties may assume the following number of floors within multistory
30 buildings, based on allowed building heights:

31 (A) Fifty feet allows for four floors.

32 (B) Sixty feet allows for five floors.

33 (C) Eighty-five feet allows for seven floors.

34 (c) If a local government allows height bonuses above the maximum building heights used
35 for calculations in subsection (b) of this rule, the local government may include 25
36 percent of that additional zoned building capacity when the bonuses:

37 (A) Allow building heights above the minimums established in OAR 660-012-
38 0320(8); and,

39 (B) Allow height bonuses for publicly-subsidized housing serving households with
40 an income of 80 percent or less of the area median household income, or height
41 bonuses for the construction of accessible dwelling units, as defined in OAR 660-
42 008-0050(4)(a), in excess of minimum requirements.

43 (d) Local governments shall assume that residential dwellings will occupy 30 percent of the
44 zoned building capacity calculated in subsections (a), (b), and (c) within climate-friendly
45 areas. Public parks and open space areas within climate-friendly areas that are precluded

1 from development shall not be included in calculations of zoned building capacity, but
2 may be counted towards minimum area and dimensional requirements for climate-
3 friendly areas. Zoning and development standards for public parks and open space areas
4 are exempted from compliance with the land use requirements in Rule 660-012-0320 if
5 the existing zoning standards do not allow residential, commercial, or office uses.

6 (e) Local governments shall assume an average dwelling unit size of 900 square feet. Local
7 governments shall use the average dwelling unit size to convert the square footage of
8 zoned residential building capacity calculated in subsection (d) into an estimate of the
9 number of dwelling units that may be accommodated in the climate-friendly area.

10 (3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of
11 10,000 or less shall designate at least 25 acres of land as climate-friendly area.

12 (4) Cities and counties must submit a study of potential climate-friendly areas to the department as
13 provided in this rule. The study of potential climate-friendly areas shall include the following
14 information:

15 (a) Maps showing the location and size of all potential climate-friendly areas. Cities and
16 counties shall use the study process to identify the most promising area or areas to be
17 chosen as climate-friendly areas but are not required to subsequently adopt and zone each
18 studied area as a climate-friendly area.

19 (b) Cities and counties subject to section (1) shall provide preliminary calculations of zoned
20 residential building capacity and resultant residential dwelling unit capacity within each
21 potential climate-friendly area consistent with section (2), or using an alternative
22 methodology as provided in OAR 660-012-0320(10), and using land use requirements
23 within each climate-friendly area as provided in OAR 660-012-0320. Potential climate-
24 friendly areas must be cumulatively sized and zoned to accommodate at least 30 percent
25 of the total identified number of housing units as provided in section (1).

26 (c) A community engagement plan for the designation of climate-friendly areas, including
27 the process to adopt associated amendments to the comprehensive plan and zoning code,
28 consistent with the requirements of OAR 660-012-0120 through 660-012-0130. The
29 community engagement plan shall be consistent with the requirements for an
30 engagement-focused equity analysis as provided in OAR 660-012-0135(3).

31 (d) Analysis of how each potential climate-friendly area complies, or may be brought into
32 compliance, with the requirements of OAR 660-012-0310(2).

33 (e) A preliminary evaluation of existing development standards within the potential climate-
34 friendly area(s) and a general description of any changes necessary to comply with the
35 requirements of OAR 660-012-0320.

36 (f) Plans for achieving fair and equitable housing outcomes within climate-friendly areas, as
37 identified in OAR 660-008-0050(4)(a)-(f). Analysis of OAR 660-008-0050(4)(f) shall
38 include analysis of spatial and other data to determine if the rezoning of potential climate-
39 friendly areas would be likely to displace residents who are members of state and federal
40 protected classes. The local government shall also identify actions that may be employed
41 to mitigate or avoid potential displacement.

- 1 (5) Cities and counties shall submit climate-friendly area study reports required in section (4).
2 Following submittal, the department shall review reports as follows:
- 3 (a) Within 30 days of receipt of the report, the department shall:
- 4 (A) Post a complete copy of the submitted report on the department’s website along
5 with a statement that any person may file a written comment regarding the
6 submitted report no more than 21 days after the posting of the report.
- 7 (B) Provide notice to persons described under ORS 197.615(3)(a), directing them to
8 the posting described in paragraph (A) and informing them that they may file a
9 written comment regarding the submitted report no more than 21 days after the
10 posting of the report.
- 11 (b) Within 60 days of posting of the report on the department’s website, the department shall
12 provide written comments to the local government regarding the report information and
13 the progress made to identify suitable climate-friendly areas. The department shall also
14 provide the local government with any written comments submitted by interested
15 persons, as provided in subsection (a).
- 16 (6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and
17 climate-friendly elements to their comprehensive plans. Adoption of land use requirements and
18 the climate-friendly element of the comprehensive plan shall include the following:
- 19 (a) Cities and counties subject to section (1) shall provide maps showing the location of all
20 adopted climate-friendly areas, including calculations to demonstrate that climate-
21 friendly areas contain sufficient zoned residential building capacity to accommodate 30
22 percent of total housing units as provided in section (2), or using an alternative
23 methodology as provided in OAR 660-012-0320(10), and based on adopted land use
24 requirements in these areas as provided in OAR 660-012-0320. Cities and counties
25 subject to section (3) shall provide maps showing the location of the adopted climate-
26 friendly area. Local governments subject to (1) or (3) shall include findings containing
27 the information and analysis required in section (4) for any climate-friendly areas that
28 were not included in the initial study specified in section (4).
- 29 (b) Documentation of the number of total existing dwelling units, accessible dwelling units,
30 and income-restricted dwelling units within all climate-friendly areas. Where precise data
31 is not available, local governments may provide estimates based on best available
32 information.
- 33 (c) Documentation that all adopted and applicable land use requirements for climate-friendly
34 areas are consistent with the provisions of OAR 660-012-0320.
- 35 (d) Adoption of a climate-friendly element into the comprehensive plan containing findings
36 and analysis summarizing the local government climate-friendly area designation
37 decision process and demonstration of compliance with the provisions of OAR 660-012-
38 0310 through 660-012-0325. Additionally, adopted findings shall include:
- 39 (A) Identification of all ongoing and newly-added housing production strategies the
40 local government shall use to promote the development of affordable housing in
41 climate-friendly areas. The local government may use the Housing Production
42 Strategy Guidance for Cities to review and identify potential strategies, as
43 provided in OAR 660-008-0050(3). These strategies shall be incorporated into
44 future housing production strategy reports, as provided in OAR chapter 660,
45 division 8.

- 1 (B) Identification of all ongoing and newly-added housing production strategies the
2 local government shall use to prevent the displacement of members of state and
3 federal protected classes in climate-friendly areas. Findings shall include a
4 description of how the strategies will be implemented based on consideration of
5 identified neighborhood typologies and the most effective measures to prevent
6 displacement based on typology. The local government may use the Housing
7 Production Strategy Guidance for Cities, along with the department’s “Anti-
8 Displacement and Gentrification Toolkit” to identify the most effective measures
9 to prevent displacement based on neighborhood typologies. These strategies shall
10 be incorporated into future housing production strategy reports, as provided in
11 OAR chapter 660, division 8.
- 12 (7) For cities and counties identified in section (1), the information provided in compliance with
13 subsections (6)(b) and (d) shall provide a basis for subsequent Housing Production Strategy
14 Reports to assess progress towards fair and equitable housing production goals in climate-friendly
15 areas, as provided in OAR 660-008-0050(4)(a).

16 **0320: Land Use Requirements in Climate-Friendly Areas**

- 17 (1) Cities and counties subject to the provisions of OAR 660-012-0310 shall incorporate the
18 requirements in sections (2) through (7) of this rule into policies and development regulations that
19 apply in all climate-friendly areas. Cities and counties shall either incorporate the provisions in
20 section (8) into development regulations for climate-friendly areas, or shall demonstrate with
21 adopted findings and analysis that alternative development regulations for climate-friendly areas
22 will result in equal or higher levels of development in climate-friendly areas as provided in
23 section (9). If adopting more than one climate-friendly area, a city or county may demonstrate
24 compliance with either section (8) or section (9) for each climate-friendly area, provided that all
25 requirements for each respective climate-friendly area are met.
- 26 (2) Except as noted in subsection (a) and section (3), development regulations for a climate-friendly
27 area shall allow single use and mixed-use development within individual buildings and
28 development sites, including the following outright permitted uses:
- 29 (a) Multifamily residential and attached single-family residential. Other residential building
30 types may be allowed, subject to compliance with applicable minimum density
31 requirements in section (8) of this rule, or alternative land use requirements as provided
32 in section (9). Notwithstanding section (2), local governments may require ground floor
33 commercial and office uses within otherwise single use multifamily residential buildings.
- 34 (b) Office-type uses.
- 35 (c) Non-auto dependent retail, services, and other commercial uses.
- 36 (d) Child care, schools, and other public uses, including public-serving government facilities.
- 37 (3) Portions of abutting residential or employment-oriented zoned areas within a half-mile walking
38 distance of a mixed-use area zoned as provided in section (1) may count towards climate-friendly
39 area requirements, if in compliance with subsections (a) or (b). Notwithstanding existing
40 development, zoned residential building capacity shall be calculated for the abutting areas based
41 on allowed building heights and existing development standards in these areas, as provided in
42 OAR 660-012-0315(2) or using an alternative methodology as provided in OAR 660-012-
43 0320(10). Residential and employment densities for abutting areas shall correspond to the
44 climate-friendly area type, provided in subsections (8)(a), (b), or (c) or (9)(a), (b), or (c). If

1 subsections (a) or (b) are met, no changes to existing zoning or development standards are
2 required for these areas.

3 (a) Residential areas with minimum residential densities or existing residential development
4 equal to or greater than the densities provided in section (8); or

5 (b) Existing employment uses equal to or greater than the number of jobs per acre provided
6 in section (9).

7 (4) Local governments shall prioritize locating government facilities that provide direct service to the
8 public within climate-friendly areas and shall prioritize locating parks, open space, plazas, and
9 similar public amenities in or near climate-friendly areas that do not contain sufficient parks,
10 open space, plazas, or similar public amenities. Local governments shall amend comprehensive
11 plans to reflect these policies, where necessary. Streetscape requirements in climate-friendly areas
12 shall include street trees and other landscaping, where feasible.

13 (5) Local governments shall establish maximum block length standards as provided below. For the
14 purpose of this rule, a development site consists of the total site area proposed for development,
15 absent previously dedicated rights-of-way, but including areas where additional right-of-way
16 dedication may be required.

17 (a) For development sites less than 5.5 acres in size, a maximum block length of 500 feet or
18 less. Where block length exceeds 350 feet, a public pedestrian through-block easement
19 shall be provided to facilitate safe and convenient pedestrian connectivity in climate-
20 friendly areas. Substantial redevelopment of sites of two acres or more within an existing
21 block that does not meet the standard shall provide a public pedestrian accessway
22 allowing direct passage through the development site such that no pedestrian route will
23 exceed 350 feet along any block face. Local governments may grant exceptions to street
24 and accessway requirements as provided in OAR 660-012-0330(2).

25 (b) For development sites of 5.5 acres or more, a maximum block length of 350 feet or less.
26 Local governments may grant exceptions to street requirements as provided in OAR 660-
27 012-0330(2).

28 (6) Development regulations may not include a maximum density limitation.

29 (7) Local governments shall adopt policies and development regulations in climate-friendly areas that
30 implement the following:

31 (a) The transportation review process in OAR 660-012-0325;

32 (b) The land use requirements as provided in OAR 660-012-0330;

33 (c) The applicable parking requirements as provided in OAR 660-012-0435; and

34 (d) The applicable bicycle parking requirements as provided in OAR 660-012-0630.

35 (8) Local governments shall adopt either the following provisions into development regulations for
36 climate-friendly areas, or the requirements in section (9). Local governments are not required to
37 enforce the minimum residential densities below for mixed-use buildings (buildings that contain
38 residential units, as well as office, commercial, or other non-residential uses) if the mixed-use
39 buildings meet a minimum floor area ratio of 2.0. A floor area ratio is the ratio of the gross floor
40 area of all buildings on a development site, excluding areas within buildings that are dedicated to
41 vehicular parking and circulation, in proportion to the net area of the development site on which
42 the buildings are located. A floor area ratio of 2.0 would indicate that the gross floor area of the
43 building was twice the net area of the site. Local governments are not required to enforce the
44 minimum residential densities below for redevelopment that renovates and adds residential units

1 within existing buildings, but that does not add residential units outside the existing exterior of
2 the building.

3 (a) Local governments with a population greater than 5,000 up to 25,000 shall adopt the
4 following development regulations for climate-friendly areas:

5 (A) A minimum residential density requirement of 15 dwelling units per net acre; and

6 (B) Maximum building height no less than 50 feet.

7 (b) Local governments with a population greater than 25,000 up to 50,000 shall adopt the
8 following development regulations for at least one climate-friendly area with a minimum
9 area of 25 acres. Additional climate-friendly areas may comply with the following
10 standards or the standards in subsection (a).

11 (A) A minimum residential density requirement of 20 dwelling units per net acre; and

12 (B) Maximum building height no less than 60 feet.

13 (c) Local governments with a population greater than 50,000 shall adopt the following
14 development regulations for at least one climate-friendly area with a minimum area of 25
15 acres. Additional climate-friendly areas may comply with the following standards or the
16 standards in subsections (a) or (b):

17 (A) A minimum residential density requirement of 25 dwelling units per net acre; and

18 (B) Maximum building height no less than 85 feet.

19 (9) As an alternative to adopting the development regulations in section (8), local governments may
20 demonstrate with adopted findings and analysis that their adopted development regulations for
21 climate-friendly areas will provide for equal or higher levels of development in climate-friendly
22 areas than those allowed per the standards in section (8). Specifically, the local government must
23 demonstrate that the alternative development regulations will consistently and expeditiously
24 allow for the levels of development described below:

25 (a) Local governments with a population greater than 5,000 up to 25,000 shall adopt
26 development regulations in climate-friendly areas to enable development of at least 20
27 dwelling units and 20 jobs per net acre.

28 (b) Local governments with a population greater than 25,000 up to 50,000 shall adopt
29 development regulations for at least one climate-friendly area of at least 25 acres to
30 enable development of at least 30 dwelling units and 30 jobs per net acre. Additional
31 climate-friendly areas may comply with this standard or with the standard in subsection
32 (a).

33 (c) Local governments with a population greater than 50,000 shall adopt development
34 regulations for at least one climate-friendly area of at least 25 acres to enable
35 development of at least 40 dwelling units and 40 jobs per net acre. Additional climate-
36 friendly areas may comply with this standard or with the standard in subsections (a) or
37 (b).

38 (10) A local government may provide an alternative methodology for zoned residential building
39 capacity calculations that differs from OAR 660-012-0315(2). The methodology must clearly
40 describe all assumptions and calculation steps, and must demonstrate that the methodology
41 provides an equal or better system for determining the zoned residential building capacity
42 sufficient to accommodate at least 30 percent of the total identified number of housing units
43 necessary to meet all current and future housing needs within climate-friendly areas. The

1 alternative methodology shall be supported by studies of development activity in the region,
2 market studies, or similar research and analysis.

3 **0325: Transportation Review in Climate-Friendly Areas**

- 4 (1) Cities or counties shall use this rule to review amendments to comprehensive plans or land use
5 regulations within a climate-friendly area designated as provided in OAR 660-012-0315 and in
6 Region 2040 Centers designated in Title 6 of Metro’s Urban Growth Management Functional
7 Plan. Cities and counties shall use this rule to review land use decisions made to implement OAR
8 660-012-0310 through OAR 660-012-0320. Cities and counties are exempt from requirements as
9 provided in OAR 660-012-0060 when reviewing amendments to comprehensive plans or land use
10 regulations within a designated climate-friendly area and in Region 2040 Centers designated in
11 Title 6 of Metro’s Urban Growth Management Functional Plan.
- 12 (2) Cities and counties making amendments to comprehensive plans or land use regulations to meet
13 requirements as provided in OAR 660-012-0320 must either:
- 14 (a) Update the transportation system plan as provided in OAR 660-012-0105 and include a
15 multimodal transportation gap summary as provided in section (3) of this rule,
16 considering the proposed land uses in the climate-friendly area; or
- 17 (b) Develop and adopt a multimodal transportation gap summary in coordination with
18 impacted transportation facility providers and transportation service providers as
19 provided in section (3) to meet requirements in OAR 660-012-0320.
- 20 (3) A multimodal transportation gap summary must be coordinated between the local jurisdiction,
21 transportation facility providers, and transportation services providers to consider multimodal
22 transportation needs in each climate-friendly area as provided in OAR 660-012-0320 or Region
23 2040 center. The multimodal transportation gap summary must include:
- 24 (a) A summary of the existing multimodal transportation network within the climate-friendly
25 area;
- 26 (b) A summary of the gaps in the pedestrian and bicycle networks in the climate-friendly
27 area, including gaps needed to be filled for people with disabilities, based on the
28 summary of the existing multimodal transportation network;
- 29 (c) If applicable as provided in section (4), a highway impacts summary as provided in
30 section (5); and
- 31 (d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).
- 32 (4) A city or county shall include a highway impacts summary in the multimodal transportation gap
33 summary if the designated climate-friendly area as provided in OAR 660-012-0315 or Region
34 2040 center contains a ramp terminal intersection, state highway, interstate highway, or adopted
35 ODOT Facility Plan.
- 36 (5) A highway impacts summary must identify how the transportation system may be affected by
37 implementation of the climate-friendly area. The highway impacts summary must include:
- 38 (a) A summary of the existing and proposed development capacity of the climate-friendly
39 area based on the proposed changes to the comprehensive plan and land use regulations;
- 40 (b) A summary of the additional motor vehicle traffic generation that may be expected in the
41 planning period, considering reductions for expected complementary mixed-use

- 1 development, additional multimodal options, and assuming meeting goals for reductions
2 in vehicle miles traveled per capita; and
- 3 (c) A summary of traffic-related deaths and serious injuries within the climate-friendly area
4 in the past five years.
- 5 (6) Cities and counties making amendments to adopted land use regulations shall adopt findings
6 including a highway impacts summary as provided in section (5) if:
- 7 (a) A city or county is reviewing a plan amendment within one-quarter mile of a ramp
8 terminal intersection, adopted Interchange Area Management Plan area, or adopted
9 ODOT Facility Plan area, or;
- 10 (b) The city or county is reviewing a plan amendment that would be reasonably likely to
11 result in increasing traffic on the state facility that exceeds the small increase in traffic
12 defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.
- 13 (7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap
14 summary or a revised highway impacts summary to ODOT and other affected transportation
15 facility or service providers prior to submitting notice as provided in OAR 660-018-0020.

16 **0330: Land Use Requirements**

- 17 (1) Cities and counties shall implement plans and land use regulations to support compact,
18 pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use
19 development patterns must support access by people using pedestrian, bicycle, and public
20 transportation networks.
- 21 (2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site or
22 class of sites would make those provisions prohibitively costly or impossible to implement. Cities
23 or counties may adopt land use regulations that provide for exemptions as provided in this
24 section. Any allowed exemption shall advance the purposes of this rule to the extent practical.
25 Conditions that may provide for an exemption include, but are not limited to:
- 26 (a) Topography or natural features;
- 27 (b) Railroads, highways, or other permanent barriers;
- 28 (c) Lot or parcel size, orientation, or shape;
- 29 (d) Available access;
- 30 (e) Existing or nonconforming development;
- 31 (f) To provide for accessibility for people with disabilities; or
- 32 (g) Other site constraints.
- 33 (3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and
34 connected neighborhoods. Land use regulations must meet the following requirements for
35 neighborhood design and access:
- 36 (a) Neighborhoods shall be designed with connected networks of streets, paths, accessways,
37 and other facilities to provide circulation within the neighborhood and pedestrian and
38 bicycle system connectivity to adjacent districts. A connected street network is desirable
39 for motor vehicle traffic but may be discontinuous where necessary to limit excessive
40 through-travel, or to protect a safe environment for walking, using mobility devices, and
41 bicycling in the neighborhood.

- 1 (b) Neighborhoods shall be designed with direct pedestrian access to key destinations as
2 provided in OAR 660-012-0360 via pedestrian facilities.
- 3 (c) Cities and counties shall set block length and block perimeter standards at distances that
4 will provide for pedestrian network connectivity. Cities and counties may allow alleys or
5 public pedestrian facilities through a block to be used to meet a block length or perimeter
6 standard.
- 7 (d) Cities and counties shall set standards to reduce out-of-direction travel for people using
8 the pedestrian or bicycle networks.
- 9 (4) Cities and counties shall have land use regulations in commercial and mixed-use districts that
10 provide for a compact development pattern, easy ability to walk or use mobility devices, and
11 allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or
12 mixed-use site design land use regulations must meet the following requirements:
- 13 (a) Primary pedestrian entrances to buildings must be oriented to a public pedestrian facility
14 and be accessible to people with mobility disabilities. An uninterrupted accessway,
15 courtyard, plaza, or other pedestrian-oriented space must be provided between primary
16 pedestrian entrances and the public pedestrian facility, except where the entrance opens
17 directly to the pedestrian facility. All pedestrian entrances must be designed to be barrier-
18 free.
- 19 (b) Motor vehicle parking, circulation, access, and loading may be located on site beside or
20 behind buildings. Motor vehicle parking, circulation, access, and loading must not be
21 located on site between buildings and public pedestrian facilities. Bicycle parking may be
22 permitted.
- 23 (c) On-site accessways must be provided to directly connect key pedestrian entrances to
24 public pedestrian facilities, to any on-site parking, and to adjacent properties, as
25 applicable.
- 26 (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary
27 pedestrian entrances as required in this section. Primary pedestrian entrances for uses
28 open to the public must be open during business hours.
- 29 (e) Large sites must be designed with a connected network of public pedestrian facilities to
30 meet the requirements of this section.
- 31 (f) Development on sites adjacent to a transit stop or station on a priority transit corridor
32 must be oriented to the transit stop or station. The site design must provide a high level of
33 pedestrian connectivity and amenities adjacent to the stop or station. If there is inadequate
34 space in the existing right of way for transit infrastructure, then the infrastructure must be
35 accommodated on site.
- 36 (g) Development standards must be consistent with bicycle parking requirements in OAR
37 660-012-0630.
- 38 (h) These site design land use regulations need not apply to districts with a predominantly
39 industrial or agricultural character.
- 40 (5) Cities and counties shall have land use regulations in residential neighborhoods that provide for
41 slow neighborhood streets comfortable for families, efficient and sociable development patterns,
42 and provide for connectivity within the neighborhood and to adjacent districts. Cities and counties
43 must adopt land use regulations to meet these objectives, including but not limited to those related
44 to setbacks, lot size and coverage, building orientation, and access.

- 1 (6) Cities and counties shall have land use regulations that ensure auto-oriented land uses are
2 compatible with a community where it is easy to walk or use a mobility device. Auto-oriented
3 land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles,
4 and uses where the use of a motor vehicle is accessory to the primary use, including drive-
5 through uses. Land use regulations must meet the following requirements:
- 6 (a) Auto-oriented land uses must provide safe and convenient access opportunities for people
7 walking, using a mobility device, or riding a bicycle. Ease of access to goods and services
8 must be equivalent to or better than access for people driving a motor vehicle.
- 9 (b) Outside of climate-friendly areas, cities and counties may provide for exemptions to this
10 rule in cases where an auto-oriented land use cannot reasonably meet the standards of this
11 rule. Standards developed in cases of an exemption must protect pedestrian facilities.
- 12 (7) Cities and counties with an urban area over 100,000 in population must have reasonable land use
13 regulations that allow for development of low-car districts. These districts must be developed
14 with no-car or low-car streets, where walking or using mobility devices are the primary methods
15 of travel within the district. Cities and counties must make provisions for emergency vehicle
16 access and local freight delivery. Low-car districts must be allowed in locations where residential
17 or mixed-use development is authorized.
- 18 (8) Cities and counties must implement land use regulations to protect transportation facilities,
19 corridors, and sites for their identified functions. These regulations must include, but are not
20 limited to:
- 21 (a) Access control actions consistent with the function of the transportation facility,
22 including but not limited to driveway spacing, median control, and signal spacing;
- 23 (b) Standards to protect future construction and operation of streets, transitways, paths, and
24 other transportation facilities;
- 25 (c) Standards to protect public use airports as provided in OAR 660-013-0080;
- 26 (d) Processes to make a coordinated review of future land use decisions affecting
27 transportation facilities, corridors, or sites;
- 28 (e) Processes to apply conditions to development proposals in order to minimize impacts and
29 protect transportation facilities, corridors or sites for all transportation modes;
- 30 (f) Regulations to provide notice to public agencies providing transportation facilities and
31 services, railroads, Metropolitan Planning Organizations, the Oregon Department of
32 Transportation, and the Oregon Department of Aviation of:
- 33 (A) Land use applications that require public hearings;
- 34 (B) Subdivision and partition applications;
- 35 (C) Other applications that affect private access to roads; and
- 36 (D) Other applications within airport noise corridors and imaginary surfaces that
37 affect airport operations.
- 38 (g) Regulations ensuring that amendments to land use designations, densities, and design
39 standards are consistent with the functions, capacities and performance standards of
40 facilities identified in the TSP.

1 **0340: Land Use Assumptions for Transportation Planning**

- 2 (1) Future land use assumptions developed under this rule are for the purposes of transportation
3 planning. These land use assumptions are distinct from those used to plan for residential land
4 needs as provided in ORS 197.296.
- 5 (2) A city, county, or Metro must develop and adopt future land use assumptions for transportation
6 planning consistent with this rule when preparing a transportation system plan, or zoning a
7 climate-friendly area or Region 2040 center as provided in OAR 660-012-0325.
- 8 (3) Future land use assumptions must be developed for future years, including but not limited to the
9 planning horizon year of the transportation system plan, and a common horizon year for all
10 jurisdictions within the metropolitan area.
- 11 (4) Future land use assumptions must be consistent with the most recent final population forecast as
12 provided in OAR 660-032-0020, or OAR 660-032-0030, as applicable.
- 13 (5) Future land use assumptions for transportation planning must assume existing acknowledged
14 comprehensive plan designations and policies, and existing land use regulations remaining in
15 force throughout the planning period; except where these designations, policies, or regulations are
16 superseded by statute or rule. Future land use assumptions must assume existing acknowledged
17 urban growth boundaries throughout the planning period.
- 18 (6) Where applicable, future land use assumptions for transportation planning must allocate growth
19 assumptions for employment and housing within climate-friendly areas as provided in OAR 660-
20 012-0320 before allocating growth to other parts of the city or county.
- 21 (7) Future land use assumptions must be developed at a sufficient level of detail to understand where
22 future development is expected.

23 **0350: Urban Growth Boundary Expansions**

- 24 (1) A city and county must meet the following requirements prior to undertaking an urban growth
25 boundary expansion as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 26 (a) The city must have an acknowledged transportation system plan as provided in OAR
27 660-012-0100. If the county has responsibility for planning in urban unincorporated areas
28 as provided in OAR 660-012-0110, the county must also have an acknowledged
29 transportation system plan for the urban area as provided in OAR 660-012-0100.
- 30 (b) The city must have submitted a major report in the past five years as provided in OAR
31 660-012-0900 and have had that report approved by order as provided in OAR 660-012-
32 0915.
- 33 (c) The city and county must have designated climate-friendly areas as provided in OAR
34 660-012-0315 and must demonstrate compliance with OAR 660-008-0010(2).
- 35 (d) The city and county must have adopted land use regulations as provided in OAR 660-
36 012-0330.
- 37 (2) A city and county must meet the following requirements as part of the urban growth boundary
38 expansion process as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 39 (a) Lands otherwise of the same level of priority category for an urban growth boundary
40 expansion as provided in OAR 660-024-0067 or OAR 660-038-0170 may be prioritized
41 by determining the potential level of access to existing urban pedestrian, bicycle, and

- 1 transit networks, and the ability of those networks to be extended to the candidate areas
2 for expansion as part of the evaluation of the boundary location factors of Goal 14.
- 3 (b) Transportation system planning assumptions developed to make decisions about an urban
4 growth boundary expansion must be consistent with performance targets set under OAR
5 660-012-0910.
- 6 (c) Transportation system planning assumptions developed to make decisions about an urban
7 growth boundary expansion may not assume the construction of any facility required to
8 be reviewed as provided in OAR 660-012-0830 if the proposed facility has not been
9 authorized.
- 10 (d) The city and county must determine if the designation of additional lands as part of
11 climate-friendly areas will be required to meet the targets for households within these
12 areas, as provided in OAR 660-012-0310.
- 13 (3) Where an urban growth boundary is intended to follow an existing or planned street, road, or
14 highway right-of-way, the boundary shall be placed on the rural side of the right-of-way or
15 planned right-of-way, so that the right-of-way is inside the urban growth boundary.
- 16 (4) Cities and counties with areas added to an urban growth boundary after the effective date of this
17 rule, where the requirements of OAR 660-012-0060 are not applied at the time of urban growth
18 boundary amendment as provided in OAR 660-024-0020 or OAR 660-038-0020, must update the
19 land use assumptions as provided in OAR 660-012-0340 prior to an update of the transportation
20 system plan as provided in OAR 660-012-0105.

21 **0360: Key Destinations**

- 22 (1) Cities and counties shall use best available data to identify key destinations for purposes of
23 coordinated land use and transportation planning. Key destinations are destinations described in
24 this rule, as well as other destinations determined locally that are expected to attract a higher than
25 average rate of pedestrian, bicycle, or transit trips.
- 26 (2) Key destinations may include, but are not limited to:
- 27 (a) Climate-friendly areas;
- 28 (b) Pedestrian-oriented commercial areas outside of climate-friendly areas;
- 29 (c) Transit stations, stops, and terminals;
- 30 (d) Retail and service establishments, including grocery stores;
- 31 (e) Child care facilities, schools, and colleges;
- 32 (f) Parks, recreation centers, paths, trails, and open spaces;
- 33 (g) Farmers markets;
- 34 (h) Libraries, government offices, community centers, arts facilities, post offices, social
35 service centers, and other civic destinations;
- 36 (i) Medical or dental clinics and hospitals;
- 37 (j) Major employers;
- 38 (k) Gyms and health clubs;
- 39 (l) Major sports or performance venues; and

1 (m) Other key destinations determined locally.

2 **0400: Parking Management**

- 3 (1) OAR 660-012-0400 through OAR 660-012-0450 apply to:
- 4 (a) Cities within metropolitan areas; and
- 5 (b) Portions of counties in a metropolitan area within an urban growth boundary, where the
- 6 population of the unincorporated area within the urban growth boundary is 5,000 or
- 7 more, and the area is served with urban water and sanitary services.
- 8 (2) Cities and counties shall adopt comprehensive plans and land use regulations that implement
- 9 provisions of OAR 660-012-0405 through OAR 660-012-0415.
- 10 (3) Cities and counties shall remove parking mandates as directed under OAR 660-012-0420. In lieu
- 11 of removing parking mandates, cities and counties may amend their comprehensive plans and
- 12 land use regulations to implement the provisions of OAR 660-012-0425, OAR 660-012-0430,
- 13 OAR 660-012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR 660-012-0450.

14 **0405: Parking Regulation Improvements**

- 15 (1) Cities and counties shall adopt land use regulations as provided in this section:
- 16 (a) Designated employee parking areas in new developments shall provide preferential
- 17 parking for carpools and vanpools;
- 18 (b) Property owners shall be allowed to redevelop any portion of existing off-street parking
- 19 areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus
- 20 stops and pullouts, bus shelters, park and ride stations, and similar facilities; and
- 21 (c) In applying subsections (a) and (b), land use regulations must allow property owners to
- 22 go below existing mandated minimum parking supply, access for emergency vehicles
- 23 must be retained, and adequate parking for truck loading should be considered.
- 24 (2) Cities and counties shall adopt policies and land use regulations that allow and encourage the
- 25 conversion of existing underused parking areas to other uses.
- 26 (3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared
- 27 parking.
- 28 (4) Cities and counties shall adopt land use regulations for any new development that includes more
- 29 than one-quarter acre of surface parking on a lot or parcel as provided below:
- 30 (a) Developments must provide one of the following:
- 31 (A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per
- 32 parking space on the property. Panels may be located anywhere on the property.
- 33 In lieu of installing solar panels on site, cities may allow developers to pay
- 34 \$1,500 per parking space in the development into a city or county fund dedicated
- 35 to equitable solar or wind energy development or a fund at the Oregon
- 36 Department of Energy designated for such purpose;
- 37 (B) Actions to comply with OAR 330-135-0010; or
- 38 (C) Tree canopy covering at least 50 percent of the parking lot at maturity but no
- 39 more than 15 years after planting.

- 1 (b) Developments must provide street trees along driveways but are not required to provide
- 2 them along drive aisles; and
- 3 (c) Developments must provide street-like design and features along driveways including
- 4 curbs, pedestrian facilities, and buildings built up to pedestrian facilities.
- 5 (d) Development of a tree canopy plan under this section shall be done in coordination with
- 6 the local electric utility, including pre-design, design, building and maintenance phases.
- 7 (e) In providing trees under subsections (a), (b) and (c), the following standards shall be met.
- 8 The tree spacing and species planted must be designed maintain a continuous canopy.
- 9 Local codes must provide clear and objective standards to achieve such a canopy. Trees
- 10 must be planted and maintained to maximize their root health and chances for survival,
- 11 including having ample high-quality soil, space for root growth, and reliable irrigation
- 12 according to the needs of the species. Trees should be planted in continuous trenches
- 13 where possible. The city or county shall have minimum standards for planting and tree
- 14 care no lower than 2021 American National Standards Institute A300 standards, and a
- 15 process to ensure ongoing compliance with tree planting and maintenance provisions.
- 16 (5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as
- 17 downtowns, designated regional or community centers, and transit-oriented developments.

18 **0410: Electric Vehicle Charging**

- 19 (1) This rule applies to cities within a metropolitan area.
- 20 (2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments
- 21 to the state building code adopted pursuant to ORS 455.417.
- 22 (3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more
- 23 residential dwelling units, and new mixed-use buildings consisting of privately owned
- 24 commercial space and five or more residential dwelling units, cities shall require the provision of
- 25 electrical service capacity, as defined in ORS 455.417, to accommodate 40 percent of all vehicle
- 26 parking spaces.

27 **0415: Parking Maximums and Evaluation in More Populous Communities**

- 28 (1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits
- 29 but within the urban growth boundary, and cities with populations over 25,000 within the
- 30 Portland metropolitan area, shall set parking maximums in climate-friendly areas and in regional
- 31 centers and town centers, designated under the Metro Title 6, Centers, Corridors, Station
- 32 Communities and Main Streets, Adopted Boundaries map. Those cities and counties shall also set
- 33 parking maximums on lots or parcels within the transit corridors and rail stop areas listed in OAR
- 34 660-012-0440.
- 35 (a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit
- 36 and two off-street parking spaces per non-studio residential unit in a multi-unit
- 37 development in climate-friendly areas and within one-half mile walking distance of
- 38 priority transit corridors. These maximums shall include visitor parking;
- 39 (b) Parking maximums shall be no higher than five spaces per 1,000 square feet of floor
- 40 space for all commercial and retail uses other than automobile sales and repair, eating and
- 41 drinking establishments, and entertainment and commercial recreation uses;

- 1 (c) For land uses with more than 65,000 square feet of floor area, surface parking may not
2 consist of more area than the floor area of the building;
- 3 (d) In setting parking maximums, cities and counties shall consider setting maximums equal
4 to or less than 150 percent of parking mandates in their adopted land use regulations in
5 effect as of January 1, 2020. A city or county that sets a higher parking maximum must
6 adopt findings for doing so. In no case shall the city or county exceed the limits in
7 subsections (a) through (c) in climate-friendly areas and for developments on parcels or
8 lots within one-half mile of transit corridors and three-quarters mile of rail transit stops
9 listed in OAR 660-012-0440; and
- 10 (e) Non-surface parking, such as tuck-under parking, underground and subsurface parking,
11 and parking structures may be exempted from the calculations in this section.
- 12 (2) Cities with populations over 200,000 shall, in addition to the requirements in section (1) of this
13 rule:
 - 14 (a) Study the use of priced on-street timed parking spaces in those areas subject to OAR 660-
15 012-0435 or 660-012-0440. This study shall be conducted every three years or more
16 frequently. Cities shall adjust prices to ensure availability of on-street parking spaces at
17 all hours. This shall include all spaces in the city paid by minutes, hours, or day but need
18 not include spaces where a longer-term paid residential permit is required;
 - 19 (b) Use time limits or pricing to manage on-street parking spaces in an area at least one year
20 before authorizing any new structured parking on city-owned land including more than
21 100 spaces in that area after March 31, 2023;
 - 22 (c) Adopt procedures ensuring prior to approval of construction of additional structured
23 parking projects of more than 300 parking spaces designed to serve existing uses,
24 developer of that parking structure must implement transportation demand management
25 strategies for a period of at least six months designed to shift at least 10 percent of
26 existing vehicle trips ending within one-quarter mile of the proposed parking structure to
27 other modes; and
 - 28 (d) Adopt design requirements requiring applicants to demonstrate that the ground floor of
29 new private and public structured parking that fronts a public street and includes more
30 than 100 parking spaces would be convertible to other uses in the future, other than
31 driveways needed to access the garage.

32 **0420: Exemption for Communities without Parking Mandates**

- 33 (1) Cities and counties that adopt land use regulations that do not include parking mandates are
34 exempt from OAR 660-012-0425 through OAR 660-012-0450.
- 35 (2) Cities and counties that retain land use regulations with parking mandates shall conform with
36 OAR 660-012-0425 through OAR 660-012-0450.

37 **0425: Reducing the Burden of Parking Mandates**

- 38 (1) This rule applies to cities and counties that:
 - 39 (a) Are within a metropolitan area; and
 - 40 (b) Have not adopted land use regulations without parking mandates as provided in OAR
41 660-012-0420.

- 1 (2) Cities and counties shall adopt and enforce land use regulations as provided in this section:
- 2 (a) Garages and carports may not be required for residential developments;
- 3 (b) Garage parking spaces shall count towards off-street parking mandates;
- 4 (c) Provision of shared parking shall be allowed to meet parking mandates;
- 5 (d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a
- 6 site. If any parking is provided on site, required parking for parking for people with
- 7 disabilities shall be on site. If all parking is off-site, parking for people with disabilities
- 8 must be located within the shortest possible distance of an accessible entrance via an
- 9 accessible path and no greater than 200 feet from that entrance;
- 10 (e) Parking mandates shall be reduced by one off-street parking space for each three
- 11 kilowatts of capacity in solar panels or wind power that will be provided in a
- 12 development;
- 13 (f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-
- 14 sharing parking space in a development. Dedicated car-sharing parking spaces shall count
- 15 as spaces for parking mandates;
- 16 (g) Parking mandates shall be reduced by two off-street parking spaces for every electric
- 17 vehicle charging station provided in a development. Parking spaces that include electric
- 18 vehicle charging while an automobile is parked shall count towards parking mandates;
- 19 and
- 20 (h) Parking mandates shall be reduced by one off-street parking space for every two units in
- 21 a development above minimum requirements that are fully accessible to people with
- 22 mobility disabilities.
- 23 (3) Any reductions under section (2) shall be cumulative and not capped.
- 24 (4) Cities and counties shall require the parking for multi-family residential units in the areas in OAR
- 25 660-012-0440 be unbundled parking.

26 **0430: Reduction of Parking Mandates for Development Types**

- 27 (1) This rule applies to cities and counties that:
- 28 (a) Are within a metropolitan area; and
- 29 (b) Have not adopted land use regulations without parking mandates as provided in OAR
- 30 660-012-0420.
- 31 (2) Cities and counties may not require more than one parking space per unit in residential
- 32 developments with more than one unit.
- 33 (3) Cities and counties may not require parking for the following development types:
- 34 (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or
- 35 developmental disabilities, including but not limited to a: residential care facility,
- 36 residential training facility, residential treatment facility, residential training home,
- 37 residential treatment home, and conversion facility as defined in ORS 443.400;
- 38 (b) Childcare facility as defined in ORS 329A.250;
- 39 (c) Single-room occupancy housing;
- 40 (d) Residential units smaller than 750 square feet;

- 1 (e) Affordable housing as defined in OAR 660-039-0010;
- 2 (f) Publicly supported housing as defined in ORS 456.250;
- 3 (g) Emergency and transitional shelters for people experiencing homelessness; and
- 4 (h) Domestic violence shelters.

5 **0435: Parking Reform in Climate-Friendly Areas**

- 6 (1) This rule applies to cities and counties that:
 - 7 (a) Are within a metropolitan area; and
 - 8 (b) Have not adopted land use regulations without parking mandates as provided in OAR
 - 9 660-012-0420.
- 10 (2) Cities and counties shall adopt land use regulations addressing parking mandates in climate-
- 11 friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land
- 12 use regulations addressing parking mandates in regional centers and town centers designated
- 13 under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted
- 14 Boundaries map. In each such area, cities and counties shall either:
 - 15 (a) Remove all parking mandates within the area and on parcels in its jurisdiction that
 - 16 include land within one-quarter mile distance of those areas; or
 - 17 (b) Manage parking by:
 - 18 (A) Adopting a parking benefit district with paid on-street parking and some
 - 19 revenues dedicated to public improvements in the area;
 - 20 (B) Adopting land use amendments to require no more than one-half off-street
 - 21 parking space per dwelling unit in the area; and
 - 22 (C) Adopting land use regulations without parking mandates for commercial
 - 23 developments.
- 24 (3) Cities and counties that opt to retain parking mandates under OAR 660-012-0400 shall require the
- 25 parking for multi-family residential units in the areas listed in section (2) be unbundled parking.

26 **0440: Parking Reform near Transit Corridors**

- 27 (1) This rule applies to cities and counties that:
 - 28 (a) Are within a metropolitan area; and
 - 29 (b) Have not adopted land use regulations without parking mandates as provided in OAR
 - 30 660-012-0420.
- 31 (2) Cities and counties may not require parking spaces for developments on a lot or parcel that
- 32 include lands within three-quarters mile of rail transit stops.
- 33 (3) Cities and counties may not enforce parking mandates for developments on a lot or parcel that
- 34 includes lands within one-half mile of frequent transit corridors, including:
 - 35 (a) Priority transit corridors designated under OAR 660-012-0710;
 - 36 (b) Corridors with bus service arriving with a scheduled frequency of at least four times an
 - 37 hour during peak service; and

- 1 (c) Corridors with the most frequent transit route or routes in the community if the scheduled
2 frequency is at least once per hour during peak service.
- 3 (4) Cities and counties may use either walking distance or straight-line distance in measuring
4 distances in this rule.

5 **0445: Parking Management Alternative Approaches**

- 6 (1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420,
7 cities and counties shall select and implement either a fair parking policy approach as provided in
8 subsection (a), or a reduced regulation parking management approach as provided in subsection
9 (b).
- 10 (a) A fair parking policy approach shall include at least three of the following five
11 provisions:
- 12 (A) A requirement that parking spaces for each residential unit in developments that
13 include five or more leased or sold residential units on a lot or parcel be
14 unbundled parking. Cities and counties may exempt townhouse and rowhouse
15 development from this requirement;
- 16 (B) A requirement that parking spaces serving leased commercial developments be
17 unbundled parking;
- 18 (C) A requirement for employers of 50 or more employees who provide free or
19 subsidized parking to their employees at the workplace provide a flexible
20 commute benefit of \$50 per month or the fair market value of that parking,
21 whichever is greater, to those employees eligible for that free or subsidized
22 parking who regularly commute via other modes instead of using that parking;
- 23 (D) A tax on the revenue from commercial parking lots collecting no less than 10
24 percent of income, with revenues dedicated to improving transportation
25 alternatives to drive-alone travel; and
- 26 (E) A reduction of parking mandates for new multifamily residential development to
27 no higher than one-half spaces per unit, including visitor parking.
- 28 (b) A reduced regulation parking management approach shall include all of the following:
- 29 (A) A repeal of all parking mandates within one-half mile pedestrian travel of
30 climate-friendly areas;
- 31 (B) A repeal of parking mandates for transit-oriented development and mixed-use
32 development;
- 33 (C) A repeal of parking mandates for group quarters, including but not limited to
34 dormitories, religious group quarters, adult care facilities, retirement homes, and
35 other congregate housing;
- 36 (D) A repeal of parking mandates for studio apartments, one-bedroom apartments
37 and condominiums in residential developments of five or more units on a lot or
38 parcel;
- 39 (E) A repeal of parking mandates for change of use of, or redevelopment of,
40 buildings vacant for more than two years. Cities and counties may require
41 registration of a building as vacant two years prior to the waiving of parking
42 mandates;

- 1 (F) A repeal of requirements to provide additional parking for change of use or
- 2 redevelopment;
- 3 (G) A repeal of parking mandates for expansion of existing businesses by less than
- 4 30 percent of a building footprint;
- 5 (H) A repeal of parking mandates for buildings within a National Historic District, on
- 6 the National Register of Historic Places, or on a local inventory of historic
- 7 resources or buildings;
- 8 (I) A repeal of parking mandates for commercial properties that have fewer than ten
- 9 on-site employees or 3,000 square feet floor space;
- 10 (J) A repeal of parking mandates for developments built under the Oregon
- 11 Residential Reach Code;
- 12 (K) A repeal of parking mandates for developments seeking certification under any
- 13 Leadership in Energy and Environmental Design (LEED) rating system, as
- 14 evidenced by either proof of pre-certification or registration and submittal of a
- 15 complete scorecard;
- 16 (L) A repeal of parking mandates for schools;
- 17 (M) A repeal of parking mandates for bars and taverns;
- 18 (N) Setting parking maximums consistent with OAR 660-012-0415(1),
- 19 notwithstanding populations listed in that section; and
- 20 (O) Designation of at least one residential parking district or parking benefit district
- 21 where on-street parking is managed through permits, payments, or time limits.
- 22 (2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

23 **0450: Parking Management in More Populous Communities**

- 24 (1) Cities with populations over 100,000 shall either:
- 25 (a) Adopt land use regulations without parking mandates; or
- 26 (b) Price at least 10 percent of on-street parking spaces, and report the percentage of on-
- 27 street parking spaces that are priced as provided in OAR 660-012-0900. Residential
- 28 parking permits priced at lower than \$15 per month, 50 cents per day per space, or
- 29 equivalent amounts do not count towards this total.
- 30 (2) Cities may change their selection made between subsections (1)(a) or (b) at any time.

31 **0500: Pedestrian System Planning**

- 32 (1) Transportation system plans must include a pedestrian system element that meets the
- 33 requirements of this rule. For the purposes of this division, the pedestrian system is intended to
- 34 serve people walking and those using mobility devices or other devices that operate at a similar
- 35 speed and scale as people walking. The pedestrian system is intended to serve most short trips
- 36 under one mile in cities.
- 37 (2) A pedestrian system element must include the following elements:

- 1 (a) The complete pedestrian system as described in section (3) of this rule that includes the
- 2 full buildout of the pedestrian system within the urban growth boundary;
- 3 (b) Identification of gaps and deficiencies in the pedestrian system as described in section
- 4 (4);
- 5 (c) Locations of key pedestrian destinations as described in OAR 660-012-0360; and
- 6 (d) A list of prioritized pedestrian system projects as described in OAR 660-012-0520.
- 7 (3) The complete pedestrian system is the full buildout of a complete pedestrian system within the
- 8 planning area. A city or county determines the complete pedestrian system plan by:
 - 9 (a) Using the pedestrian system inventory developed under OAR 660-012-0505 as a base;
 - 10 (b) Adding the minimum pedestrian facilities to places that do not presently meet the
 - 11 minimum pedestrian system requirements in OAR 660-012-0510; and
 - 12 (c) Adding enhanced facilities above the minimum pedestrian system requirements where the
 - 13 city or county finds that enhanced facilities are necessary or desirable to meet the goals of
 - 14 the jurisdiction’s comprehensive plan.
- 15 (4) Cities and counties shall identify gaps and deficiencies in the pedestrian system by comparing the
- 16 complete pedestrian system plan with the pedestrian system inventory developed under OAR
- 17 660-012-0505. Cities or counties must include any part of the complete pedestrian system not
- 18 presently built to the standard in the complete pedestrian system plan as a gap or deficiency.

19 **0505: Pedestrian System Inventory**

- 20 (1) Pedestrian system inventories must include information on pedestrian facilities and street
- 21 crossings for all areas within climate-friendly areas, within Metro Region 2040 centers, within
- 22 one-quarter mile of all schools, and along all arterials and collectors. Pedestrian system
- 23 inventories should include information on pedestrian facilities and street crossings for all areas
- 24 within the planning area.
 - 25 (a) Inventories of pedestrian facilities must include information on width and condition.
 - 26 (b) Inventories of street crossings must include crossing distances, the type of crossing,
 - 27 closed crossings, curb ramps, and distance between crossings.
- 28 (2) Pedestrian system inventories must include the crash risk factors of inventoried pedestrian
- 29 facilities, including but not limited to speed, volume, and roadway width. Pedestrian system
- 30 inventories must also include the location of all reported injuries and deaths of people walking or
- 31 using a mobility device. This must include all reported incidents from the most recent five years
- 32 prior of available data prior to the year of adoption of the pedestrian system inventory.

33 **0510: Pedestrian System Requirements**

- 34 (1) This rule describes the minimum planned pedestrian facilities that must be included in plans.
- 35 Cities and counties may choose to exceed the requirements in this rule.
- 36 (2) Pedestrian facility owners must design, build, and maintain pedestrian facilities to allow
- 37 comfortable travel for all people, including people with disabilities.
- 38 (3) All streets and highways, other than expressways, shall have pedestrian facilities, as provided in
- 39 ORS 366.514.

- 1 (a) Pedestrian facilities must be planned for both sides of each street.
- 2 (b) Cities shall plan for enhanced pedestrian facilities such as wide, protected sidewalks and
3 pedestrian zones, such as plazas, in the following contexts:
- 4 (A) Along high volume or high-speed streets;
- 5 (B) In climate-friendly areas and Metro Region 2040 centers;
- 6 (C) In areas with concentrations of underserved populations.
- 7 (c) A substantial portion of the right-of-way in climate-friendly areas and Metro Region
8 2040 centers must be dedicated to pedestrian uses, including but not limited to sidewalks,
9 pedestrian plazas, and protective buffers.
- 10 (d) Cities shall plan for enhanced tree canopy and other infrastructure that uses natural and
11 living materials in pedestrian spaces in climate-friendly areas, Metro Region 2040
12 centers, and areas with concentrations of underserved populations.
- 13 (4) Off-street multi-use paths must be designed to permit comfortable joint or separated use for
14 people walking, using mobility devices, and cycling. Separated areas for higher speeds and low
15 speeds shall be provided when there is high anticipated use of the path.
- 16 (5) Enhanced crossings are pedestrian facilities to cross streets or highways that provide a high level
17 of safety and priority to people crossing the street. Enhanced crossings must have adequate
18 nighttime illumination to see pedestrians from all vehicular approaches. Enhanced crossings must
19 be provided, at minimum, in the following locations:
- 20 (a) Closely spaced along arterial streets in climate-friendly areas and Metro Region 2040
21 centers;
- 22 (b) Near transit stops on local access priority arterial segments, or collector streets in a
23 climate-friendly area or Metro Region 2040 center, or on a priority transit corridor;
- 24 (c) At off-street path crossings; and
- 25 (d) In areas with concentrations of underserved populations.
- 26 (6) Cities may take exemptions to the requirements in this rule through findings in the transportation
27 system plan, for each location where an exemption is desired, for the following reasons:
- 28 (a) A city may plan for a pedestrian facility on one side of local streets in locations where
29 topography or other barriers would make it difficult to build a pedestrian facility on the
30 other side of the street, or where existing and planned land uses make it unnecessary to
31 provide pedestrian access to the other side of the street. Street crossings must be provided
32 near each end of sections where there is a pedestrian facility on only one side of the
33 street.
- 34 (b) A city or county may plan for no dedicated pedestrian facilities on very slow speed local
35 streets that are sufficiently narrow, and carry little or no vehicular traffic, so that
36 pedestrians are the primary users of the street.

37 **0520: Pedestrian System Projects**

- 38 (1) Cities and counties shall develop a list of pedestrian system projects that would address all the
39 gaps and deficiencies in the pedestrian system identified by the city under OAR 660-012-0500(4).

- 1 (2) Cities and counties shall develop pedestrian project prioritization factors that are able to sort the
2 list of pedestrian system projects into a prioritized list of pedestrian system projects. Cities must
3 develop pedestrian project prioritization factors by engaging underserved populations as provided
4 in OAR 660-012-0130.
- 5 (3) Cities and counties shall use the following factors when prioritizing pedestrian system projects:
- 6 (a) Pedestrian system investments in climate-friendly areas and Metro Region 2040 centers;
7 (b) Pedestrian system investments in areas with concentrations of underserved populations;
8 (c) Pedestrian system investments in areas with pedestrian safety risk factors such as
9 roadways with high speeds and high traffic volumes;
10 (d) Pedestrian system investments in areas with reported crashes involving pedestrian serious
11 injuries and deaths;
12 (e) Pedestrian system investments that provide access to key pedestrian destinations as
13 provided in OAR 660-012-0360;
14 (f) Pedestrian system investments that will connect to, fill gaps in, and expand the existing
15 pedestrian network;
16 (g) Pedestrian system investments that prioritize pedestrian travel consistent with the
17 prioritization factors in OAR 660-012-0155; and
18 (h) Where applicable, pedestrian system investments that implement a scenario plan
19 approved by order as provided in OAR 660-044-0120.
- 20 (4) The transportation system plan must include a description of the prioritization factors and method
21 of prioritizing pedestrian projects used to develop the prioritized list of pedestrian system
22 projects.

23 **0600: Bicycle System Planning**

- 24 (1) Transportation system plans must include a bicycle system element that meets the requirements
25 of this rule. The bicycle system must be designed to provide safe and comfortable routes for a
26 range of users and abilities. For the purposes of this division, the bicycle system is intended to
27 serve people riding bicycles and other vehicles that operate at a similar speed and scale to people
28 riding bicycles. These vehicles include, but are not limited to: electric bicycles, kick-style and
29 electric scooters, and skateboards; and do not include motorcycles.
- 30 (2) A bicycle system element must include the following elements:
- 31 (a) The complete bicycle system as described in section (3) that includes the full buildout of
32 the bicycle system within the urban growth boundary;
33 (b) Identification of gaps and deficiencies in the bicycle system as described in section (4);
34 (c) Locations of key bicycle destinations as described in OAR 660-012-0360; and
35 (d) A list of prioritized bicycle system projects as described in OAR 660-012-0620.
- 36 (3) The complete bicycle system is the full buildout of a complete bicycle system within the planning
37 area. A city or county determines the complete bicycle system plan by:
- 38 (a) Using the bicycle system inventory developed under OAR 660-012-0605 as a base;

- 1 (b) Adding the minimum bicycle facilities to places that do not presently meet the minimum
2 bicycle system requirements in OAR 660-012-0610; and
- 3 (c) Adding enhanced facilities above the minimum bicycle system requirements where the
4 city or county finds that enhanced facilities are necessary or desirable to meet the goals of
5 the jurisdiction’s comprehensive plan.
- 6 (4) Cities and counties shall identify gaps and deficiencies in the bicycle system by comparing the
7 complete bicycle system with the bicycle system inventory developed under OAR 660-012-0605.
8 Cities must include any part of the complete bicycle system not presently built to the standard in
9 the complete bicycle plan as a gap or deficiency.

10 **0605: Bicycle System Inventory**

- 11 (1) Bicycle system inventories must include information on bicycle lanes, bicycle routes, accessways,
12 paths, and other types of bicycle facilities, including pedestrian facilities that may be used by
13 bicycles. Inventories must include information on width, type, and condition.
- 14 (2) Bicycle system inventories must include information on bicycle facilities of all types within
15 climate-friendly areas, within Metro Region 2040 centers, within one-quarter mile of all schools,
16 on bicycle boulevards, and along all arterials and collectors. Bicycle system inventories should
17 include information on bicycle facilities and street crossings for all areas within the planning area.
- 18 (3) Bicycle system inventories must include the crash risk factors of inventoried bicycle facilities,
19 including but not limited to speed, volume, separation, and roadway width. Bicycle system
20 inventories must also include the location of all reported injuries and deaths of people on
21 bicycles. This must include all reported incidents from the most recent five years prior of
22 available data prior to the year of adoption of the bicycle system inventory.

23 **0610: Bicycle System Requirements**

- 24 (1) This rule describes the minimum planned bicycle facilities that must be included in plans. Cities
25 or counties may choose to exceed the requirements in this rule.
- 26 (2) Cities and counties shall plan for a connected network of bicycle facilities that provides a safe,
27 low stress, direct, and comfortable experience for people of all ages and abilities. All ages and
28 abilities includes:
 - 29 (a) School-age children;
 - 30 (b) People over 65 years old;
 - 31 (c) Women;
 - 32 (d) People of color;
 - 33 (e) Low-income riders;
 - 34 (f) People with disabilities;
 - 35 (g) People moving goods, cargo, or other people; and
 - 36 (h) People using shared mobility services.
- 37 (3) A connected network is comprised of both the ability to access key destinations within a
38 community and enough coverage of safe and comfortable facilities to ensure most people within
39 the community can travel by bicycle.

- 1 (a) Cities and counties must design the connected network to connect to key destinations as
2 provided in OAR 660-012-0360, and to and within each climate-friendly area or Metro
3 Region 2040 center.
- 4 (b) Cities and counties must design the connected network to permit most residents of the
5 planning area to access the connected network with an emphasis on mitigating
6 uncomfortable or unsafe facilities or crossings.
- 7 (c) The connected network shall consist of connected bicycle facilities including, but not
8 limited to, separated and protected bicycle facilities, bicycle boulevards, and multi-use or
9 bicycle paths. The connected network must include a series of interconnected bicycle
10 facilities and provide direct routes to key destinations. Cities and counties must design
11 comfortable and convenient crossings of streets with high volumes of traffic or high-
12 speed traffic.
- 13 (4) Cities and counties shall plan and design bicycle facilities considering the context of adjacent
14 motor vehicle facilities and land uses.
- 15 (a) Cities and counties must design bicycle facilities with higher levels of separation or
16 protection along streets that have higher volumes or speeds of traffic.
- 17 (b) Cities and counties must plan for separated or protected bicycle facilities on streets in
18 climate-friendly areas, Metro Region 2040 centers, and other places with a concentration
19 of destinations. Separated or protected bicycle facilities may not be necessary on streets
20 with very low levels of motor vehicle traffic or where a high-quality parallel bicycle
21 facility on the connected network exists within one block.
- 22 (c) Cities and counties must identify locations with existing bicycle facilities along high
23 traffic or high-speed streets where the existing facility is not protected or separated, or
24 parallel facilities do not exist. Cities and counties must plan for a transition to appropriate
25 facilities in these locations.
- 26 (5) Cities and counties shall adopt standards for bicycle system planning and facilities that will result
27 in a safe, low stress, and comfortable experience for people of all ages and abilities. In adopting
28 standards, cities and counties may use one or more of the following:
- 29 (a) The Urban Bikeway Design Guide, second edition, published by the National Association
30 of City Transportation Officials;
- 31 (b) Designing for All Ages & Abilities, December 2017, published by the National
32 Association of City Transportation Officials; and
- 33 (c) For state facilities, The Blueprint for Urban Design, 2019, published by the Oregon
34 Department of Transportation.
- 35 (6) Cities and counties shall use the transportation prioritization framework in OAR 660-012-0155
36 when making decisions about bicycle facilities.

37 **0620: Bicycle System Projects**

- 38 (1) Cities and counties shall develop a list of bicycle system projects that would address all the gaps
39 and deficiencies in the bicycle system identified by the city under OAR 660-012-0600(4).
- 40 (2) Cities and counties shall develop bicycle project prioritization factors that are able to sort the list
41 of bicycle system projects into a prioritized list of bicycle system projects. Cities must develop

1 bicycle project prioritization factors by engaging underserved populations as provided in OAR
2 660-012-0130.

- 3 (3) Cities and counties shall use the following factors when prioritizing bicycle system projects:
- 4 (a) Bicycle system investments in climate-friendly areas and Metro Region 2040 centers;
 - 5 (b) Bicycle system investments in areas with concentrations of underserved populations;
 - 6 (c) Bicycle system investments in areas with safety risk factors such as roadways with high
7 speeds and high traffic volumes;
 - 8 (d) Bicycle system investments in areas with reported crashes involving serious injuries and
9 deaths to people riding bicycles;
 - 10 (e) Bicycle system investments that provide access to key bicycle destinations as provided in
11 OAR 660-012-0360;
 - 12 (f) Bicycle system investments system investments that will connect to, fill gaps in, and
13 expand the existing bicycle system network;
 - 14 (g) Bicycle system investments that prioritize bicycle travel consistent with the prioritization
15 factors in OAR 660-012-0155; and
 - 16 (h) Where applicable, bicycle system investments that implement a scenario plan approved
17 by order as provided in OAR 660-044-0120.
- 18 (4) The transportation system plan must include a description of the prioritization factors and method
19 of prioritizing bicycle projects used to develop the prioritized list of bicycle system projects.

20 **0630: Bicycle Parking**

- 21 (1) Cities and counties shall require and plan for adequate parking to meet the increasing need for
22 travel by bicycle and other small-scale mobility devices.
- 23 (2) Cities and counties shall require covered, secure bicycle parking for all new multifamily
24 development or mixed-use development of four residential units or more, and new office and
25 institutional developments. Such bicycle parking must include at least one bicycle parking space
26 for each residential unit.
- 27 (3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle
28 parking shall be located within a short distance from the main retail entrance.
- 29 (4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride
30 lots.
- 31 (5) Cities and counties shall require bicycle parking in climate-friendly areas, Metro Region 2040
32 centers, and near key destinations as provided in OAR 660-012-0360.
- 33 (6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles
34 or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and
35 near key destinations as provided in OAR 660-012-0360.
- 36 (7) Cities and counties shall require bicycle parking for any land use where off-street motor vehicle
37 parking is mandated. The minimum number of bicycle parking spaces shall be no less than the
38 greater of:
- 39 (a) Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7,
40 rounded to the next highest whole number; or

- 1 (b) As otherwise provided in this rule.
- 2 (8) Cities and counties shall ensure that all bicycle parking provided must:
- 3 (a) Allow ways to secure at least two points on a bicycle;
- 4 (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position
- 5 where it may be secured without conflicts from other parked bicycles, walls, or other
- 6 obstructions;
- 7 (c) Be in a location that is convenient and well-lit; and
- 8 (d) Include sufficient bicycle parking spaces to accommodate large bicycles, including
- 9 family and cargo bicycles.

10 **0700: Public Transportation System Planning**

- 11 (1) Transportation system plans must include a public transportation system element that meets the
- 12 requirements of this rule. Cities and counties must work in close cooperation with transit service
- 13 providers in order to complete the public transportation system element of the transportation
- 14 system plan.
- 15 (a) Cities and counties shall coordinate with public transportation service providers to
- 16 develop the public transportation system plan element.
- 17 (b) The public transportation system plan element must include elements of the public
- 18 transportation system that are in the control of the city, county, and coordinating
- 19 transportation facility owners.
- 20 (c) The public transportation system plan element must identify elements of the public
- 21 transportation system that the city or county will work with transit service providers to
- 22 realize or improve, including transit priority corridors, transit supportive infrastructure,
- 23 and stop amenities.
- 24 (d) Cities and counties must align the public transportation system plan transit element with
- 25 Transit Development Plans, goals, and other strategic planning documents developed by
- 26 a transit service provider.
- 27 (e) Transportation system plans do not control public transportation elements exclusively
- 28 controlled by transit service providers. These include funding or details of transit service
- 29 provision, including timetables and routing.
- 30 (2) A public transportation system element must include the following elements:
- 31 (a) The complete public transportation system as described in section (3) that includes the
- 32 full buildout and provision of services of the public transportation system within the
- 33 urban growth boundary;
- 34 (b) Identification of gaps and deficiencies in the public transportation system as described in
- 35 section (4);
- 36 (c) Locations of key public transportation destinations as described in OAR 660-012-0360;
- 37 and
- 38 (d) A list of prioritized public transportation system projects as described in OAR 660-012-
- 39 0720.

- 1 (3) The complete public transportation system is the full buildout of a complete public transportation
2 system within the planning area. The city or county determines the complete public transportation
3 system plan by:
- 4 (a) Using the public transportation system inventory developed under OAR 660-012-0705 as
5 a base; and
- 6 (b) Adding the minimum public transportation services and facilities to places that do not
7 presently meet the minimum public transportation system requirements in OAR 660-012-
8 0710.
- 9 (4) Cities and counties shall identify gaps and deficiencies in the public transportation system by
10 comparing the complete public transportation system with the public transportation system
11 inventory developed under OAR 660-012-0705. Cities and counties must include any part of the
12 complete public transportation system not presently built or operated to the standards in the
13 complete public transportation system plan as a gap or deficiency. Cities and counties must
14 identify gaps in the transit supportive facilities provided on priority transit corridors and other
15 transit corridors identified as provided in OAR 660-012-0710. Transit supportive facilities
16 include, but are not limited to:
- 17 (a) Stations, hubs, stops, shelters, signs, and ancillary features; and
- 18 (b) Transit priority infrastructure, including signals, queue jumps, and semi-exclusive or
19 exclusive bus lanes or transitways.

20 **0705: Public Transportation System Inventory**

- 21 (1) The public transportation system inventory must include information on local and intercity transit
22 services, including the location of routes, major stations, transit stops, transitways, transit lanes,
23 transit priority signals, queue jumps, on-route charging, and other transit supportive facilities not
24 otherwise inventoried. The inventory must document which services and facilities are accessible
25 for people with disabilities based on the requirements in the Americans with Disabilities Act, or
26 locally adopted higher standards.
- 27 (2) The public transportation system inventory must include the identification of existing service
28 characteristics, including frequency and span of service for all services along identified transit
29 priority corridors, serving key destinations, and serving major transit stations.
- 30 (3) Where local or intercity transit services travel outside of the planning area to other cities, the
31 public transportation system inventory must include the identification of routes connecting to the
32 next nearest cities with a population exceeding 9,000, as well as key destinations and major
33 stations these routes serve.

34 **0710: Public Transportation System Requirements**

- 35 (1) Cities and counties shall plan for a connected local transit network that serves key destinations as
36 provided in OAR 660-012-0360, and can be accessed by housing and jobs within the planning
37 area. Cities must identify transit corridors, including:
- 38 (a) Priority transit corridors, which are transit corridors that are planned for the highest levels
39 of regional transit service providing for a wide range of mobility needs; and
- 40 (b) Other transit corridors, which are planned to carry at least a moderate level of transit
41 service providing for basic mobility needs.

- 1 (2) Cities and counties shall plan for a range of transit supportive facilities along priority transit
2 corridors and in other locations where transit priority is desired. Cities and counties shall:
- 3 (a) Coordinate with transit service providers to determine transit priority infrastructure
4 needed on priority transit routes for efficient transit service;
- 5 (b) Prioritize expedited access for transit vehicles to and from major stops, stations, and
6 terminals; and
- 7 (c) Consider intercity transit access to stations or terminals.
- 8 (3) Cities and counties shall plan for safe and accessible transit stops and stations.
- 9 (a) Along priority transit corridors and other locations where transit priority is desired, cities
10 and counties shall coordinate with transit service providers on the construction of transit
11 supportive facilities. Cities and counties shall allow transit service providers to construct
12 amenities at stops outright, with limited permitting requirements. These amenities include
13 but are not limited to: pedestrian facility repair and extension, signage, lighting, benches,
14 and shelters.
- 15 (b) Cities and counties shall limit on-street parking at transit stop locations at the request of a
16 transit service provider.
- 17 (4) Cities and counties shall coordinate with transit service providers to identify needs for intercity
18 transit services at a level appropriate to the size of the urban area and the size and distance of
19 intercity markets.
- 20 (5) Cities and counties shall coordinate with transit service providers to identify gaps in transit
21 service provided in the transportation system plan, and gaps for each priority transit corridor and
22 other transit corridors.
- 23 (6) Cities and counties with an urban area of less than 10,000 population need not plan for priority
24 transit corridors.

25 **0720: Public Transportation System Projects**

- 26 (1) Cities and counties shall develop a list of public transportation projects that would address all the
27 gaps and deficiencies in the public transportation system identified by the city under OAR 660-
28 012-0700(4).
- 29 (2) Cities and counties shall coordinate with transit service providers to identify the gaps in transit
30 service provided in the transportation system plan and those identified in a land use and
31 transportation scenario plan as provided in OAR 660-044-0110 or in the Statewide Transportation
32 Strategy as adopted by the Oregon Transportation Commission, including the gap in transit miles
33 per capita, and gaps for each priority transit corridor and other transit corridors. The purpose of
34 identifying these gaps is to illustrate the need for transit service operating funds for services
35 operated within the planning area. The transportation system plan need not make provisions for
36 funding operations of transit services directly.
- 37 (3) Cities and counties shall develop public transportation system project prioritization factors that
38 are able to sort the list of public transportation system projects into a prioritized list of public
39 transportation system projects. Cities must develop public transportation project prioritization
40 factors by engaging underserved populations as provided in OAR 660-012-0130.
- 41 (4) Cities and counties shall use the following factors when prioritizing public transportation system
42 projects:

- 1 (a) Public transportation system investments in climate-friendly areas and Metro Region
2 2040 centers;
- 3 (b) Public transportation system investments in areas with concentrations of underserved
4 populations, particularly in areas with concentrations of people dependent on public
5 transportation;
- 6 (c) Public transportation system investments that provide access to key public transportation
7 destinations as provided in OAR 660-012-0360;
- 8 (d) Public transportation system investments that will connect to, fill gaps in, and expand the
9 existing public transportation network;
- 10 (e) Public transportation system investments that prioritize transit travel consistent with the
11 prioritization factors in OAR 660-012-0155; and
- 12 (f) Where applicable, public transportation system investments that implement a scenario
13 plan approved by order as provided in OAR 660-044-0120.
- 14 (5) The transportation system plan must include a description of the prioritization factors and method
15 of prioritizing public transportation projects used to develop the prioritized list of public
16 transportation projects.

17 **0800: Street and Highway System Planning**

- 18 (1) Transportation system plans must include a street and highway system element that meet the
19 requirements of this rule.
- 20 (2) A street and highway system element must include the following elements:
 - 21 (a) The complete street and highway system as described in section (3) that includes the full
22 buildout of the street and highway system within the urban growth boundary.
 - 23 (b) Identification of gaps or deficiencies in the street and highway system as described in
24 section (4);
 - 25 (c) Locations of key destinations as described in OAR 660-012-0360; and
 - 26 (d) A list of prioritized street and highway system projects as described in OAR 660-012-
27 0820.
- 28 (3) The complete street and highway system is the full buildout of a complete street and highway
29 system within the planning area. A city determines the ultimate street and highway system plan
30 by:
 - 31 (a) Using the street and highway system inventory developed under OAR 660-012-0805 as a
32 base;
 - 33 (b) Adding the minimum street and highway facilities to places that do not presently meet the
34 minimum street and highway system requirements in OAR 660-012-0810; and
 - 35 (c) Accommodating the reallocation of right of way on facilities where this is deemed
36 necessary as provided in this division.
- 37 (4) Cities and counties shall identify gaps and deficiencies in the street and highway system by
38 comparing the complete street and highway system with the street and highway system inventory
39 developed under OAR 660-012-0805. Cities must include any part of the complete street and

1 highway system not presently built to the standard in the ultimate street and highway plan as a
2 gap or deficiency.

3 **0805: Street and Highway System Inventory**

- 4 (1) Street and highway system inventories must include information on all streets and highways,
5 including the functional classification of each facility.
- 6 (a) For local streets, inventories must include location.
- 7 (b) For collector streets, inventories must include location, condition, and number of general-
8 purpose travel lanes, and turn lanes.
- 9 (c) For arterial streets, inventories must include location, condition, and number of general-
10 purpose travel lanes, turn lanes, and lane width.
- 11 (d) For expressways and other limited-access highways, inventories must include location,
12 condition, number of general-purpose travel lanes, and lane width. Inventories must also
13 include locations and type of interchanges.
- 14 (2) Street and highway system inventories must include the location of all reported serious injuries
15 and deaths of people related to vehicular crashes. This must include all reported incidents from
16 the most recent five years prior of available data prior to the year of adoption of the street and
17 highway system inventory.
- 18 (3) Street and highway system inventories must include an overview of pricing strategies in use,
19 including specific facility pricing, area or cordon pricing, and parking pricing. Inventories must
20 include pricing mechanisms and rates.
- 21 (4) Street and highway system inventories must include the location of designated freight routes, and
22 the location of all key freight terminals within the planning area, including intermodal terminals.

23 **0810: Street and Highway System Requirements**

- 24 (1) Cities and counties shall plan, design, build, and maintain a connected streets and highway
25 network in a manner that respects the prioritization factors in OAR 660-012-0155.
- 26 (a) Cities and counties shall plan streets and highways for the minimum size necessary for
27 the identified function, land use context, and expected users of the facility.
- 28 (b) Cities and counties shall consider and reduce excessive standards for local streets and
29 accessways in order to reduce the cost of construction, increase safety, provide for more
30 efficient use of urban land, provide for emergency vehicle access while discouraging
31 inappropriate traffic volumes and speeds, provide for utility placement, and support
32 connected and safe pedestrian and bicycle networks.
- 33 (c) Cities and counties shall plan for an equitable allocation of right-of-way consistent with
34 the prioritization factors as provided in OAR 660-012-0155. Streets in climate-friendly
35 areas, Metro Region 2040 centers, and along priority transit corridors must be designed to
36 prioritize pedestrian, bicycle, and transit systems, as provided in OAR 660-012-0510,
37 OAR 660-012-0610, and OAR 660-012-0710.
- 38 (2) Cities and counties shall plan local streets to provide local access to property and localized
39 circulation within neighborhoods.

- 1 (a) Cities and counties shall plan and design local streets for low and safe travel speeds
2 compatible with shared pedestrian and bicycle use.
- 3 (b) Cities and counties shall establish standards for local streets with pavement width and
4 right-of-way width as narrow as practical to meet needs, reduce the cost of construction,
5 efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve
6 safety, and accommodate convenient pedestrian and bicycle circulation. Local street
7 standards adopted by a city or county must be developed as provided in ORS 368.039. A
8 local street standard where the paved width is no more than 28 feet on streets where on-
9 street parking is permitted on both sides of the street shall be considered adequate to meet
10 this requirement. Wider standards may be adopted if the local government makes
11 findings that the wider standard is necessary.
- 12 (c) Cities and counties shall plan and design a complete and connected network of local
13 streets. Cities and counties may plan for chicanes, diverters, or other strategies or devices
14 in local street networks where needed to prevent excessive speed or through travel. These
15 measures must continue to provide for connected and pedestrian and bicycle networks.
- 16 (d) Cities and counties shall avoid planning or designing local streets with a dead end. Dead
17 end local streets may be permitted in locations with topographic or other barriers, or
18 where the street is planned to continue to a connected network in the future.
- 19 (e) Cities and counties shall plan for multimodal travel on local streets as provided in OAR
20 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710. Cities and counties must
21 plan local streets in climate-friendly areas and Metro Region 2040 centers to prioritize
22 pedestrian and bicycle systems, and be limited to local access for motor vehicles.
- 23 (f) A city or county may plan for local streets to be wider than otherwise allowed in this rule
24 when used exclusively for access to industrial or commercial properties outside of
25 climate-friendly areas or Metro Region 2040 centers, and where plans do not allow
26 residential or mixed-use development.
- 27 (g) Transportation system plans need not include the specific location of all planned local
28 streets but must describe areas where they will be necessary.
- 29 (3) Cities and counties shall plan collector streets to provide access to property and collect and
30 distribute traffic between local streets and arterials. Cities and counties must plan and design a
31 collector street network that is complete and connected with local streets and arterials.
- 32 (a) Cities and counties must plan for multimodal travel on collector streets as provided in
33 OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- 34 (b) Cities and counties must plan collectors in climate-friendly areas and Metro Region 2040
35 centers to prioritize pedestrian, bicycle, and public transportation systems.
- 36 (4) Cities and counties shall plan arterial streets and highways to provide travel between
37 neighborhoods and across urban areas. Cities and counties must plan an arterial street network
38 that is complete and connected with local streets and collectors.
- 39 (a) Cities and counties shall designate each segment of an arterial as one of the three
40 categories below in the transportation system plan. These designations must be made
41 considering the intended function, the land use context, and the expected users of the
42 facility. Cities and counties must address these considerations to ensure local plans
43 include different street standards for each category of arterial segment.
- 44 (A) Cities and counties shall plan for local access priority arterial segments to
45 prioritize access to property and connected streets when balancing needs on the

- 1 facility. Local access priority arterial segments will generally allow for more
2 access locations from property, more opportunities to make turns, more frequent
3 intersections with other streets, and slower speeds.
- 4 (B) Cities and counties shall plan for through movement priority arterial segments to
5 prioritize through movement of traffic when balancing needs on the facility.
6 Through movement priority arterial segments will generally prioritize access
7 limited to intersections with the street network, limited access to individual
8 properties, and safe speeds.
- 9 (C) Cities and counties shall plan for arterial segments in a climate-friendly area to
10 prioritize multimodal travel as provided in subsection (b). This includes
11 prioritizing complete, connected, and safe pedestrian, bicycle, and public
12 transportation facilities.
- 13 (b) Cities and counties shall plan for multimodal travel on or along arterial streets as
14 provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- 15 (A) Cities and counties shall plan arterials in climate-friendly areas to prioritize
16 pedestrian, bicycle, and public transportation systems.
- 17 (B) Cities and counties shall plan arterials along transit priority corridors to prioritize
18 transit service reliability and frequency over general-purpose traffic.
- 19 (5) Cities and counties shall carefully consider new or expanded freeways considering goals for
20 reductions in vehicle miles traveled per capita.
- 21 (a) Cities and counties shall consider high-occupancy vehicle lanes, including transit lanes,
22 and managed priced lanes on freeways.
- 23 (b) Pedestrian and bicycle facilities should be parallel to freeways, rather than on them.
24 Transit facilities on or along freeways must be designed for direct transit vehicle access.
- 25 (6) Notwithstanding other provisions of this rule, where appropriate, cities and counties shall plan
26 and design streets and highways to accommodate:
- 27 (a) Transit vehicles on a segment of a priority transit corridor or transit corridor without
28 dedicated transit lanes or transitway.
- 29 (b) Freight travel on designated freight routes and key freight terminals inventoried as
30 provided in OAR 660-012-0805.
- 31 (c) Agricultural equipment on streets or highways connecting to agriculturally zoned land
32 used for agricultural purposes where equipment access is necessary.

33 **0820: Street and Highway System Projects**

- 34 (1) Cities and counties shall develop a list of street and highway system projects that would address
35 the gaps and deficiencies in the street and highway system.
- 36 (2) Cities and counties shall develop street and highway project prioritization factors that are able to
37 sort the list of street and highway system projects into a prioritized list of street and highway
38 system projects. Cities must develop street and highway project prioritization factors by engaging
39 underserved populations as provided in OAR 660-012-0130.
- 40 (3) Cities and counties shall use the following factors when prioritizing street and highway system
41 projects:

- 1 (a) Street and highway investments that reallocate right-of-way from facilities dedicated to
- 2 moving motor vehicles to those for use by the pedestrian, bicycle, and public
- 3 transportation systems, particularly:
 - 4 (A) In climate-friendly areas and Metro Region 2040 centers;
 - 5 (B) In areas with concentrations of underserved populations; and
 - 6 (C) In areas with reported serious injuries and deaths.
- 7 (b) Street and highway system investments that will fill gaps in the existing street network;
- 8 (c) Street and highway system investments consistent with the prioritization factors in OAR
- 9 660-012-0155;
- 10 (d) Street and highway system investments that will help meet the performance targets as
- 11 provided in OAR 660-012-0910; and
- 12 (e) Street and highway system investments consistent with a scenario plan approved by order
- 13 as provided in OAR 660-044-0120.
- 14 (4) The transportation system plan must include a description of the prioritization factors and method
- 15 of prioritizing street and highway projects used to develop the prioritized list of street and
- 16 highway system projects.
- 17 (5) Cities or counties choosing to include a proposed facility requiring authorization as provided in
- 18 OAR 660-012-0830 in the transportation system plan must first meet the requirements provided
- 19 in OAR 660-012-0830.

20 **0830: Enhanced Review of Select Roadway Projects**

- 21 (1) Cities and counties shall review and may authorize certain proposed facilities to be included as a
- 22 planned project or unconstrained project in any part of the local comprehensive plan, including
- 23 the transportation system plan.
 - 24 (a) The following types of proposed facilities must be reviewed as provided in this rule:
 - 25 (A) A new or extended arterial street, highway, freeway, or bridge carrying general
 - 26 purpose motor vehicle traffic;
 - 27 (B) New or expanded interchanges;
 - 28 (C) An increase in the number of general purpose travel lanes for any existing arterial
 - 29 or collector street, highway, or freeway; and
 - 30 (D) New or extended auxiliary lanes with a total length of one-half mile or more.
 - 31 Auxiliary lane means the portion of the roadway adjoining the traveled way for
 - 32 speed change, turning, weaving, truck climbing, maneuvering of entering and
 - 33 leaving traffic, and other purposes supplementary to through-traffic movement.
 - 34 (b) Notwithstanding any provision in subsection (a), the following proposed facilities need
 - 35 not be reviewed or authorized as provided in this rule:
 - 36 (A) Changes expected to have a capital cost of less than \$5 million;
 - 37 (B) Changes that reallocate or dedicate right of way to provide more space for
 - 38 pedestrian, bicycle, transit, or high-occupancy vehicle facilities;
 - 39 (C) Facilities with no more than one general purpose travel lane in each direction,
 - 40 with or without one turn lane;

- 1 (D) Changes to intersections that do not increase the number of lanes, including
2 implementation of a roundabout;
- 3 (E) Access management, including the addition or extension of medians;
- 4 (F) Modifications necessary to address safety needs; or
- 5 (G) Operational changes, including changes to signals, signage, striping, surfacing, or
6 intelligent transportation systems.
- 7 (c) A proposed facility included in an existing acknowledged plan adopted as provided in
8 OAR 660-012-0015 that would be required to be reviewed as provided in this rule must
9 be reviewed to remain in the transportation system plan at the time of a major update to
10 the transportation system plan.
- 11 (2) Cities and counties choosing to authorize a proposed facility as provided in this rule shall:
- 12 (a) Initiate the authorization process through action of the governing body of the city or
13 county;
- 14 (b) Include the authorization process as part of an update to a transportation system plan to
15 meet the requirements as provided in OAR 660-012-0100, or have an existing
16 acknowledged transportation system plan meeting these requirements;
- 17 (c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;
- 18 (d) Designate the project limits and characteristics of the proposed facility, including length,
19 number of lanes, or other key features;
- 20 (e) Designate a facility impact area and determine affected jurisdictions as provided in
21 section (3);
- 22 (f) Conduct an engagement-focused equity analysis of the proposed facility as provided in
23 OAR 660-012-0135;
- 24 (g) Develop a public involvement strategy as provided in section (4);
- 25 (h) Conduct an alternatives review as provided in sections (5) and (6);
- 26 (i) Choose to move forward with an authorization report as provided in section (7);
- 27 (j) Complete an authorization report as provided in section (8); and
- 28 (k) Publish the authorization report as provided in section (9).
- 29 (3) A city or county designating a facility impact area and determining affected jurisdictions shall:
- 30 (a) Coordinate with all cities and counties with planning jurisdictions within two miles of the
31 limits of the proposed facility to determine the extent of the facility impact area;
- 32 (b) Review the extent of the impact of the proposed facility by including all areas where
33 implementation of the proposed facility is expected to change levels or patterns of traffic
34 or otherwise change the transportation system or land use development patterns;
- 35 (c) Take particular care when reviewing the facility impact area in places with concentrations
36 of underserved populations. The city or county must consider the special impact of new
37 facilities in the context of historic patterns of discrimination, disinvestment, and harmful
38 investments;
- 39 (d) Designate a facility impact area to include, at minimum, areas within one mile of the
40 proposed facility; and

- 1 (e) Determine affected jurisdictions by including all cities or counties with planning
2 jurisdictions in the designated facility impact area.
- 3 (4) A city or county developing a public involvement strategy shall, in coordination with affected
4 jurisdictions:
- 5 (a) Develop the public involvement strategy as provided in OAR 660-012-0130.
- 6 (b) Require that the public involvement strategy provides for opportunities for meaningful
7 public participation in decision-making over the course of the authorization process;
- 8 (c) Require that the public involvement strategy includes regular reports to the affected
9 governing bodies, planning commissions, and the public on the progress of the
10 authorization process; and
- 11 (d) Coordinate the public involvement strategy with other public involvement activities that
12 may be concurrent, including updates to a transportation system plan or authorizations for
13 other proposed facilities.
- 14 (5) A city or county choosing to undertake an alternatives review shall, in coordination with affected
15 jurisdictions:
- 16 (a) Have designated the facility impact area, determined affected jurisdictions, transit service
17 providers, and transportation options providers; and developed a public consultation
18 strategy as provided in this rule;
- 19 (b) Develop a summary of the expected impacts of the proposed facility on underserved
20 populations identified as provided in OAR 660-012-0125, particularly, but not
21 exclusively, in neighborhoods with concentrations of underserved populations. These
22 impacts must include, but are not limited to, additional household costs, and changes in
23 the ability to access jobs and services without the use of a motor vehicle;
- 24 (c) Develop a summary of the estimated additional motor vehicle travel per capita that is
25 expected to be induced by implementation of the proposed facility over the first 20 years
26 of service, using best available science;
- 27 (d) Investigate alternatives to the proposed facility, as provided in subsections (e) through
28 (h). Cities and counties must use a planning level of analysis, and make use of existing
29 plans and available data as much as practical;
- 30 (e) Investigate alternatives to the proposed facility through investments in the pedestrian and
31 bicycle systems. The city or county must:
- 32 (A) Review the transportation system plan for identified gaps and deficiencies in
33 pedestrian and bicycle facilities within the facility impact area;
- 34 (B) Determine how much of the need for the proposed facility may be met through
35 enhanced investments in the pedestrian and bicycle networks;
- 36 (C) Identify pedestrian and bicycle system investments that could contribute to
37 meeting the identified need which do not require implementation of the proposed
38 facility; and
- 39 (D) Identify pedestrian and bicycle system investments that could contribute to
40 meeting the identified need which may be implemented without the proposed
41 facility, and may be retained if the proposed facility is implemented.
- 42 (f) Investigate alternatives to the proposed facility through investments in the public
43 transportation system. The city or county must:

- 1 (A) Review the transportation system plan for identified gaps and deficiencies in
2 public transportation facilities and services within the facility impact area;
- 3 (B) Coordinate with transit service providers to identify opportunities for providing
4 additional transit service within or to the facility impact area; and
- 5 (C) Identify potential transit facility and service investments that contribute to
6 meeting the identified need which may be implemented without the proposed
7 facility.
- 8 (g) Investigate alternatives to the proposed facility through investments in transportation
9 options programs; or other means to reduce demand for motor vehicle travel. The city or
10 county must:
- 11 (A) Review the transportation system plan for identified existing and needed
12 transportation demand management services within the facility impact area;
- 13 (B) Coordinate with transportation options providers to identify opportunities for
14 providing transportation demand management services in and around the facility
15 impact area; and
- 16 (C) Identify potential transportation options program investments that contribute to
17 meeting the identified need which may be implemented without the proposed
18 facility.
- 19 (h) Investigate alternatives to the proposed facility that include system pricing. The city or
20 county must:
- 21 (A) Determine if various types of pricing could substantially reduce the need for the
22 proposed facility;
- 23 (B) Investigate a range of pricing methods appropriate for the facility type and need,
24 which may include, but are not limited to: parking pricing, tolling, facility
25 pricing, cordon pricing, or congestion pricing; and
- 26 (C) Identify pricing methods where it is reasonably expected to meet the need for the
27 facility, may reasonably be implemented, and can be expected to generate
28 sufficient revenue to cover the costs of operating the collection apparatus.
- 29 (6) A city or county completing an alternatives review must, in coordination with affected
30 jurisdictions:
- 31 (a) Review the projects identified in section (5) to determine sets of investments that may be
32 made that could substantially meet the need for the proposed facility without
33 implementation of the proposed facility. A city or county must consider adopted state,
34 regional, and local targets for reduction of vehicle miles traveled to reduce greenhouse
35 gas emissions when making determinations of substantially meeting the need for the
36 proposed facility; and
- 37 (b) Complete an alternatives review report upon completion of the alternatives review phase.
38 The alternatives review report must include a description of the effectiveness of identified
39 alternatives. The alternatives review report must include the summaries developed in
40 subsections (5)(b) and (c). The alternatives review report must be provided to the public,
41 and the governing bodies and planning commissions of each affected city or county. The
42 alternatives review report must also be included in the next annual report to the director
43 as provided in OAR 660-012-0900.

- 1 (7) The governing body of the city or county shall review the alternatives review report and may
2 either:
- 3 (a) Select a set of investments reviewed in the alternatives review report intended to
4 substantially meet the identified need for the proposed facility. These investments may be
5 added to the unconstrained project list of the transportation system plan as provided in
6 OAR 660-012-0170; or
- 7 (b) Choose to complete the authorization report for the proposed facility, as provided in
8 section (8).
- 9 (8) A city or county choosing to complete an authorization report as provided in section (7) shall,
10 after completion of the alternatives review, include the following within the authorization report:
- 11 (a) A record of the initiation of the authorization process by the governing body;
- 12 (b) The public involvement strategy developed as provided in section (4), and how each part
13 of the public involvement strategy was met;
- 14 (c) The alternatives review report;
- 15 (d) A summary of the estimated additional long-term costs of maintaining the proposed
16 facility, including expected funding sources and responsible transportation facility
17 operator.
- 18 (9) A city or county shall publish the authorization report upon completion and provide it to the
19 public and governing bodies of each affected jurisdiction.
- 20 (10) A city or county, having completed and published an authorization report, may place the
21 proposed project on the list of street and highway system projects with other projects as provided
22 in OAR 660-012-0820. A proposed project authorized as provided in this rule may remain on a
23 project list in the transportation system plan as long there are no substantial changes to the
24 proposed project as described in the authorization report.

25 **0900: Reporting**

- 26 (1) Cities and counties outside of the planning area of Metro shall report annually on progress toward
27 meeting the requirements in division 44 and this division.
- 28 (2) Metro shall prepare a report annually on progress toward meeting the requirements in division 44
29 and this division. Cities and counties within the planning area of Metro shall coordinate with
30 Metro and provide information to Metro. Cities and counties within the planning area of Metro
31 are not required to report directly to the department as provided in this rule.
- 32 (3) Cities, counties, and Metro shall submit the report to the director no later than May 31 of each
33 year for the report for the previous calendar year.
- 34 (4) The director shall provide for a method of submission. The director shall review reports as
35 provided in OAR 660-012-0915.
- 36 (5) Cities, counties, and Metro shall submit either a minor report, as provided in section (6), or a
37 major report, as provided in section (7), each year.
- 38 (a) Minor reports shall be submitted each year where a major report is not submitted.
- 39 (b) Major reports shall be submitted for each year that the metropolitan planning
40 organization representing the city or county approved a regional transportation plan as
41 provided in 23 CFR § 450.324.

- 1 (6) A minor report must include the following information:
- 2 (a) A narrative summary of the state of coordinated land use and transportation planning in
3 the planning area over the reporting year, including any relevant activities or projects
4 undertaken or planned by the city or county;
- 5 (b) The planning horizon date of the acknowledged transportation system plan, a summary of
6 any amendments made to the transportation system plan over the reporting year, and a
7 forecast of planning activities over the near future that may include amendments to the
8 transportation system plan;
- 9 (c) Copies of reports made in the reporting year for progress towards centering the voices of
10 underserved populations in processes at all levels of decision-making as provided in OAR
11 660-012-0130 and a summary of any equity analyses conducted as provided in OAR 660-
12 012-0135; and
- 13 (d) Any alternatives reviews undertaken as provided in OAR 660-012-0830, including those
14 underway or completed.
- 15 (7) A major report must include the following information:
- 16 (a) All information required in a minor report as provided in section (6);
- 17 (b) For reporting cities and counties:
- 18 (A) A description of what immediate actions the city or county has considered to be
19 taken to reduce greenhouse gas emissions as provided in ORS 184.899(2); and
- 20 (B) A description of the consultations with the metropolitan planning organization on
21 how the regional transportation plan could be altered to reduce greenhouse gas
22 emissions as provided in ORS 184.899(2).
- 23 (c) Reporting for each regional and local performance measures as provided in OAR 660-
24 012-0905 or OAR 660-044-0110 including:
- 25 (A) Baseline data;
- 26 (B) Baseline projections of expected outcomes from acknowledged plans;
- 27 (C) An assessment of whether the city, county, or Metro has met or is on track to
28 meet each performance target for each reporting year between the base year and
29 planning horizon year as provided in OAR 660-012-0910;
- 30 (D) For any performance targets that were not met, a proposal for the corrective
31 actions that will be taken to meet the performance target by the next major report;
- 32 (E) An assessment of whether the reporting city or county has adopted local
33 amendments to implement the approved land use and transportation scenario plan
34 as provided in OAR 660-044-0130;
- 35 (F) For any amendments to implement the approved land use and transportation
36 scenario plan as provided in OAR 660-044-0130 that have not yet been adopted,
37 a proposal for the corrective actions that will be taken to adopt the amendments;
38 and
- 39 (G) The status of any corrective actions identified in prior reports.
- 40 (8) Upon a written request for an exemption submitted to the department prior to the due date of a
41 report, the director may grant a city or county an exemption to a requirement to include any
42 required element of a report under sections (6) or (7) when the director determines that the

1 requestor has established that collection and reporting of the information would not be possible or
2 would place an undue burden on the city or county.

3 (9) Counties need only report for those portions of the county within an urban growth boundary
4 inside the metropolitan area. A county may jointly report with a city for the entire urban growth
5 area of the city.

6 (10) Reports as provided by this rule are not land use decisions.

7 **0905: Land Use and Transportation Performance Measures**

8 (1) Cities, counties, and Metro that have a land use and transportation scenario approved by the
9 commission as provided in OAR 660-044-0050 or OAR 660-044-0120 shall report on the
10 performance measures from the approved regional scenario plan.

11 (2) Cities and counties that do not have a land use and transportation scenario approved by the
12 commission as provided in OAR 660-044-0120 shall report on the specific actions, including
13 capital improvements and the adoption of policies or programs that they have or will undertake to
14 reduce pollution and increase equitable outcomes for underserved populations. At a minimum,
15 this report must include the following performance measures:

16 (a) Compact Mixed-use Development

17 (A) Number of publicly supported affordable housing units in climate-friendly areas.

18 (B) Number of existing and permitted dwelling units in climate-friendly areas and
19 percentage of existing and permitted dwelling units in climate-friendly areas
20 relative to total number of existing and permitted dwelling units in the
21 jurisdiction.

22 (C) Share of retail and service jobs in climate-friendly areas relative to retail and
23 service jobs in the jurisdiction.

24 (b) Active Transportation

25 (A) Percent of collector and arterials streets in climate-friendly areas and underserved
26 population neighborhoods with bicycle and pedestrian facilities with Level of
27 Traffic Stress 1 or 2.

28 (B) Percent of collector and arterial roadways in climate-friendly areas and
29 underserved population neighborhoods with safe and convenient marked
30 pedestrian crossings.

31 (C) Percent of transit stops with safe pedestrian crossings within 100 feet.

32 (c) Transportation Options

33 (A) Number of employees covered by an Employee Commute Options Program.

34 (B) Number of households engaged with Transportation Options activities.

35 (C) Percent of all Transportation Options activities that were focused on underserved
36 population communities.

- 1 (d) Transit
- 2 (A) Share of households within one-half mile of a priority transit corridor.
- 3 (B) Share of low-income households within one-half mile of a priority transit
- 4 corridor.
- 5 (C) Share of key destinations within one-half mile of a priority transit corridor.
- 6 (e) Parking Costs and Management: Average daily public parking fees in climate-friendly
- 7 areas.
- 8 (f) Transportation System
- 9 (A) Vehicle miles traveled per capita.
- 10 (B) Percent of jurisdiction transportation budget spent in climate-friendly areas and
- 11 underserved population neighborhoods.
- 12 (C) Share of investments that support modes of transportation with low pollution.

13 **0910: Land Use and Transportation Performance Targets**

- 14 (1) Cities and counties must set performance targets for each reporting year for each performance
- 15 measure provided in OAR 660-044-0110 and OAR 660-012-0905 in their local transportation
- 16 system plan. Performance targets for the performance measures provided in OAR 660-012-0905
- 17 must be set at levels that are reasonably likely to achieve the regional performance targets from
- 18 an approved land use and transportation scenario plan as provided in OAR 660-044-0110 or the
- 19 regional performance targets from the Statewide Transportation Strategy as adopted by the
- 20 Oregon Transportation Commission.
- 21 (2) Cities and counties that have a land use and transportation scenario approved by the commission
- 22 as provided in OAR 660-044-0120 must set targets for equity performance measures in a
- 23 transportation system plan as provided in OAR 660-044-0110(7)(c).
- 24 (3) Cities and counties shall set performance targets in any major update to their transportation
- 25 system plan as provided in OAR 660-012-0105. If a city or county has not yet set targets and is
- 26 submitting a major report as provided in OAR 660-012-0900(7), then the city or county shall set
- 27 performance targets through a minor update to their transportation system plan.

28 **0915: Review of Reports**

- 29 (1) Upon receipt of a submitted minor report as provided in OAR 660-012-0900(6);
- 30 (a) The director shall make a preliminary determination of completeness within 30 calendar
- 31 days of receipt and shall notify the submitter of any missing items required under OAR
- 32 660-012-0900(6) that is not subject to an exemption under OAR 660-012-0900(8).
- 33 (b) The submitter must submit information to the department within 30 days of the director’s
- 34 notification under subsection (a), unless the submitter requests, and the director grants, an
- 35 extension of time to submit the missing information, for a period not to exceed 90
- 36 additional days.

- 1 (c) If the submitter does not submit the missing information within the time allotted by the
2 director, the director may refer the report for a compliance hearing as provided in OAR
3 660-012-0920.
- 4 (d) Once a minor report submitted as provided in OAR 660-012-0900(6) is determined to be
5 complete, the director shall post the minor report on the department website and send
6 notice of approval to the submitter.
- 7 (2) Upon receipt of a submitted major report as provided in OAR 660-012-0900(7);
- 8 (a) The director shall make a preliminary determination of completeness within 30 calendar
9 days of receipt and shall notify the submitter of any missing items required under OAR
10 660-012-0900(7) that is not subject to an exemption under OAR 660-012-0900(8).
- 11 (b) The submitter must submit information to the department within 30 days of the director's
12 notification under subsection (a), unless the submitter requests, and the director grants, an
13 extension of time to submit the missing information, for a period not to exceed 90
14 additional days. If the submitter does not submit additional information, the director shall
15 proceed with review of the submission as provided in sections (3) and (4).
- 16 (c) If the director does not notify the submitter of missing items within 30 days of submittal,
17 the director shall proceed with review of the submission as provided in sections (3) and
18 (4).
- 19 (3) Upon completion of the process in section (2), the director shall:
- 20 (a) Post a complete copy of the major report on the department's website along with the
21 alternative findings the director may make in section (4), and a statement that any person
22 may file a written comment regarding the submitted report no more than 21 days after the
23 posting of the report.
- 24 (b) Provide notice to persons described under ORS 197.615(3)(a), directing them to the
25 posting described in subsection (a) and informing them that they may file a written
26 comment regarding the submitted report no more than 21 days after the posting of the
27 report.
- 28 (4) Within 60 days of completion of the process in section (2), the director shall;
- 29 (a) Find that the submitter has met the performance targets as provided in OAR 660-012-
30 0910, and has adopted local amendments to implement any approved land use and
31 transportation scenario plan as provided in OAR 660-044-0130;
- 32 (b) Find that the submitter has proposed adequate corrective actions to address any
33 performance targets that were not met and adequate to meet any performance targets as
34 provided in OAR 660-012-0910;
- 35 (c) Find that the submitter has not met a performance target as provided in OAR 660-012-
36 0910 and has proposed inadequate corrective actions; or
- 37 (d) Find that the submitter has not implemented an approved land use and transportation
38 scenario plan as provided in OAR 660-044-0130 and proposed inadequate corrective
39 actions.
- 40 (5) If the director makes findings described in subsections (4)(a) or (b);
- 41 (a) The director shall issue an order approving the report. The department shall post an
42 approval order on a public website and send notice to the submitter, and persons who
43 provided written comment under section (3). The order must include information on the
44 process to appeal the director's order as described in this rule.

- 1 (b) A person who has provided written comment under section (3) may appeal the director's
2 order to the commission. An appeal is valid only if the appeal clearly identifies a
3 deficiency in the submitted report based on the requirements of this division on issues
4 raised in the written comments.
- 5 (c) The director shall determine if the appeal filed is valid, and the director's determination
6 of validity is final.
- 7 (d) If no valid appeals are filed in response to the director's order, the order is final.
- 8 (e) If any valid appeals are filed in response to the director's order, then the director shall
9 refer the report for a compliance hearing as provided in OAR 660-012-0920.
- 10 (6) If the director makes findings described in subsections (4)(c) or (d), then the director shall refer
11 the report for a compliance hearing as provided in OAR 660-012-0920.

12 **0920: Compliance Hearings**

- 13 (1) The commission shall hold a compliance hearing in response to referral from the director at its
14 next regularly scheduled meeting that is at least 30 days after the referral.
- 15 (2) The commission may hold a compliance hearing on its own motion or in response to an allegation
16 that a city, county, or Metro has:
- 17 (a) Missed a deadline in this division;
- 18 (b) Missed a deadline in OAR 660-044-0015;
- 19 (c) Failed to implement corrective actions required by this division; or
- 20 (d) Failed to comply with a requirement in this division.
- 21 (3) The department shall post notice of a compliance hearing on a public website and send notice to
22 the parties.
- 23 (4) At the compliance hearing the commission shall:
- 24 (a) Consider the director's written and oral report; and
- 25 (b) Consider oral testimony and written testimony provided at least 14 days prior to the
26 hearing from a city, a county, or Metro and any persons who provided written comment
27 as provided in OAR 660-012-0915(3)(b).
- 28 (5) The commission may evaluate the compliance of the cities and counties within a metropolitan
29 area in a collective evaluation, or the commission may evaluate the compliance of an individual
30 city or county separately.
- 31 (6) If the commission finds that a report meets the requirements of this division, or that the city,
32 county, or Metro is in compliance with the requirements of this division, then the commission
33 shall issue an order of approval.
- 34 (7) If the commission finds a city, a county, or Metro out of compliance with the requirements of this
35 division, the commission may use any authority granted to commission, including but not limited
36 to the actions below.
- 37 (a) Issue an order to remand a report with specific directions for changes necessary to
38 comply with this division;
- 39 (b) Issue an enforcement order as provided in ORS 197.319 through 197.335;

- 1 (c) Issue an order to invalidate the acknowledgement of local transportation system plans
2 that are not consistent with an approved Land use and Transportation Scenario Plan; and
- 3 (d) Provide notice to the Oregon Department of Transportation and the United States
4 Department of Transportation of the lack of compliance with state planning requirements.
- 5 (8) The director shall mail the order to all parties.
- 6 (9) A commission order under this rule may be reviewed as provided in ORS 183.484 for orders in
7 other than a contested case. Reports and orders as provided in this rule are not land use
8 decisions.