July 7, 2022

Changes from Temporary Rules to Proposed Permanent Rules

This document includes revisions from the rules adopted temporarily in May 2022 to the proposed rules dates July 7, 2022. Revisions are shown as additions with underline and deletions with strikethrough.

Only rules with substantive changes are included in this document. Rules where only very minor changes were made are excluded. These minor changes include the addition of a hyphen, or changing of a word, e.g. must/shall, effect/affect, which/then. More substantial changes are included in this document.

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Changes to Division 8

660-008-0010: Allocation of Buildable Land

(1) The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

(2) For purposes of preparing Housing Capacity Analyses as provided in OAR 660-008-0045, the following provisions apply to local governments that are subject to OAR 660-012-0310(2):

(a) Following the initial designation of climate friendly areas as required in OAR 660-012-0315, local governments shall maintain climate friendly area zones with sufficient zoned residential building capacity to contain at least 30 percent of current and projected housing needs. However, the local government shall determine housing capacity within the climate friendly area for the purpose of meeting identified housing needs as required by Goal 10 and this division in a manner consistent with ORS 197.296(5).

(b) The local government shall calculate the zoned residential building capacity within climate friendly areas consistent with the provisions of OAR 660-012-0315(2), or utilizing an alternative methodology as provided in OAR 660-012-0320(10). The local government shall include demonstration of compliance with this requirement in each subsequent Housing Capacity Analysis.

(c) The local government shall establish land use requirements in climate friendly areas as provided in OAR 660-012-0320 for any newly designated climate friendly area concurrent with or prior to the adoption of a Housing Capacity Analysis.
(3) Beginning June 30, 2027:

(a) A local government subject to OAR 660-012-0310(2) that has identified a need to expand its urban growth boundary to accommodate an identified residential land need shall designate and zone additional climate friendly area as provided in OAR 660-012-0315 concurrent with expansion of the urban growth boundary.

(b) A local government shall designate and zone climate friendly area of sufficient size to accommodate the number of housing units equivalent to one-half of the number of additional housing units that cannot reasonably be accommodated within the current urban growth boundary.

(c) The local government shall calculate the climate friendly area needed based on zoned residential building capacity as provided in OAR 660-012-0315(2), or utilizing an alternative methodology as provided in OAR 660-012-0320(10), while the local government shall determine housing capacity within the climate friendly area for the purpose of meeting identified housing needs as required by Goal 10 and this division in a manner consistent with ORS 197.296(5). Identified housing needs that would otherwise necessitate an urban growth boundary expansion shall only be accommodated in climate friendly areas to the extent that the production of needed housing types within the climate friendly areas may be anticipated consistent with ORS 197.296(5).

(d) The local government may choose to designate a portion of the newly expanded urban growth boundary area as climate friendly area if the area qualifies for designation as provided in OAR 660-012-0310(1), or may choose to designate additional climate friendly area in other locations within the urban growth boundary that qualify for designation.

(e) The local government may accommodate additional climate friendly areas within one or more locations within the urban growth boundary. The designation and zoning of additional climate friendly area shall comply with all applicable requirements for climate friendly areas as provided in OAR 660-012-0310 through OAR 660-012-0325.

Changes to Division 12

660-012-0005: Definitions

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

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

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

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

(5) "Affected Local Government" means a city, county, or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.

(6) "Approach Road" means a legally constructed, public or private connection that provides vehicular access either to or from or to and from a highway and an adjoining property.

(7) “Area, net” means the total area of a development site exclusive of proposed or existing public rights of way, public parks, public open space, protected natural features, and any other areas permanently precluded from development due to development constraints, easements, or similar legal instruments.

(8) "At or near a major transit stop: "At" means a parcel or ownership which includes a major transit stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300 feet of a major transit stop. The term "generally" is intended to allow local governments through their plans and ordinances to adopt more specific definitions of these terms considering local needs and circumstances consistent with the overall objective and requirement to provide convenient pedestrian access to transit.

(9) “Bicycle boulevard” means bicycle facilities on streets with low motorized traffic volumes and speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs, markings, traffic diverters, or other measures to discourage through trips by motor vehicles. A bicycle boulevard may also include traffic control features to create safe, convenient bicycle crossings of intersecting streets.

(10) “Climate-friendly area” means an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key destinations within the city and region. These areas feature a well-designed and connected pedestrian environment. To maximize community benefits these areas typically do not contain or require large parking lots, and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors, residents, and employees. Climate-friendly areas will reduce the reliance on light duty motor vehicle trips for residents, workers, and visitors by providing more proximate destinations within climate-friendly areas, improved connectivity to key destinations elsewhere in the community, and enhanced alternative transportation options.

(11) “Commercial parking lot” means a site without a primary use where vehicle parking spaces are rented or leased. It does not include shared parking.

(12) "Committed transportation facilities" means those proposed transportation facilities and improvements which are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.

(13) “Demand management” means actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include, but are not limited to, the use of non-driving modes, ride-sharing
and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or
paid parking.

(14) “Equitable outcomes” means outcomes that burdens underserved populations less than and
benefits underserved populations as much or more as the city or county population as a whole.
Examples of equitable outcomes include:

(a) Increased stability of underserved populations, lowering the likelihood of displacement
due to gentrification from public and private investments;

(b) More accessible, safe, affordable and equitable transportation choices with better
connectivity to destinations people want to reach;

(c) Adequate housing with access to employment, education, and fresh food, goods, services,
recreational and cultural opportunities, and social spaces;

(d) Increased safety for people in public spaces, transportation and community development;

(e) Equitable access to parks, nature, open spaces and public spaces;

(f) Better and more racially equitable health outcomes across the lifespan, particularly health
outcomes connected to transportation choices, air pollution, and food;

(g) Recognizing and remedying impacts of past practices such as redlining, displacement,
exclusionary zoning, and roadway and other public infrastructure siting decisions that
harmed underserved communities; and

(h) Fairly-distributed benefits to residents and local governments across cities and counties
within metropolitan areas.

(15) “Freeway” means a limited-access highway with access points exclusively from interchanges
with other streets and highways. Limited access may be provided for rural land uses in rural areas
where no other access is available.

(16) “Horizon year” means the final year of the twenty-year planning period.

(17) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal
measured on the crossroad away from the mainline.

(18) "Local streets" means streets that are functionally classified as local streets to serve primarily
local access to property and circulation within neighborhoods or specific areas. Local streets do
not include streets functionally classified as collector or arterials.

(19) "Local Street Standards" include but are not limited to standards for right-of-way, pavement
width, travel lanes, parking lanes, curb turning radius, and accessways.

(20) "Major" means, in general, those facilities or developments which that, considering the size of the
urban or rural area and the range of size, capacity or service level of similar facilities or
developments in the area, are either larger than average, serve more than neighborhood needs or
have significant land use or traffic impacts on more than the immediate neighborhood:

(a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation
facilities means those facilities which that are most important to the functioning of the
system or which that provide a high level, volume or frequency of service;
"Major" as it modifies industrial, institutional and retail development means such developments that are larger than average, serve more than neighborhood needs or have traffic impacts on more than the immediate neighborhood;

Application of the term "major" will vary from area to area depending upon the scale of transportation improvements, transit facilities and development that occur in the area. A facility considered to be major in a smaller or less densely developed area may, because of the relative significance and impact of the facility or development, not be considered a major facility in a larger or more densely developed area with larger or more intense development or facilities.

"Major transit stop" means existing and planned transit stations, including light rail stations and other transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in a transportation system plan and existing stops that:

(a) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to region wide service. In urban areas of 1,000,000 or more population major transit stops are generally located along routes that have or are planned for 15-minute or better service frequency throughout the day and on weekends; and

(b) Are located in a transit oriented development or within one-quarter mile of an area planned and zoned for:

(A) Medium or high density residential development; or

(B) Intensive commercial or institutional uses within one-quarter mile of land uses in paragraph (A); or

(C) Uses likely to generate a relatively high level of transit ridership.

"Metropolitan area" means the local governments that are responsible for adopting local or regional transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.

"Metropolitan Planning Organization (MPO)" means an organization located within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state including such designations made subsequent to the adoption of this rule. The Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the purposes of this division.

"Minor transportation improvements" include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways, or expressways; new collector or arterial streets, road realignments or addition of travel lanes.

"ODOT" means the Oregon Department of Transportation.
(26) “Parking benefit district” means a designated area where some of the revenues from parking fees or permits for public parking within the designated area are dedicated to public improvements in the area.

(27) “Parking mandates” means requirements to include a minimum number of off-street parking spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential development.

(28) “Parking maximums” means limits on the number of off-street parking spaces that can be included in a development.

(29) "Parking spaces" means on and off-street spaces designated for automobile parking, other than parking spaces reserved for carpools, vanpools, or parking under the Americans with Disabilities Act.

(30) "Pedestrian district" means a comprehensive plan designation or implementing land use regulations, such as an overlay zone, that establish requirements to provide a safe and convenient pedestrian environment in an area planned for a mix of uses likely to support a relatively high level of pedestrian activity. Such areas include but are not limited to:

(a) Lands planned for a mix of commercial or institutional uses near lands planned for medium to high density housing; or

(b) Areas with a concentration of employment and retail activity; and

(c) Which have, or could develop, or have planned a network of streets and accessways which provide convenient pedestrian circulation.

(31) "Pedestrian facility" means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian facilities include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian facilities are generally hard surfaced. In parks and natural areas, pedestrian facilities may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities may also include rights of way or easements for future pedestrian improvements.

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

(33) "Pedestrian scale" means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow, and buffering. Examples include ornamental lighting of limited height; bricks, pavers, or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.
“People with disabilities” means people who have a record or history of physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

"Planning period" means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this division.

"Preliminary Design" means an engineering design which specifies in detail the location and alignment of a planned transportation facility or improvement.

“Priority transit corridor” means a corridor which has a high existing or planned level of transit service relative to other transit service in the community, including service frequency and span of service. The corridor may be described as a series of stations when served by high-capacity transit services with widely spaced stations.

"Reasonably direct" means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

"Refinement Plan" means an amendment to the transportation system plan, which resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.

"Regional Transportation Plan" or "RTP" means the long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.

"Roads" means streets, roads, and highways.

"Rural community" means areas defined as resort communities and rural communities in accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need only meet the definitions contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

“Separated or protected bicycle facilities” means bicycle facilities that are physically separated or protected from motor vehicle traffic by barriers that inhibit intrusion into the bicycle facility. Protection may include parked motor vehicles. Separated or protected bicycle facilities may be unidirectional or two-way. Separated or protected bicycle facilities are designed to address conflicting traffic at intersections and other vehicular accesses to the street or highway.

“Shared parking” means parking spaces used to meet the parking mandates for two or more uses, structures, or parcels of land, to the extent that the owners or operators show the overall demand for parking spaces can be met by the shared parking.

"Transit-Oriented Development (TOD)" means a mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit oriented development include:

(a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;

(b) High density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD;
(c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.

(46) "Transportation Facilities" means any physical facility that moves or assist in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage, and water systems.

(47) "Transportation System Management Measures" means techniques for increasing the efficiency, safety, capacity, or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.

(48) "Transportation Needs" means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this division. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this division, and attaining the state’s goals for greenhouse gas emissions reduction, especially those for avoiding principal reliance on any one mode of transportation.

(49) "Transportation Needs, Local" means needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.

(50) "Transportation Needs, Regional" means needs for movement of people and goods between and through communities and accessibility to regional destinations within a metropolitan area, county, or associated group of counties.

(51) "Transportation Needs, State" means needs for movement of people and goods between and through regions of the state and between the state and other states.

(52) "Transportation Options Provider" means an entity providing services that work to change travel behavior in order to increase transportation system efficiency.

(53) "Transportation Project Development" means implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.

(54) "Transportation Service" means a service for moving people and goods, such as intercity bus service and passenger rail service.

(55) "Transportation System Plan (TSP)" means a plan for one or more transportation facilities that are planned, developed, operated, and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

(56) "Urban Area" means lands within an urban growth boundary, two or more contiguous urban growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). For the purposes of this division, the area need only meet the definition contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with 660-022-0020.

(57) "Unbundled parking" means a requirement that parking spaces for each unit in a development be rented, leased or sold separately from the unit itself. The parking space(s) must be rented, leased, or sold at market rates for comparable local off-street parking. The renter, lessor, or buyer of the unit must be allowed to opt out of renting, leasing, or buying the parking space.
"Urban Fringe" means:

(a) Areas outside the urban growth boundary that are within five miles of the urban growth boundary of an MPO area; and

(b) Areas outside the urban growth boundary within two miles of the urban growth boundary of an urban area containing a population greater than 25,000.

“Vehicle Miles Traveled (VMT)” means all metropolitan area jurisdiction household-based light vehicle travel regardless of where the travel occurs.

"Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways.

660-012-0012A: Effective Dates and Transition Period [More Urgent Option]

(1) The rules in this division adopted as a temporary rule on July 21, 2022, and amendments to rules in this division adopted on that date, are effective June 1, 2022, except as provided in this rule.

(2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make interim updates to the local transportation system plan using requirements as provided in OAR 660-012-0015 if the city or county:

(a) Has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than December 31, 2022; or

(b) The interim update is not a major transportation system plan update as provided in OAR 660-012-0105, and the city or county has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than June 30, 2027. Interim updates must comply with applicable requirements in this division within the scope of the transportation system plan amendment but need not bring the entire transportation system plan in compliance with all applicable regulations.

(3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or deadlines in section (4) of this rule.

(a) A submitted proposal for alternative dates shall include:

(A) A description of any work already underway to begin complying with the new requirements of this division;

(B) Proposed dates for accomplishing requirements in lieu of effective dates or deadlines provided in this rule; and

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

(b) Proposed alternative dates must demonstrate consistent progress toward meeting the updated requirements of this division, and expected proposed alternative dates must include at least some work implemented by December 31, 2023, and expected proposed alternative dates must include completion of all elements included in the alternative dates, except for a major update to the transportation system plan, by June 30, 2027.

(c) Proposed alternative dates should be designed to sequence work in a logical progression, considering acknowledged plans, other work, and the work of other jurisdictions within
the metropolitan area. Cities and counties in a metropolitan area may submit joint
proposed alternative dates for a metropolitan area.

(d) Proposed alternative dates may not be submitted to the department after December 1,

(e) Local governments in regions required to submit a work program as provided in OAR
660-044-0015 may submit a single combined work program that proposes alternative
dates as provided in this rule and meets the requirements as provided in OAR 660-044-
0100. Notwithstanding subsection (d), the combined work program must be submitted by
the date as provided in OAR 660-044-0015.

(f) The director shall review the proposed alternative dates to determine whether the
proposed alternative dates meet the following criteria:

(A) Ensures urgent action;
(B) Coordinates actions across jurisdictions within the metropolitan area;
(C) Coordinates with work required as provided in OAR 660-044-0100;
(D) Sequences elements into a logical progression; and
(E) Considers availability of funding and other resources to complete the work.

(g) Upon the director finding the proposed alternative dates meet the criteria in (f), the
alternative dates shall be used.

(h) The director may modify alternative dates at any time as necessary to achieve the
purposes of this division.

(4) The dates in this section apply unless alternative dates are approved by the director as
provided in section (3).

(a) Cities and counties in urban areas outside the Portland Metropolitan area with a
population over 5,000 in the urban area, and counties outside the Portland Metropolitan
Area with an unincorporated population over 5,000 in the urban area, must adopt a major
transportation system plan update as provided in OAR 660-012-0105 by December 31,
2029.

(b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation
performance standards take effect on June 30, 2025.

(c) A city or county that is subject to the requirements of OAR 660-012-0310(2) shall adopt
land use requirements for climate-friendly areas and a climate-friendly comprehensive
plan element as provided in OAR 660-012-0315(6) by December 31, 2024.

(d) Metro shall amend the urban growth management functional plan in conjunction with its
next growth management analysis under ORS 197.296 and no later than December 31,
2024, to require local government adoption of Region 2040 centers and land use
regulations as described in the acknowledged urban growth management functional plan.
Within the Metro urban growth boundary, a county with planning jurisdiction in
unincorporated areas provided with urban water, sanitary sewer, stormwater, and
transportation services, or a city shall comply with the adopted requirements of the urban
growth management functional plan by December 31, 2025.
(e) Cities and counties shall adopt land use regulations to meet the requirements of OAR 660-012-0330 no later than the date of adoption of a major or minor transportation system plan update as provided in OAR 660-012-0105.

(f) Cities, and counties with an unincorporated population over 5,000 within an urban growth boundary, shall adopt comprehensive plan amendments and land use regulations meeting requirements as provided in OAR 660-012-0400, OAR 660-012-0405, and OAR 660-012-0415 through OAR 660-012-0450 no later than June 30, 2023, except as provided below. If a city or county has not done so, it may not apply parking mandates after that date.

(A) Cities and counties that pass population thresholds in OAR 660-012-0410, OAR 660-012-0415, or OAR 660-012-0450 must adopt comprehensive plan amendments and land use regulations meeting requirements within 12 months of passing those population thresholds.

(B) If cities and counties adopt an approach in OAR 660-012-0445, policies must take effect no later than June 30, 2023.

(C) Cities and counties adopting an approach in OAR 660-012-0435 shall do so concurrently with adoption of any climate-friendly area under OAR 660-012-0315.

(g) Cities choosing to report on the share of on-street parking spaces that are priced as provided in OAR 660-012-0450(1)(b) must:

(A) Demonstrate at least five percent of on-street parking spaces are priced by September 30, 2023; and

(B) Demonstrate at least 10 percent of on-street parking spaces are priced by September 30, 2025.

(5) The following dates may not be adjusted through proposed alternative dates as provided in section (3):

(a) The provisions of OAR 660-012-0210 take effect June 30, 2024.

(b) A city or county that is subject to the requirements of OAR 660-012-0310(2) shall submit a study of climate-friendly areas as provided in OAR 660-012-0315(4) and (5) by December 31, 2023.

(c) The provisions of OAR 660-012-0310(34)(a) and (b) take effect June 30, 2023.

(d) Cities shall implement the requirements for electric vehicle charging as provided in OAR 660-012-0410(2) no later than March 31, 2023.

(e) Cities and counties shall implement the requirements of OAR 660-012-0430 and 660-012-0440 when reviewing development applications submitted after December 31, 2022.

(6) Cities and counties with voter-approved bond-funded projects where the election occurred before January 1, 2022 may use approved bond funding as a factor when prioritizing projects in an unconstrained project list as provided in OAR 660-012-0170(4).

(7) The first reporting year for the reporting requirements as provided in OAR 660-012-0900 is 2023, with reports due no later than May 31, 2024.
660-012-0012B: Effective Dates and Transition Period [More Time Option]

(1) The rules in this division adopted on July 21, 2022, and amendments to rules in this division adopted on that date, are effective August 12, 2022, except as provided in this rule.

(2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make interim updates to the local transportation system plan using requirements as provided in OAR 660-012-0015 if the city or county:

(a) Has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than June 30, 2023; or

(b) The interim update is not a major transportation system plan update as provided in OAR 660-012-0105, and the city or county has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than June 30, 2029. Interim updates must comply with applicable requirements in this division within the scope of the transportation system plan amendment but need not bring the entire transportation system plan in compliance with all applicable regulations.

(3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or deadlines in section (4) of this rule.

(a) A submitted proposal for alternative dates shall include:

(A) A description of any work already underway to begin complying with the new requirements of this division;

(B) Proposed dates for accomplishing requirements in lieu of effective dates or deadlines provided in this rule; and

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

(b) Proposed alternative dates must demonstrate consistent progress toward meeting the updated requirements of this division. Proposed alternative dates must include at least some work implemented by June 30, 2024. Proposed alternative dates must include completion of all elements included in the alternative dates, except for a major update to the transportation system plan, by June 30, 2028.

(c) Proposed alternative dates should be designed to sequence work in a logical progression, considering acknowledged plans, other work, and the work of other jurisdictions within the metropolitan area. Cities and counties in a metropolitan area may submit joint proposed alternative dates for a metropolitan area.

(d) Proposed alternative dates may not be submitted to the department after January 31, 2023.

(e) Local governments in regions required to submit a work program as provided in OAR 660-044-0015 may submit a single combined work program that proposes alternative dates as provided in this rule and meets the requirements as provided in OAR 660-044-0100. Notwithstanding subsection (d), the combined work program must be submitted by the date as provided in OAR 660-044-0015.

(f) The director shall review the proposed alternative dates to make a recommendation to the commission as to whether the proposed alternative dates meet the following criteria:
(A) Ensures urgent action;
(B) Coordinates actions across jurisdictions within the metropolitan area;
(C) Coordinates with work required as provided in OAR 660-044-0100;
(D) Sequences elements into a logical progression; and
(E) Considers availability of funding and other resources to complete the work.

(g) The commission shall hold a hearing to review the proposed alternative dates and the
director’s recommendation. If the commission finds that the proposed alternative dates
are complete and meet the criteria in subsection (f), then the commission shall issue an
order approving the alternative dates; otherwise, the commission shall remand the
proposed alternative dates with specific directions for changes needed. Upon approval by
the commission, the alternative dates supersede the effective dates or deadlines in this
rule.

(h) The commission may modify alternative dates at any time as necessary to achieve the
purposes of this division.

(4) The dates in this section apply unless alternative dates are approved by the commission as
provided in section (3).

(a) Cities outside the Portland Metropolitan area with a population over 5,000 in the urban
area, and counties outside the Portland Metropolitan Area with an unincorporated
population over 5,000 in the urban area, must adopt a major transportation system plan
update as provided in OAR 660-012-0105 by December 31, 2029.

(b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation
performance standards take effect upon the date of adoption of a major transportation
system plan update as provided in OAR 660-012-0105.

(c) A city or county that is subject to the requirements of OAR 660-012-0310 shall adopt
land use requirements for climate-friendly areas and a climate-friendly comprehensive
plan element as provided in OAR 660-012-0315(6) by December 31, 2025.

(d) Metro shall amend the urban growth management functional plan in conjunction with its
next growth management analysis under ORS 197.296 and no later than December 31,
2024, to require local government adoption of Region 2040 centers and land use
regulations as described in the acknowledged urban growth management functional plan.
Within the Metro urban growth boundary, a county with planning jurisdiction in
unincorporated areas provided with urban water, sanitary sewer, stormwater, and
transportation services, or a city shall comply with the adopted requirements of the urban
growth management functional plan by June 30, 2026.

(e) Cities and counties shall adopt land use regulations to meet the requirements of OAR
660-012-0330 no later than the date of adoption of a major transportation system plan
update as provided in OAR 660-012-0105.

(f) Cities and counties shall adopt comprehensive plan amendments and land use regulations
meeting requirements as provided in OAR 660-012-0400, OAR 660-012-0405, and OAR
660-012-0415 through OAR 660-012-0450 no later than December 31, 2023, except as
provided below. If a city or county has not done so, it may not apply parking mandates
after that date.
(A) Cities and counties required to adopt parking maximums under OAR 660-012-0415 must do so prior to or when adopting a major transportation system plan update.

(B) Cities and counties that pass population thresholds in OAR 660-012-0400, OAR 660-012-0415, or OAR 660-012-0450 must adopt comprehensive plan amendments and land use regulations meeting requirements within 12 months of passing those population thresholds.

(C) If cities and counties adopt an approach in OAR 660-012-0445, policies must take effect no later than December 31, 2023.

(D) Cities and counties adopting an approach in OAR 660-012-0435 shall do so concurrently with adoption of any climate-friendly area under OAR 660-012-0315.

(g) Cities choosing to report on the share of on-street parking spaces that are priced as provided in OAR 660-012-0450(1)(b) must:

(A) Demonstrate at least five percent of on-street parking spaces are priced by June 30, 2024; and

(B) Demonstrate at least 10 percent of on-street parking spaces are priced by June 30, 2026.

(5) The following dates may not be adjusted through proposed alternative dates as provided in section (3):

(a) The provisions of OAR 660-012-0210 take effect June 30, 2025.

(b) A city or county that is subject to the requirements of OAR 660-012-0310 shall submit a study of climate-friendly areas as provided in OAR 660-012-0315(4) and (5) by December 31, 2023.

(c) The provisions of OAR 660-012-0310(4)(a) and (b) take effect December 31, 2023.

(d) Cities shall implement the requirements for electric vehicle charging as provided in OAR 660-012-0410 no later than March 31, 2023.

(e) Cities and counties shall implement the requirements of OAR 660-012-0430 and 660-012-0440 when reviewing development applications submitted after December 31, 2023.

(6) Cities and counties with voter-approved bond-funded projects where the election occurred before January 1, 2023 may use approved bond funding as a factor when prioritizing projects in an unconstrained project list as provided in OAR 660-012-0170(4).

(7) The first reporting year for the reporting requirements as provided in OAR 660-012-0900 is 2023, with reports due no later than May 31, 2024.

660-012-0100: Transportation System Plans in Metropolitan Areas

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

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

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

(3) Cities shall determine the base and horizon years of a transportation system plan as follows:
(a) The base year is the present or past year which is used for the development of plan elements. The base year shall be the year of adoption of a major update to the Transportation System Update, or no earlier than five years prior.
(b) The horizon year is the future year for which the plan contains potential projects and shall be at least twenty years from the year of adoption of a major update to the transportation system plan.

(4) The director may grant a whole or partial exemption from the requirements of this division to cities and counties with a population of less than 10,000 within the urban area. The director may also grant a whole or partial temporary exemption from the requirements of this division to jurisdictions of any size that are newly included in an existing metropolitan area or a newly
designated metropolitan area. The director shall use the criteria and process as provided in OAR 660-012-0055(7) to decide to approve an exemption.

(5) The development of a transportation system plan shall be coordinated with affected cities, counties, transportation facility owners, and transportation service providers, and transportation options providers.

(6) Adoption or amendment of a transportation system plan shall constitute the land use decision regarding the function, mode, general location, and need for transportation facilities, services, and major improvements.

(7) Adoption or amendment of a transportation system plan shall include findings of compliance with applicable statewide planning goals, acknowledged comprehensive plan policies, and land use regulations.

(8) Cities and counties shall design transportation system plans to achieve transportation performance targets as provided in OAR 660-012-0910.

(9) Metro shall adopt a regional transportation system plan provided in OAR 660-012-0140.

(10) Cities and counties in the Portland Metropolitan area shall additionally meet the requirements as provided in OAR 660-012-0140.

660-012-0150: Transportation System Inventories

(1) This rule applies to transportation inventories as provided in OAR 660-012-0505, OAR 660-012-0605, OAR 660-012-0705, and OAR 660-012-0805.

(2) Cities and counties shall coordinate with other publicly owned transportation facility and service providers, including, but not limited to state agencies, other cities and counties, and public transportation system operators to develop the transportation system inventory.

(3) Inventories shall include all publicly owned, operated, or supported transportation facilities and services within the planning area, regardless of ownership or maintenance responsibility. Inventories shall note ownership or maintenance responsibility for all facilities.

(4) Inventories shall clearly identify the following for each inventoried facility or service:

(a) Function, including the classification of the facility or service, its primary uses, and whether it primarily serves local, regional, pass-through, or freight traffic.

(b) Primary users of the facility, including whether users are primarily on foot, bicycle, transit, freight, or personal vehicle.

(c) Land use context for each segment of the facility, including determining what types of planned land uses surround the facility.

660-012-0155: Prioritization Framework

(1) Cities, counties, Metro, and state agencies shall use the framework in this rule for decision making regarding prioritization of transportation facilities and services. Cities, counties, Metro, and state agencies shall consider the following:

(a) Prioritization factors as provided in section (3);

(b) Classification of facilities or segments as provided in section (4);
(c) The planned land use context as provided in section (5); and

(d) Expected primary users as provided in section (6).

(2) Cities, counties, Metro, and state agencies may use local values determined through engagement as provided in OAR 660-012-0120 to weight various prioritized factors when making prioritization decisions as provided in this division.

(3) Cities, counties, Metro, and state agencies shall prioritize transportation facilities and services based on the following factors:

(a) Meeting greenhouse gas reduction targets, including:
   (A) Reducing per-capita vehicle miles traveled to meet greenhouse gas reduction targets as provided in OAR 660-044-0020 or OAR 660-044-0025;
   (B) Supporting compact, pedestrian-friendly patterns of development in urban areas, particularly in climate-friendly areas;
   (C) Reducing single-occupant vehicle travel as a share of overall travel; and
   (D) Meeting performance targets as provided in OAR 660-012-0910.

(b) Improving equitable outcomes for underserved populations identified as provided in OAR 660-012-0125;

(c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;

(d) Improving access for people with disabilities;

(e) Improving access to destinations, particularly key destinations as provided in OAR 660-012-0360;

(f) Completing the multimodal transportation network, including filling gaps and making connections;

(g) Supporting the economies of the community, region, and state; and

(h) Other factors determined in the community.

(4) Cities, counties, Metro, and state agencies shall consider the functional classification of planned or existing transportation facilities or segments when making decisions about appropriate transportation facilities and services. Cities, counties, Metro, and state agencies may establish different functional classifications for each mode on any facility or segment that they own and operate.

(5) Cities, counties, Metro, and state agencies shall consider the planned land use context around an existing or planned transportation facility or segment when making decisions about appropriate transportation facilities and services.

(a) Within climate-friendly areas, cities, counties, Metro, and state agencies shall prioritize pedestrian, bicycle, and public transportation facilities and services. Cities, counties, Metro, and state agencies shall ensure facilities are planned for these modes to experience safe, low stress, and comfortable travel for people of all ages and abilities within climate-friendly areas with minimal interference from motor vehicle traffic.

(b) In areas with concentrations of underserved populations, cities, counties, Metro, and state agencies shall prioritize transportation projects addressing historic and current
marginalization. Proposed transportation projects in these areas must work to rectify previous harms and prevent future harms from occurring. These areas may have suffered from disinvestment or harmful investments, including transportation system investments. Such harms include but are not limited to displacement and increased exposure to pollutants, destruction and division of neighborhoods, heat islands, and unsafe conditions for pedestrians, cyclists, transit users, and others.

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

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

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

660-012-0210: Transportation Modeling and Analysis

(1) A city or county relying on transportation models or mathematical analysis of the transportation system to make a land use decision shall do so consistently with this rule.

(2) The model or analysis must account for changes in vehicle miles traveled per capita that would result from any transportation projects proposed as a part of the land use decision.

(3) The assumptions and inputs used with the modeling or analysis must be consistent with acknowledged plans.

(4) The modeling or analysis must demonstrate that the land use decision must/will not increase vehicle miles traveled per capita.

660-012-0310: Climate-Friendly Areas

(1) This rule and rules 660-012-0315 and 660-012-0320 apply to cities and counties that:

(a) Are within a metropolitan area other than the Portland metropolitan area;

(b) Are inside incorporated cities or areas within an urban growth boundary as provided in Section (3); and

(c) Have a population of more than 5,000 within an urban growth boundary.

(2) Cities and counties shall study and zone climate-friendly areas for locations that meet the following requirements.

(a) Locations able to support development consistent with the land use requirements of OAR 660-012-0320.

(b) The locations shall be in existing or planned urban centers, including downtowns, neighborhood centers, transit-served corridors, or similar districts. To the extent practicable, climate-friendly areas should be located within, or in close proximity to,
areas planned for, or provided with, high density residential uses and a high concentration of employment opportunities.

3. The locations shall be in areas that are served, or planned for service, by high quality pedestrian, bicycle, and transit services.

4. The locations shall not be in areas where development is not allowed or disallowed by provisions adopted pursuant to Statewide Planning Goal 7. Climate-friendly areas may be designated in such areas if the local government has adopted requirements for development that will mitigate potential hazards to life and property, in compliance with Statewide Planning Goal 7.

5. Cities may designate climate-friendly areas within the urban growth boundary, but outside the city limits boundary, if the following requirements are met:

(A) The area is contiguous with the city limits boundary;

(B) The provision of urban services is contingent upon annexation into the city limits and the area is readily serviceable with urban water, sewer, stormwater, and transportation. “Readily serviceable” means that urban infrastructure services are nearby and could be provided to allow construction on the site within one year of an application for a building permit;

(C) The zoning that will be applied upon annexation, based on the city’s comprehensive plan designation for the area, is consistent with climate-friendly area requirements;

(D) The county in which the subject area is located has adopted a consistent comprehensive plan designation for the area; and

(E) The city can demonstrate that at least 70 percent of complete annexation applications within the last five years have been approved within one year of the date of complete annexation application.

(f) Climate-friendly areas shall have a minimum width of 750 feet, including any internal rights of way that may be unzoned. Contiguous climate-friendly areas with distinct land use requirements may be considered cumulatively to demonstrate compliance with the minimum width requirement. Exceptions to these minimum dimensional requirements are allowed due to natural barriers, such as rivers; or due to long-term barriers in the built environment, such as freeways. Exceptions are also allowed if potential climate-friendly areas are constrained by adjacent areas planned and zoned to meet industrial land needs.

(3) Cities and counties outside Metro with a population of more than 5,000 within an urban growth boundary shall designate climate-friendly areas. Counties with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services within an identified urban growth boundary shall coordinate with the respective city or cities to address climate-friendly area requirements for those areas. Areas under county jurisdiction outside urban growth boundaries; or within urban growth boundaries but not provided with urban water, sanitary sewer, stormwater, and transportation services; are not subject to this rule.

(4) Cities and counties outside Metro shall designate climate-friendly areas as they cross the population thresholds in subsections (a) and (b). City population is as determined by the most recently certified Portland State University Population Research Center population estimate.
Compliance timelines are based upon the date of the certification of the population estimate.

County population within an urban growth boundary may be calculated by interpolating Portland State University Population Research Center’s population forecast for the area within an urban growth boundary, then subtracting the certified city population estimate from the total population within the urban growth boundary for the current year.

(a) A city or county with a population within an urban growth boundary exceeding 5,000, but less than 10,000, shall submit a study of potential climate-friendly areas to the department as provided in OAR 660-012-0315 within two years (545 days) of reaching a population exceeding 5,000. The city or county shall subsequently adopt land use requirements as provided in OAR 660-012-0315, and climate-friendly elements to their comprehensive plans within 365 days of the deadline for submittal of the study of potential climate-friendly areas.

(b) A city or a county with a population exceeding 10,000 within an urban growth boundary shall submit a study of potential climate-friendly areas to the department as provided in OAR 660-012-0315 within two years (545 days) of reaching a population exceeding 10,000. The city or county shall subsequently adopt land use requirements as provided in OAR 660-012-0315, and climate-friendly elements to their comprehensive plans within 365 days of the deadline for submittal of the study of potential climate-friendly areas. The city or county shall maintain sufficient lands within climate-friendly areas as their population grows, as provided in OAR 660-012-0315. For cities also subject to OAR 660-008-0045, compliance with this requirement shall be demonstrated in each Housing Capacity Analysis following the initial designation of climate-friendly areas. Land use requirements for climate-friendly areas shall be established concurrent or prior to the adoption of the Housing Capacity Analysis as provided in OAR 660-012-0320. Counties subject to this rule shall coordinate with cities to address climate-friendly area requirements within an urban growth boundary.

(5) If a city or county outside Metro has not designated sufficient climate-friendly areas as provided in this rule, the commission may:

(a) Initiate periodic review for the subject local government city of county to address the requirement; or

(b) Issue an enforcement order to the local government city or county, consistent with ORS 197.646.
660-012-0315: Designation of Climate-Friendly Areas

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

(a) The total number of housing units necessary to meet all current and future housing needs shall be determined from the local government’s most recently adopted and acknowledged housing capacity analysis, by adding the total number of existing dwelling units identified in the buildable land inventory to the anticipated number of future needed housing units over the planning period. A local government may use a similar methodology to determine total housing needs if lacking an adopted and acknowledged housing capacity analysis, and may rely on most current US Census data to determine the number of existing housing units within an incorporated area, if lacking other data sources. A local government may designate one or several climate-friendly areas to accommodate at least 30 percent of housing units of the housing capacity analysis.

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

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

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

(A) Fifty feet allows for four floors.
(B) Sixty feet allows for five floors.
(C) Eighty-five feet allows for seven floors.

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

(A) Allow building heights above the minimums established in OAR 660-012-0320(8); and,
(B) Allow height bonuses for publicly-subsidized housing serving households with an income of 80 percent or less of the area median household income, or height bonuses for the construction of accessible dwelling units, as defined in OAR 660-008-0050(4)(a), in excess of minimum requirements.

(d) Local governments shall assume that residential dwellings will occupy 30 percent of the zoned building capacity calculated in subsections (a), (b), and (c) within climate-friendly areas. Public parks and open space areas within climate-friendly areas that are precluded from development shall not be included in calculations of zoned building capacity, but may be counted towards minimum area and dimensional requirements for climate-friendly areas. Zoning and development standards for public parks and open space areas are exempted from compliance with the land use requirements in Rule 660-012-0320 if the existing zoning standards do not allow residential, commercial, or office uses.

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

(3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of more than 50,000 but not less than 10,000 shall designate at least 25 acres of land as climate-friendly area, as provided in sections (4), (5), and (6).

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

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

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

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

(d) Analysis of how each potential climate-friendly area complies, or may be brought into compliance, with the requirements of OAR 660-012-0310(42).

(e) A preliminary evaluation of existing development standards within the potential climate-friendly area(s) and a general description of any changes necessary to comply with the requirements of OAR 660-012-0320.
(f) Plans for achieving fair and equitable housing outcomes within climate-friendly areas, as identified in OAR 660-008-0050(4)(a)-(f). Analysis of OAR 660-008-0050(4)(f) shall include analysis of spatial and other data to determine if the rezoning of potential climate-friendly areas would be likely to displace residents who are members of state and federal protected classes. The local government shall also identify actions that may be employed to mitigate or avoid potential displacement.

(5) Cities and counties shall submit climate-friendly area study reports required in section (4). Following submittal, the department shall review reports as follows:

(a) Within 30 days of receipt of the report, the department shall:

   (A) Post a complete copy of the submitted report on the department’s website along with a statement that any person may file a written comment regarding the submitted report no more than 21 days after the posting of the report.

   (B) Provide notice to persons described under ORS 197.615(3)(a), directing them to the posting described in paragraph (A) and informing them that they may file a written comment regarding the submitted report no more than 21 days after the posting of the report.

(b) Within 60 days of posting of the report on the department’s website, the department shall provide written comments to the local government regarding the report information and the progress made to identify suitable climate-friendly areas. The department shall also provide the local government with any written comments submitted by interested persons, as provided in subsection (a).

(6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and climate-friendly elements to their comprehensive plans. Adoption of land use requirements and the climate-friendly element of the comprehensive plan shall include the following:

(a) Cities and counties subject to section (1) shall provide maps showing the location of all adopted climate-friendly areas, including calculations to demonstrate that climate-friendly areas contain sufficient zoned residential building capacity to accommodate 30 percent of total housing units as provided in section (2), or using an alternative methodology as provided in OAR 660-012-0320(10), and based on adopted land use requirements in these areas as provided in OAR 660-012-0320. Cities and counties subject to section (3) shall provide maps showing the location of the adopted climate-friendly area. The local government subject to (1) or (3) shall include findings containing the information and analysis required in section (4) for any climate-friendly areas that were not included in the initial study specified in section (4).

(b) Documentation of the number of total existing dwelling units, accessible dwelling units, and income-restricted dwelling units within all climate-friendly areas. Where precise data is not available, local governments may provide estimates based on best available information.

(c) Documentation that all adopted and applicable land use requirements for climate-friendly areas are consistent with the provisions of OAR 660-012-0320.

(d) Adoption of a climate-friendly element into the comprehensive plan containing findings and analysis summarizing the local government climate-friendly area designation.
decision process and demonstration of compliance with the provisions of OAR 660-012-0310 through 660-012-0325. Additionally, adopted findings shall include:

(A) Identification of all ongoing and newly-added housing production strategies the local government shall use to promote the development of affordable housing in climate-friendly areas. The local government may use the Housing Production Strategy Guidance for Cities to review and identify potential strategies, as provided in OAR 660-008-0050(3). These strategies shall be incorporated into future housing production strategy reports, as provided in OAR chapter 660, division 8.

(B) Identification of all ongoing and newly-added housing production strategies the local government shall use to prevent the displacement of members of state and federal protected classes in climate-friendly areas. Findings shall include a description of how the strategies will be implemented based on consideration of identified neighborhood typologies and the most effective measures to prevent displacement based on typology. The local government may use the Housing Production Strategy Guidance for Cities, along with the department’s “Anti-Displacement and Gentrification Toolkit” to identify the most effective measures to prevent displacement based on neighborhood typologies. These strategies shall be incorporated into future housing production strategy reports, as provided in OAR chapter 660, division 8.

(7) For cities and counties identified in section (1), the information provided in compliance with subsections (6)(b) and (d) shall provide a basis for subsequent Housing Production Strategy Reports to assess progress towards fair and equitable housing production goals in climate-friendly areas, as provided in OAR 660-008-0050(4)(a).

660-012-0320: Land Use Requirements in Climate-Friendly Areas

(1) Cities and counties subject to the provisions of OAR 660-012-0310 shall incorporate the requirements in sections (2) through (7) of this rule into policies and development regulations that apply in all climate-friendly areas. Cities and counties shall either incorporate the provisions in section (8) into development regulations for climate-friendly areas, or shall demonstrate with adopted findings and analysis that alternative development regulations for climate-friendly areas will result in equal or higher levels of development in climate-friendly areas as provided in section (9). If adopting more than one climate-friendly area, a city or county may demonstrate compliance with either section (8) or section (9) for each climate-friendly area, provided that all requirements for each respective climate-friendly area are met.

(2) Except as noted in subsection (a) and section (3), development regulations for a climate-friendly area shall allow single use and mixed-use development within individual buildings or mixed development sites, including the following outright permitted uses:

(a) Multifamily residential and attached single-family residential. Other residential building types may be allowed, subject to compliance with applicable minimum density requirements in section (8) of this rule, or alternative land use requirements as provided in section (9) of this rule. Notwithstanding section (2), local governments may require ground floor commercial and office uses within otherwise single use multifamily residential buildings.

(b) Office-type uses.
(c) Non-auto dependent retail, services, and other commercial uses.

(d) Child care, schools, and other public uses, including public-serving government facilities.

(3) Portions of abutting residential or employment-oriented zoned areas within a half-mile walking distance of a mixed-use area zoned as provided in section (1) may count towards climate-friendly area requirements, if in compliance with subsections (a) or (b). Notwithstanding existing development, zoned residential building capacity shall be calculated for the abutting areas based on allowed building heights and existing development standards in these areas, as provided in OAR 660-012-0315(2) or using an alternative methodology as provided in OAR 660-012-0320(10). Residential and employment densities for abutting areas shall correspond to the climate-friendly area type, provided in subsections (8)(a), (b), or (c) or (9)(a), (b), or (c). If subsections (a) or (b) are met, no changes to existing zoning or development standards are required for these areas.

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

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

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

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

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

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

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

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

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

(b) The land use requirements as provided in OAR 660-012-0330;
(c) The applicable parking requirements as provided in OAR 660-012-0435; and
(d) The applicable bicycle parking requirements as provided in OAR 660-012-0630.

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

(a) Local governments with a population of greater than 5,000 up to 24,999 shall adopt the following development regulations for climate-friendly areas:
   (A) A minimum residential density requirement of 15 dwelling units per net acre; and
   (B) Maximum building height no less than 50 feet.

(b) Local governments with a population of greater than 25,000 up to 49,999 shall adopt the following development regulations for at least one climate-friendly area with a minimum area of 25 acres. Additional climate-friendly areas may comply with the following standards or the standards in subsection (a).
   (A) A minimum residential density requirement of 20 dwelling units per net acre; and
   (B) Maximum building height no less than 60 feet.

(c) Local governments with a population of greater than 50,000 shall adopt the following development regulations for at least one climate-friendly area with a minimum area of 25 acres. Additional climate-friendly areas may comply with the following standards or the standards in subsections (a) or (b):
   (A) A minimum residential density requirement of 25 dwelling units per net acre; and
   (B) Maximum building height no less than 85 feet.

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

(a) Local governments with a population of greater than 5,000 up to 24,999 shall adopt development regulations in climate-friendly areas to enable development of at least 20 dwelling units and 20 jobs per net acre.

(b) Local governments with a population of greater than 25,000 up to 49,999 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to
enable development of at least 30 dwelling units and 30 jobs per net acre. Additional climate-friendly areas may comply with this standard or with the standard in subsection (a).

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

(10) A local government using the alternative provisions in section (9) may provide an alternative methodology for zoned residential building capacity calculations that differs from OAR 660-012-0315(2). The methodology must clearly describe all assumptions and calculation steps, and must demonstrate that the methodology provides an equal or better system for determining the zoned residential building capacity sufficient to accommodate at least 30 percent of the total identified number of housing units necessary to meet all current and future housing needs within climate-friendly areas. The alternative methodology shall be supported by studies of development activity in the region, market studies, or similar research and analysis.

660-012-0325: Transportation Review in Climate-Friendly Areas

(1) Cities or counties shall use this rule to review amendments to comprehensive plans or land use regulations within a climate-friendly area designated as provided in OAR 660-012-0315 and in Region 2040 Centers designated in Title 6 of Metro’s Urban Growth Management Functional Plan. Cities and counties shall use this rule to review land use decisions made to implement OAR 660-012-0310 through OAR 660-012-0320. Cities and counties are exempt from requirements as provided in OAR 660-012-0060 when reviewing amendments to comprehensive plans or land use regulations within a designated climate-friendly area and in Region 2040 Centers designated in Title 6 of Metro’s Urban Growth Management Functional Plan.

(2) Cities and counties making amendments to comprehensive plans or land use regulations to meet requirements as provided in OAR 660-012-0320 must either:

(a) Update the transportation system plan as provided in OAR 660-012-0105 and include a multimodal transportation gap summary as provided in section (3) of this rule, considering the proposed land uses in the climate-friendly area; or

(b) Develop and adopt a multimodal transportation gap summary in coordination with impacted transportation facility providers and transportation service providers as provided in section (3) to meet requirements in OAR 660-012-0320.

(3) A multimodal transportation gap summary must be coordinated between the local jurisdiction, transportation facility providers, and transportation services providers to consider multimodal transportation needs in each climate-friendly area as provided in OAR 660-012-0320 or Region 2040 center. The multimodal transportation gap summary must include:

(a) A summary of the existing multimodal transportation network within the climate-friendly area;

(b) A summary of the gaps in the pedestrian and bicycle networks in the climate-friendly area, including gaps needed to be filled for people with disabilities, based on the summary of the existing multimodal transportation network;
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(c) If applicable as provided in section (4), a highway impacts summary as provided in section (5); and

(d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).

(4) A city or county shall include a highway impacts summary in the multimodal transportation gap summary if the designated climate-friendly area as provided in OAR 660-012-0315 or Region 2040 center contains a ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.

(5) A highway impacts summary must identify how the transportation system may be affected by implementation of the climate-friendly area. The highway impacts summary must include:

(a) A summary of the existing and proposed development capacity of the climate-friendly area based on the proposed changes to the comprehensive plan and land use regulations;

(b) A summary of the additional motor vehicle traffic generation that may be expected in the planning period, considering reductions for expected complementary mixed-use development, additional multimodal options, and assuming meeting goals for reductions in vehicle miles traveled per capita; and

(c) A summary of traffic-related deaths and serious injuries within the climate-friendly area in the past five years.

(6) Cities and counties making amendments to the adopted land use regulations identified under section (2), shall adopt findings including a highway impacts summary as provided in section (5) if:

(a) A city or county is reviewing a plan amendment within one-quarter mile of a ramp terminal intersection, adopted Interchange Area Management Plan area, or adopted ODOT Facility Plan area, or;

(b) The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing traffic on the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.

(7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap summary or a revised highway impacts summary to ODOT and other affected transportation facility or service providers prior to submitting notice as provided in OAR 660-018-0020.

660-012-0330: Land Use Requirements

(1) Cities and counties shall implement plans and land use regulations to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use development patterns must support access by people using pedestrian, bicycle, and public transportation networks.

(2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site or class of sites would make those provisions prohibitively costly or impossible to implement. Cities or counties may adopt land use regulations that provide for exemptions as provided in this section. Any allowed exemption shall modify the provisions of this rule by the minimum amount necessary based on site conditions, and advance the purposes of this rule to the extent practical.

(a) Topography or natural features;
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(b) Railroads, highways, or other permanent barriers;
(c) Lot or parcel size, orientation, or shape;
(d) Available access;
(e) Existing or nonconforming development;
(f) To provide for accessibility for people with disabilities; or
(g) Other site constraints.

(3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and connected neighborhoods. Land use regulations must meet the following requirements for neighborhood design and access:

(a) Neighborhoods shall be designed with connected networks of streets, paths, accessways, and other facilities to provide circulation within the neighborhood and pedestrian and bicycle system connectivity to adjacent districts. A connected street network is desirable for motor vehicle traffic but may be discontinuous where necessary to limit excessive through-travel, or to protect a safe environment for walking, using mobility devices, and bicycling in the neighborhood.

(b) Neighborhoods shall be designed with direct pedestrian access to key destinations as provided in OAR 660-012-0360 via pedestrian facilities.

(c) Cities and counties shall set block length and block perimeter standards at distances that will provide for pedestrian network connectivity. Cities and counties may allow alleys or public pedestrian facilities through a block to be used to meet a block length or perimeter standard.

(d) Cities and counties shall set standards to reduce out-of-direction travel for people using the pedestrian or bicycle networks.

(4) Cities and counties shall have land use regulations in commercial and mixed-use districts that provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or mixed-use site design land use regulations must meet the following requirements:

(a) Primary pedestrian entrances to buildings shall be oriented to a public pedestrian facility and be accessible to people with mobility disabilities. An uninterrupted accessway, courtyard, plaza, or other pedestrian-oriented space must be provided between primary pedestrian entrances and the public pedestrian facility, except where the entrance opens directly to the pedestrian facility. All pedestrian entrances shall be designed to be barrier-free.

(b) No vehicular parking, circulation, access, display, or loading shall be permitted on site beside or behind buildings. Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public pedestrian facilities. Bicycle parking may be permitted.

(c) On-site accessways shall be provided to directly connect key pedestrian entrances to public pedestrian facilities, to any on-site parking, and to adjacent properties, as applicable.
(d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary pedestrian entrances as required in this section. Primary pedestrian entrances for uses open to the public must be open during business hours.

(e) Large sites must be designed with a connected network of public pedestrian facilities to meet the requirements of this section.

(f) Development on sites adjacent to a transit stop or station on a priority transit corridor shall be oriented to the transit stop or station. The site design must provide a high level of pedestrian connectivity and amenities adjacent to the stop or station. Cities and counties shall establish standards to provide for transit infrastructure where needed. If there is inadequate space in the existing right of way for transit infrastructure, then the infrastructure must be accommodated on site.

(g) Development standards shall be consistent with bicycle parking requirements in OAR 660-012-0630.

(h) These site design land use regulations need not apply to districts with a predominantly industrial or agricultural character.

(5) Cities and counties shall have land use regulations in residential neighborhoods that provide for slow neighborhood streets comfortable for families, efficient and sociable development patterns, and provide for connectivity within the neighborhood and to adjacent districts. Cities and counties must adopt land use regulations to meet these objectives, including but not limited to those related to setbacks, lot size and coverage, building orientation, and access.

(6) Cities and counties shall have land use regulations that ensure auto-oriented land uses are compatible with a community where it is easy to walk or use a mobility device. Auto-oriented land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory to the primary use, including drive-through uses. Land use regulations must meet the following requirements:

(a) Auto-oriented land uses must provide safe and convenient access opportunities for people walking, using a mobility device, or riding a bicycle. Ease of access to goods and services must be equivalent to or better than access for people driving a motor vehicle.

(b) Outside of climate-friendly areas, cities and counties may provide for exemptions to this rule in cases where an auto-oriented land use cannot reasonably meet the standards of this rule. Standards developed in cases of an exemption must protect pedestrian facilities.

(7) Cities and counties with an urban area over 100,000 in population must have reasonable land use regulations that allow for development of low-car districts. These districts must be developed with no-car or low-car streets, where walking or using mobility devices are the primary methods of travel within the district. Cities and counties must make provisions for emergency vehicle access and local freight delivery. Low-car districts must be allowed in locations where residential or mixed-use development is authorized.

(8) Cities and counties must implement land use regulations to protect transportation facilities, corridors, and sites for their identified functions. These regulations must include, but are not limited to:

(a) Access control actions consistent with the function of the transportation facility, including but not limited to driveway spacing, median control, and signal spacing;
(b) Standards to protect future construction and operation of streets, transitways, paths, and other transportation facilities;

c) Standards to protect public use airports as provided in OAR 660-013-0080;

d) Processes to make a coordinated review of future land use decisions affecting transportation facilities, corridors, or sites;

e) Processes to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites for all transportation modes;

(f) Regulations to provide notice to public agencies providing transportation facilities and services, railroads, Metropolitan Planning Organizations, the Oregon Department of Transportation, and the Oregon Department of Aviation of:

(A) Land use applications that require public hearings;

(B) Subdivision and partition applications;

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

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

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

660-012-0340: Land Use Assumptions for Transportation Planning

(1) Future land use assumptions developed under this rule are for the purposes of transportation planning. These land use assumptions are distinct from those used to plan for residential land needs as provided in ORS 197.296.

(2) A city, county, or Metro must develop and adopt future land use assumptions for transportation planning consistent with this rule when preparing a transportation system plan, or zoning a climate-friendly area or Region 2040 center as provided in OAR 660-012-0325.

(3) Future land use assumptions must be developed for future years, including but not limited to the planning horizon year of the transportation system plan, and a common horizon year for all jurisdictions within the metropolitan area.

(4) Future land use assumptions must be consistent with the most recent final population forecast as provided in OAR 660-032-0020, or OAR 660-032-0030, as applicable.

(5) Future land use assumptions for transportation planning must assume existing acknowledged comprehensive plan designations and policies, and existing land use regulations remaining in force throughout the planning period; except where these designations, policies, or regulations are superseded by statute or rule. Future land use assumptions must assume existing acknowledged urban growth boundaries throughout the planning period.

(6) Where applicable, future land use assumptions for transportation planning must allocate growth assumptions for employment and housing within climate-friendly areas as provided in OAR 660-012-0320 before allocating growth to other parts of the city or county.

(7) Future land use assumptions must be developed at a sufficient level of detail to understand where future development is expected.
660-012-0360: Key Destinations

(1) Cities and counties shall use best available data to identify key destinations for purposes of coordinated land use and transportation planning. Key destinations are destinations described in this rule, as well as other destinations determined locally that are expected to attract a higher than average rate of pedestrian, bicycle, or transit trips.

(2) Key destinations may include, but are not limited to:

(a) Climate-friendly areas;
(b) Pedestrian-oriented commercial areas outside of climate-friendly areas;
(c) Transit stations, stops, and terminals;
(d) Retail and service establishments, including grocery stores;
(e) Child care facilities, schools, and colleges;
(f) Parks, recreation centers, paths, trails, and open spaces;
(g) Farmers markets;
(h) Libraries, government offices, community centers, arts facilities, post offices, social service centers, and other civic destinations;
(i) Medical or dental clinics and hospitals;
(j) Major employers;
(k) Gyms and health clubs;
(l) Major sports or performance venues; and
(m) Other key destinations determined locally.

660-012-0400: Parking Management

(1) OAR 660-012-0400 through OAR 660-012-0450 apply to:

(a) Cities within metropolitan areas; and
(b) Portions of counties in a metropolitan area within an urban growth boundary, where the population of the unincorporated area within the urban growth boundary is 5,000 or more, and the area is served with urban water and sanitary services.

(2) Cities and counties shall adopt comprehensive plans and land use regulations that implement provisions of OAR 660-012-0405 through OAR 660-012-0415.

(3) Cities and counties shall remove parking mandates as directed under OAR 660-012-0420. In lieu of removing parking mandates, cities and counties may amend their comprehensive plans and land use regulations to implement the provisions of OAR 660-012-0425, OAR 660-012-0430, OAR 660-012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR 660-012-0450.

660-012-0410: Electric Vehicle Charging

(1) This rule applies to cities within a metropolitan area.

(2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code adopted pursuant to ORS 455.417.
(23) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to accommodate 40 percent of all vehicle parking spaces.

660-012-0415: Parking Maximums and Evaluation in More Populous Communities

(1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the urban growth boundary, and cities with populations over 25,000 within the Portland metropolitan area, shall set parking maximums in climate-friendly areas and in regional centers and town centers, designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map. Those cities and counties shall also set parking maximums on lots or parcels within the transit corridors and rail stop areas listed in OAR 660-012-0440.

- Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit and two off-street parking spaces per non-studio residential unit in a multi-unit development in climate-friendly areas and within one-half mile walking distance of priority transit corridors. These maximums shall include visitor parking;
- Parking maximums shall be no higher than five spaces per 1,000 square feet of floor space for all commercial and retail uses other than automobile sales and repair, eating and drinking establishments, and entertainment and commercial recreation uses;
- For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area than the floor area of the building;
- In setting parking maximums, cities and counties shall consider setting maximums equal to or less than 150 percent of parking mandates in their adopted land use regulations in effect as of January 1, 2020. A city or county that sets a higher parking maximum must adopt findings for doing so. In no case shall the city or county exceed the limits in subsections (a) through (c) in climate-friendly areas and for developments on parcels or lots within one-half mile of transit corridors and three-quarters mile of rail transit stops listed in OAR 660-012-0440; and
- Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures may be exempted from the calculations in this section.

(2) Cities with populations over 200,000 shall, in addition to the requirements in section (1) of this rule:

- Study the use of priced on-street timed parking spaces in those areas subject to OAR 660-012-0435 or 660-012-0440. This study shall be conducted every three years or more frequently. Cities shall adjust prices to ensure availability of on-street parking spaces at all hours. This shall include all spaces in the city paid by minutes, hours, or day but need not include spaces where a longer-term paid residential permit is required;
- Use time limits or pricing to manage on-street parking spaces in an area at least one year before authorizing any new structured parking on city-owned land including more than 100 spaces in that area after March 31, 2023;
Adopt procedures ensuring prior to approval of construction of additional structured parking projects of more than 300 parking spaces designed to serve existing uses, developer of that parking structure must implement transportation demand management strategies for a period of at least six months designed to shift at least 10 percent of existing vehicle trips ending within one-quarter mile of the proposed parking structure to other modes; and

Adopt design requirements requiring applicants to demonstrate that the ground floor of new private and public structured parking that fronts a public street and includes more than 100 parking spaces would be convertible to other uses in the future, other than driveways needed to access the garage.

660-012-0425: Reducing the Burden of Parking Mandates

This rule applies to cities and counties that:

(a) Are within a metropolitan area; and

(b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

Cities and counties shall adopt and enforce land use regulations as provided in this section:

(a) Garages and carports may not be required for residential developments;

(b) Garage parking spaces shall count towards off-street parking mandates;

(c) Provision of shared parking shall be allowed to meet parking mandates;

(d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a site. If any parking is provided on site, required parking for parking for people with disabilities shall be on site. If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance;

(e) Parking mandates shall be reduced by one off-street parking space for each three kilowatts of capacity in solar panels or wind power that will be provided in a development;

(f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates;

(g) Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates; and

(h) Parking mandates shall be reduced by one off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.

Any reductions under section (42) shall be cumulative and not capped.
Cities and counties that opt to retain parking mandates under OAR 660-012-0420 shall require the parking for multi-family residential units in the areas in OAR 660-012-0440 be unbundled parking.

**660-012-0430: Reduction of Parking Mandates for Development Types**

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

(2) Cities and counties may not require more than one parking space per unit in residential developments with more than one unit.

(3) Cities and counties may not require parking for the following development types:
(a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;
(b) Childcare facility as defined in ORS 329A.250;
(c) Single-room occupancy housing;
(d) Residential units smaller than 750 square feet;
(e) Affordable housing as defined in OAR 660-039-0010;
(f) Publicly supported housing as defined in ORS 456.250;
(g) Emergency and transitional shelters for people experiencing homelessness; and
(h) Domestic violence shelters.

**660-012-0435: Parking Reform in Climate-Friendly Areas**

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

(2) Cities and counties shall adopt land use regulations addressing parking mandates in climate-friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land use regulations addressing parking mandates in regional centers and town centers designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map. In each such area, cities and counties shall either:
(a) Remove all parking mandates within the area and on parcels in its jurisdiction that include land within one-quarter mile distance of those areas; or
(b) Manage parking by:
   (A) Adopting a parking benefit district with paid on-street parking and some revenues dedicated to public improvements in the area;
(B) Adopting land use amendments to require no more than one-half off-street parking space per dwelling unit in the area; and

(C) Adopting land use regulations without parking mandates for commercial developments.

(3) Cities and counties that opt to retain parking mandates under OAR 660-012-0400(2) shall require the parking for multi-family residential units in the areas listed in section (12) be unbundled parking.

660-012-0440: Parking Reform near Transit Corridors

(1) This rule applies to cities and counties that:

(a) Are within a metropolitan area; and

(b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

(2) Cities and counties may not require parking spaces for developments on a lot or parcel that include lands within three-quarters mile of rail transit stops.

(3) Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors, including:

(a) Priority transit corridors designated under OAR 660-012-0710;

(b) Corridors with bus service arriving with a scheduled frequency of at least four times an hour during peak service; and

(c) Corridors with the most frequent transit route or routes in the community if the scheduled frequency is at least once per hour during peak service.

(4) Cities and counties may use either walking distance or straight-line distance in measuring distances under sections (1) and (2) in this rule.

660-012-0500: Pedestrian System Planning

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

(2) A pedestrian system element must include the following elements:

(a) The complete pedestrian system as described in section (3) of this rule that includes the full buildout of the pedestrian system within the urban growth boundary;

(b) Identification of gaps and deficiencies in the pedestrian system as described in section (4);

(c) Locations of key pedestrian destinations as described in OAR 660-012-0360; and

(d) A list of prioritized pedestrian system projects as described in OAR 660-012-0520.

(3) The complete pedestrian system is the full buildout of a complete pedestrian system within the planning area. A city or county determines the complete pedestrian system plan by:
(a) Using the pedestrian system inventory developed under OAR 660-012-0505 as a base;

(b) Adding the minimum pedestrian facilities to places that do not presently meet the minimum pedestrian system requirements in OAR 660-012-0510; and

(c) Adding enhanced facilities above the minimum pedestrian system requirements where the city or county finds that enhanced facilities are necessary or desirable to meet the goals of the jurisdiction’s comprehensive plan.

(4) Cities and counties shall identify gaps and deficiencies in the pedestrian system by comparing the complete pedestrian system plan with the pedestrian system inventory developed under OAR 660-012-0505. Cities or counties must include any part of the complete pedestrian system not presently built to the standard in the complete pedestrian system plan as a gap or deficiency.

660-012-0505: Pedestrian System Inventory

(1) Pedestrian system inventories must include information on pedestrian facilities and street crossings for all areas within climate-friendly areas, within Metro Region 2040 centers, within one-quarter mile of all schools, and along all arterials and collectors. Pedestrian system inventories must also include information on all pedestrian facilities, including shared use paths and street crossings for all areas within the planning area.

(a) Inventories of pedestrian facilities must include information on width and condition.

(b) Inventories of street crossings must include crossing distances, the type of crossing, closed crossings, curb ramps, and distance between crossings.

(2) Pedestrian system inventories must include the crash risk factors of inventoried pedestrian facilities, including but not limited to speed, volume, and roadway width. Pedestrian system inventories must also include the location of all reported injuries and deaths of people walking or using a mobility device. This must include all reported incidents from the most recent five years prior of available data prior to the year of adoption of the pedestrian system inventory.

660-012-0605: Bicycle System Inventory

(1) Bicycle system inventories must include information on bicycle lanes, bicycle routes, accessways, paths, and other types of bicycle facilities, including pedestrian facilities that may be used by bicycles. Inventories must include information on width, type, and condition.

(2) Bicycle system inventories must include information on bicycle facilities of all types within climate-friendly areas, within Metro Region 2040 centers, within one-quarter mile of all schools, on bicycle boulevards, and along all arterials and collectors. Bicycle system inventories should include information on bicycle facilities and street crossings for all areas within the planning area.

(3) Bicycle system inventories must include the crash risk factors of inventoried bicycle facilities, including but not limited to speed, volume, separation, and roadway width. Bicycle system inventories must also include the location of all reported injuries and deaths of people on bicycles. This must include all reported incidents from the most recent five years prior of available data prior to the year of adoption of the bicycle system inventory.
660-012-0830: Enhanced Review of Select Roadway Projects

(1) Cities and counties shall review and may authorize certain proposed facilities to be included as a planned project or unconstrained project in any part of the local comprehensive plan, including the transportation system plan.

(a) The following types of proposed facilities must be reviewed as provided in this rule:

(A) A new or extended arterial street, highway, freeway, or bridge carrying general purpose motor vehicle traffic;

(B) New or expanded interchanges;

(C) An increase in the number of general purpose travel lanes for any existing arterial or collector street, highway, or freeway; and

(D) New or extended auxiliary lanes with a total length of one-half mile or more. Auxiliary lane means the portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing, maneuvering of entering and leaving traffic, and other purposes supplementary to through-traffic movement.

(b) Notwithstanding any provision in subsection (a), the following proposed facilities need not be reviewed or authorized as provided in this rule:

(A) Changes expected to have a capital cost of less than $5 million;

(B) Changes that reallocate or dedicate right of way to provide more space for pedestrian, bicycle, transit, or high-occupancy vehicle facilities;

(C) Facilities with no more than one general purpose travel lane in each direction, with or without one turn lane;

(D) Changes to intersections that do not increase the number of lanes, including implementation of a roundabout;

(E) Access management, including the addition or extension of medians;

(F) Modifications necessary to address safety needs; or

(G) Operational changes, including changes to signals, signage, striping, surfacing, or intelligent transportation systems.

(c) A proposed facility included in an existing acknowledged plan adopted as provided in OAR 660-012-0015 that would be required to be reviewed as provided in this rule must be reviewed to remain in the transportation system plan at the time of a major update to the transportation system plan.

(2) Cities and counties choosing to authorize a proposed facility as provided in this rule shall:

(a) Initiate the authorization process through action of the governing body of the city or county;

(b) Include the authorization process as part of an update to a transportation system plan to meet the requirements as provided in OAR 660-012-0100, or have an existing acknowledged transportation system plan meeting these requirements;

(c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;
(d) Designate the project limits and characteristics of the proposed facility, including length, number of lanes, or other key features;

(e) Designate a facility impact area and determine affected jurisdictions as provided in section (3);

(f) Conduct an engagement-focused equity analysis of the proposed facility as provided in OAR 660-012-0135;

(g) Develop a public involvement strategy as provided in section (4);

(h) Conduct an alternatives review as provided in sections (5) and (6);

(i) Choose to move forward with an authorization report as provided in section (7);

(j) Complete an authorization report as provided in section (8); and

(k) Publish the authorization report as provided in section (9).

(3) A city or county designating a facility impact area and determining affected jurisdictions shall:

(a) Coordinate with all cities and counties with planning jurisdictions within two miles of the limits of the proposed facility to determine the extent of the facility impact area;

(b) Review the extent of the impact of the proposed facility by including all areas where implementation of the proposed facility is expected to change levels or patterns of traffic or otherwise change the transportation system or land use development patterns;

(c) Take particular care when reviewing the facility impact area in places with concentrations of underserved populations. The city or county must consider the special impact of new facilities in the context of historic patterns of discrimination, disinvestment, and harmful investments;

(d) Designate a facility impact area to include, at minimum, areas within one mile of the proposed facility; and

(e) Determine affected jurisdictions by including all cities or counties with planning jurisdictions in the designated facility impact area.

(4) A city or county developing a public involvement strategy shall, in coordination with affected jurisdictions:

(a) Develop the public involvement strategy as provided in OAR 660-012-0130.

(b) Require that the public involvement strategy provides for opportunities for meaningful public participation in decision-making over the course of the authorization process;

(c) Require that the public involvement strategy includes regular reports to the affected governing bodies, planning commissions, and the public on the progress of the authorization process; and

(d) Coordinate the public involvement strategy with other public involvement activities which may be concurrent, including updates to a transportation system plan or authorizations for other proposed facilities.

(5) A city or county choosing to undertake an alternatives review shall, in coordination with affected jurisdictions:
(a) Have designated the facility impact area, determined affected jurisdictions, transit service providers, and transportation options providers; and developed a public consultation strategy as provided in this rule;

(b) Develop a summary of the expected impacts of the proposed facility on underserved populations identified as provided in OAR 660-012-0125, particularly, but not exclusively, in neighborhoods with concentrations of underserved populations. These impacts must include, but are not limited to, additional household costs, and changes in the ability to access jobs and services without the use of a motor vehicle;

(c) Develop a summary of the estimated additional motor vehicle travel per capita that is expected to be induced by implementation of the proposed facility over the first 20 years of service, using best available science;

(d) Investigate alternatives to the proposed facility, as provided in subsections (e) through (h). Cities and counties must use a planning level of analysis, and make use of existing plans and available data as much as practical;

(e) Investigate alternatives to the proposed facility through investments in the pedestrian and bicycle systems. The city or county must:

   (A) Review the transportation system plan for identified gaps and deficiencies in pedestrian and bicycle facilities within the facility impact area;

   (B) Determine how much of the need for the proposed facility may be met through enhanced investments in the pedestrian and bicycle networks;

   (C) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need which do not require implementation of the proposed facility; and

   (D) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need which may be implemented without the proposed facility, and may be retained if the proposed facility is implemented.

(f) Investigate alternatives to the proposed facility through investments in the public transportation system. The city or county must:

   (A) Review the transportation system plan for identified gaps and deficiencies in public transportation facilities and services within the facility impact area;

   (B) Coordinate with transit service providers to identify opportunities for providing additional transit service within or to the facility impact area; and

   (C) Identify potential transit facility and service investments that contribute to meeting the identified need which may be implemented without the proposed facility.

(g) Investigate alternatives to the proposed facility through investments in transportation options programs; or other means to reduce demand for motor vehicle travel. The city or county must:

   (A) Review the transportation system plan for identified existing and needed transportation demand management services within the facility impact area;
Coordinate with transportation options providers to identify opportunities for
providing transportation demand management services in and around the facility
impact area; and

Identify potential transportation options program investments that contribute to
meeting the identified need which may be implemented without the proposed
facility.

Investigate alternatives to the proposed facility that include system pricing. The city or
county must:

Determine if various types of pricing could substantially reduce the need for the
proposed facility;

Investigate a range of pricing methods appropriate for the facility type and need,
which may include, but are not limited to: parking pricing, tolling, facility
pricing, cordon pricing, or congestion pricing; and

Identify pricing methods where it is reasonably expected to meet the need for the
facility, may reasonably be implemented, and can be expected to generate
sufficient revenue to cover the costs of operating the collection apparatus.

A city or county completing an alternatives review must, in coordination with affected
jurisdictions:

Review the projects identified in section (5) to determine sets of investments that may be
made that could substantially meet the need for the proposed facility without
implementation of the proposed facility. A city or county must consider adopted state,
regional, and local targets for reduction of vehicle miles traveled to reduce greenhouse
gas emissions when making determinations of substantially meeting the need for the
proposed facility; and

Complete an alternatives review report upon completion of the alternatives review phase.
The alternatives review report must include a description of the effectiveness of identified
alternatives. The alternatives review report must include the summaries developed in
subsections (5)(b) and (c). The alternatives review report must be provided to the public,
and the governing bodies and planning commissions of each affected city or county. The
alternatives review report must also be included in the next annual report to the director
as provided in OAR 660-012-0900.

The governing body of the city or county shall review the alternatives review report and may
either:

Select a set of investments reviewed in the alternatives review report intended to
substantially meet the identified need for the proposed facility. These investments may be
added to the unconstrained project list of the transportation system plan as provided in
OAR 660-012-0170; or

Choose to complete the authorization report for the proposed facility, as provided in
section (8).

A city or county choosing to complete an authorization report as provided in section (7) shall,
after completion of the alternatives review, include the following within the authorization report:

A record of the initiation of the authorization process by the governing body;
(b) The public involvement strategy developed as provided in section (4), and how each part of the public involvement strategy was met;

(c) The alternatives review report;

(d) A summary of the estimated additional long-term costs of maintaining the proposed facility, including expected funding sources and responsible transportation facility operator.

(9) A city or county shall publish the authorization report upon completion and provide it to the public and governing bodies of each affected jurisdiction.

(10) A city or county, having completed and published an authorization report, may place the proposed project on the list of street and highway system projects with other projects as provided in OAR 660-012-0820. A proposed project authorized as provided in this rule may remain on a project list in the transportation system plan as long there are no substantial changes to the proposed project as described in the authorization report.

Changes to Division 44

660-044-0015: Applicability – Compliance Schedule

(1) OAR 660-044-0000 through OAR 660-044-0020, OAR 660-044-0030, and OAR 660-044-0040 through OAR 660-044-0060 of this division apply to Metro. OAR 660-044-0055 applies to the cities and counties within Metro.

(2) OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division apply to the cities and counties within the metropolitan planning area of the Central Lane Metropolitan Planning Organization as provided in subsections (a) and (b).

(a) These cities and counties must:

(A) Submit a work program containing all of the elements provided in OAR 660-044-0100 to the department for review under section (4) by June 30, 2023;

(B) Prepare a land use and transportation scenario plan as provided in OAR 660-044-0110 and submit it for review by the commission as provided in OAR 660-044-0120 by December 31, 2023 or another date in the approved work program;

(C) Adopt local amendments as provided in OAR 660-044-0130 by December 31, 2026, or other date in the approved work program.

(b) These cities and counties may use the preferred scenario submitted to the commission and legislature in 2015 as required by Oregon Laws 2010, chapter 865, as the basis for the land use and transportation scenario plan. If these cities and counties use the preferred scenario from 2015, then they:

(A) Are neither required to redo the prior work that produced the preferred scenario, nor comply with requirements of OAR 660-044-0110 specific to the preferred scenario.

(B) Are required to produce only the additional elements that build on the preferred scenario to prepare a complete transportation and land use scenario plan, as provided in OAR 660-044-0110(3) and 660-044-0110(9) through (10).
(3) OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division apply to the cities and counties within the metropolitan planning area of the Salem-Keizer Area Transportation Study. These cities and counties must:

(a) Submit a work program containing all of the elements provided in OAR 660-044-0100 to the department by June 30, 2023;

(b) Prepare a land use and transportation scenario plan as provided in OAR 660-044-0110 and submit it for review by the commission as provided in OAR 660-044-0120 by June 30, 2024, or another date in the approved work program; and

(c) Adopt local amendments as provided in OAR 660-044-0130 by June 30, 2025, or another date in the approved work program.

(4) Cities and counties may request, and the director or commission may approve, applying OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division to the cities and counties within a metropolitan area and establishing compliance schedule under the following procedures.

(a) Cities and counties within a metropolitan area may jointly submit a proposed work program or resubmit a revised work program as provided in OAR 660-044-0100.

(b) The department shall consult with the Oregon Department of Transportation to review a proposed work program. The director may approve the work program or refer the work program to the commission with recommended revisions.

(c) If the director refers a proposed work program to the commission under subsection (b), the commission shall hold a hearing to review the proposed work program and the recommended revisions. The commission may approve the work program based on OAR 660-044-0100 or remand the work program with required revisions.

(5) The commission may issue an order applying OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division to cities and counties within a metropolitan area and establishing a compliance schedule using the procedures below.

(a) The department will provide the cities and counties a draft order with compliance schedule prior to a commission hearing.

(b) The commission will hold a hearing and consider any revised or alternate order proposed by cities or counties, and any public testimony.

(c) When considering whether to issue an order, the commission shall consider the following factors using the best available data:

(A) Greenhouse gas emissions including actual measurements, model estimates, recent trends, and future projections under current adopted plans;

(B) Local transportation and land use actions that influence greenhouse gas emissions and more equitable outcomes, including adopted plans, recent actions by cities and counties, and development trends;

(C) Population growth including recent trends and future projections;
(D) Presence or absence of regional cooperation on greenhouse gas emissions reduction;

(E) Vehicles miles traveled per capita in the metropolitan area, including actual measurements, model estimates, recent trends, and future projections under current adopted plans; and

(F) State and local funding available for scenario planning.

(6) The director may grant a whole or partial exemption from the requirements of this division to cities or counties outside of the Portland metropolitan area with a population of less than 5,000 within the metropolitan planning area. The director may also grant a temporary whole or partial exemption from the requirements of this division to jurisdictions of any size that are newly included in an existing metropolitan area or a newly designated metropolitan area.