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April 11, 2023

TO: Land Conservation and Development Commission

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SUBJECT: **Agenda Item 4, April 20-21, 2023, LCDC Meeting**

TEMPORARY RULEMAKING: AMENDMENTS TO THE CLIMATE-FRIENDLY AND EQUITABLE COMMUNITIES RULES

I. AGENDA ITEM SUMMARY

Purpose. Staff from the Department of Land Conservation and Development (DLCD or department) will provide the Land Conservation and Development Commission (LCDC or commission) with a set of recommended rule amendments for temporary adoption at this meeting. These amendments will take effect in May, with a decision on permanent adoption expected in November.

Objective. The commission is informed about the recommended temporary amendments to the rules and prepared to decide on adopting them.

Background. In July 2022, the commission adopted amendments to administrative rules collectively known as the Climate-Friendly and Equitable Communities rules. These rules were developed over a nearly two-year long process with participation from a wide range of stakeholders. Since adoption, the staff have been working with cities, counties, and Metro to begin implementing the rules. Parts of the rules phase in over time. The commission has directed department staff to return as needed, with recommendations that will help with implementation. The department recommends the temporary adoption of a selected set of amendments, with the expectation that the commission would make amendments permanent later this year.

For further information about this report, please contact Bill Holmstrom, Land Use and Transportation Planning Coordinator at 971-375-5975 or bill.holmstrom@dlcd.oregon.gov.

II. BACKGROUND

When the commission adopted the Climate-Friendly and Equitable Communities rules in 2022, it directed staff to continue to work with stakeholders on implementation, and, if necessary, to bring potential rule changes back to the commission. The department has worked to implement the rules through guidance and technical assistance; however, staff have identified some necessary changes to the rules.

In January 2023, staff brought an initial concept for minor corrections and clarifications to the commission for its review. Staff will be bringing a more complete concept for these permanent amendments to the commission for initiation at this meeting in Agenda Item 5. Since January, staff have *also* identified selected critical issues that need to be resolved more quickly than through the permanent rulemaking process.

Staff recommends the commission adopt a set of temporary amendments at this meeting. The relationship between these proposed amendments and the proposed permanent amendments is described in detail in Attachment A. The reasons for undertaking this temporary rulemaking include:

- Retaining the key outcomes of the Climate-Friendly and Equitable Communities program;
- Following the commission's direction to adjust as needed to make the rules workable and functional;
- Trying to build certainty for jurisdictions that are presently developing transportation projects; and
- Hearing from legislators their desire to see the department make clarifications and collaborate with stakeholders this spring while the legislature is in session.

These amendments do not represent the complete set of refinements to the rules. However, based on a series of meetings occurring over several weeks, DLCD identified several rule provisions that could be changed to address some immediate concerns of local partners and other stakeholders. The selected amendments address these concerns by providing greater clarity and allowing for more flexible, less burdensome implementation.

III. PROPOSED AMENDMENTS

There are five categories of amendments proposed for temporary adoption. All the proposed amendments are to the Transportation Planning Rules (TPR), Oregon Administrative Rule (OAR) chapter 660, division 12. The recommended amendments are available in Attachments B and C.

A. ALTERNATIVE DATES FLEXIBILITY

Staff recommends changes to provide more flexibility for local governments to ask for alternative dates for some deadlines in the rules. The proposed amendments would remove the January 31, 2023 deadline for requesting these alternative dates. The proposed amendments are in OAR 660-012-0012 in Attachments B and C.

Before January 31, 2023, 22 jurisdictions requested alternative dates ahead of the existing deadline. Since then, staff has heard from a few other jurisdictions that would like some additional flexibility. The proposed amendments do not otherwise change the process or criteria for requesting or granting alternative dates, or which deadlines may be adjusted.

Permanent amendments planned for this year may include some actual adjustments to certain deadlines in the rules.

B. CERTAINTY FOR COMMITTED TRANSPORTATION PROJECTS

Staff recommends changes to provide more clarity on how local governments may consider certain transportation projects “in development” for purposes of determining review requirements in the rules. The proposed amendments would add clarifying language to clearly define eligible projects. The proposed amendments are in OAR 660-012-0830 in Attachments B and C.

OAR 660-012-0830 is a new rule adopted by the commission last year. The rule requires that certain larger roadway capacity-increasing projects go through a review process before being added to a transportation system plan. The review process requires local governments to review potential alternatives to new roadway capacity before making an affirmative decision to include affected projects in their local plan or not.

C. CLIMATE-FRIENDLY AREAS

Staff recommends changes to adjust some requirements for how local governments may adopt climate-friendly areas. The proposed amendments would: require the designation of climate-friendly areas on comprehensive plan maps rather than a new element in the comprehensive plan; provide a clearer path to demonstrate adequate levels of development capacity; clarify that housing needs analyses adopted prior to 2020 may be used to determine total housing needs; and make some other clarifying changes. The proposed amendments are in OAR 660-012-0315 and 660-012-0320 in Attachments B and C.

The climate-friendly area rules proposed to be amended direct 15 local governments to study and adopt climate-friendly areas, which are intended to be districts with a higher intensity and mix of land uses, and connected pedestrian, bicycle, and transit networks.

The proposed amendments make some adjustments to make it clearer and simpler to adopt climate-friendly areas.

D. PARKING REFORM

Staff recommends changes to some aspects of the adopted parking reform rules. The proposed amendments would adjust or remove some general requirements for parking lots of a certain size, adjust some requirements for parking maximums, remove some requirements for unbundled parking, adjust options for parking management, and adjust a formula for bicycle parking. The proposed amendments are in OAR 660-012-0405, OAR 660-012-0415, OAR 660-012-0425, OAR 660-012-0435, OAR 660-012-0445, and OAR 660-012-0630 in Attachments B and C.

The proposed amendments addressing motor vehicle parking do a few things:

- OAR 660-012-0405: Increase the size threshold for requirements for larger parking lots from ¼ acre to ½ acre. For these parking lots, adjust the tree canopy option to cover 40% instead of 50% of the lot.
- OAR 660-012-0415: Remove one subsection that asked cities and counties to consider setting parking maximums at a certain threshold and adopt findings if not meeting that threshold. This rule only applies to more populous communities.
- OAR 660-012-0425 and 660-012-0435: In each rule, remove the requirement for multifamily housing to have unbundled parking.
- OAR 660-012-0445: Adjust requirements for two optional parking management paths. In the “fair parking” path, reduce the number of provisions local governments must implement from three out of five, to two out of five. In the “reduced regulation” path, remove a requirement for parking maximums and add unbundled parking as an option in lieu of a parking management district.

OAR 660-012-0630 addresses bicycle parking. The department adjusted a portion of this rule providing for a minimum number of bicycle parking spaces in some circumstances to be clearer. The change will also result in fewer required bicycle parking spaces in cases where many motor vehicle parking spaces are required.

E. SITE DESIGN

The proposed language slightly changes a requirement for commercial and mixed-use site design. The proposed amendments would adjust a requirement for buildings to face public sidewalks to apply to only the primary facing street. The proposed amendment is in OAR 660-012-0330 in Attachments B and C.

OAR 660-012-0330 addresses a range of land use requirements to support compact, walkable mixed-use development patterns. A section of this rule requires commercial and mixed-use site design that prioritizes pedestrians over on-site motor vehicle parking and circulation. The proposed amendment clarifies that motor vehicle parking,

circulation, access, and loading should not be located between a building and the sidewalk on the primary facing street.

Cities and counties will retain flexibility provided in the rule to account for variations in sites.

IV. ASSESSMENT OF ADMINISTRATIVE RULE REQUIREMENTS

A. RULEMAKING FINDINGS

Oregon Revised Statute (ORS) 197.040(1)(b) directs the Land Conservation and Development Commission to design its administrative requirements to:

(A) Allow for the diverse administrative and planning capabilities of local governments;
(B) Consider the variation in conditions and needs in different regions of the state and encourage regional approaches to resolving land-use problems;
(C) Assess what economic and property interests will be, or are likely to be, affected by the proposed rule;
(D) Assess the likely degree of economic impact on identified property and economic interests; and
(E) Assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact.

The following is an assessment from the department on how the proposed temporary amendments fulfill these requirements.

(A) Allow for the diverse administrative and planning capabilities of local governments

The proposed amendments include a selected set of changes to provide more flexibility and certainty to affected local governments. The amended rules only apply to local governments within metropolitan areas.

(B) Consider the variation in conditions and needs in different regions of the state and encourage regional approaches to resolving land-use problems

The proposed amendments provide additional flexibility to local governments to set different schedules for meeting key deadlines in the existing rules. The proposed amendments provide additional flexibility to determine how to best meet key requirements locally.

(C) Assess what economic and property interests will be, or are likely to be, affected by the proposed rule

The proposed amendments are a limited set of changes to adopted rules. The amendments bring more clarity and certainty to local governments. The department has not identified economic or property interests expected to be affected by the proposed amendments.

(D) Assess the likely degree of economic impact on identified property and economic interests

The proposed amendments are a limited set of changes to adopted rules. The amendments bring more clarity and certainty to local governments. The degree of property or economic impacts are expected to be very minimal.

(E) Assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact

The department worked with stakeholders to develop amendments that provide increased flexibility and certainty. The amendments likely have a lesser economic impact than the presently adopted rules.

B. TEMPORARY RULEMAKING FINDINGS

ORS 183.335(5)(a) requires that for temporary rulemaking the commission must make:

> "A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;"

The department recommends that the commission base the decision to adopt temporary rules on the following findings.

1. Need for the Temporary Rules

In July 2022, the commission adopted new rules and amendments to existing rules in OAR chapter 660, division 12. The commission found that urgent work was necessary to meet Oregon's legislatively adopted climate pollution reduction goals. The rules include a wide range of requirements for cities and counties in Oregon's metropolitan areas. Some of these requirements are presently in effect, and others phase in over time. Although many existing planning requirements have been in place for decades directing how cities and counties comprehensively plan for land use and transportation, the adopted rules advanced these requirements significantly. As the department works with cities and counties to implement the rules, the department has found that clarifying

elements of the rules would provide cities and counties certainty about what is required, and elements that need to be adjusted to make it easier for cities to implement the rules.

2. Justification of Temporary Rules

Some proposed amendments are necessary to allow cities and counties to request alternate dates based on local circumstances for some of the deadlines within the rules. The application period for these requests has closed. Cities and counties are subject to deadlines that start as early as July 1, 2023. These amendments would reopen applications so that cities and counties can request alternative dates. If the commission does not make these amendments promptly, cities and counties would not have an extended opportunity to apply for alternate dates, the department director would not have authority to review and grant requests, and cities and counties would not have the opportunity to request deadlines based on local circumstances.

Some proposed amendments are necessary to add clarity and make adjustments to rules related to parking mandates, bicycle parking, and site design. Some requirements in these rules take effect as early as July 1, 2023. Cities and counties have started the process to adopt local regulations that comply with these rules. Other requirements will be effective as soon as a city or county makes a major amendment to a local transportation system plan. If the commission does not make the proposed amendments promptly, cities and counties would be required to adopt local regulations in the absence of beneficial additional clarity and would likely adopt some elements that would not be required under these proposed amendments.

Some proposed amendments are necessary to adjust requirements and process for studying and adopting development regulations for climate-friendly areas. The current rules require cities and counties to submit a study of climate-friendly areas by the end of 2023 and adopt development regulations by the end of 2024. Cities and counties have started the studies and have already produced draft reports. If the commission does not make the proposed amendments promptly, cities and counties would continue studying climate-friendly areas based on requirements that the department anticipates would change before they complete the study and would likely do some work that would not be required under those proposed amendments. If the commission does not make these amendments promptly, cities and counties would likely be delayed in adopting development regulations for climate-friendly areas, which could delay development of urgently needed housing.

Some proposed amendments are necessary to adjust requirements related to the review of certain transportation projects when cities and counties update an acknowledged transportation system plan. Local governments have expressed uncertainty about which projects are included in the requirement. The amendments will clarify how the review applies to transportation projects that are already in development at the time of a major transportation system plan update. The amendments will define a

development threshold. Cities and counties will not be required to review projects that have passed that threshold. If the commission does not make these amendments promptly, cities and counties would be required to make time-sensitive project funding and development decisions without clear direction and could potentially do significant work to review projects that would not be included under the proposed changes.

V. RECOMMENDED ACTION

Staff recommends the commission:

1. Review the proposed amendments to the rules;
2. Review rulemaking impact statements;
3. Review public comments received; and
4. Adopt the proposed amended administrative rules.

VI. SAMPLE MOTIONS TO ADOPT TEMPORARY RULES

Approve staff recommendation

> *"I move that the Land Conservation and Development Commission temporarily amend rules in Oregon Administrative Rules chapter 660, division 12, as drafted in Attachment B of Agenda Item 4, based on the findings in sections IV of the staff report."*

Approve modified staff recommendation

> *"I move that the Land Conservation and Development Commission temporarily amend rules in Oregon Administrative Rules chapter 660, division 12, as drafted in Attachment B of Agenda Item 4, with the following revisions* [state proposed revisions]*, based on the findings in sections IV of the staff report with the following revisions* [state proposed revisions]*."*

VII. ATTACHMENTS

A. SUMMARY OF RULEMAKING PROCESSES

B. RECOMMENDED AMENDMENTS

C. CHANGES FROM ADOPTED RULES

D. RULEMAKING IMPACT STATEMENTS

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April 6, 2023

TO: Land Conservation and Development Commission

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Matt Crall, Planning Services Division Manager
Bill Holmstrom, Land Use and Transportation Planning Coordinator

SUBJECT: **Agenda Item 4, April 20-21, 2023, LCDC Meeting**

ATTACHMENT A
SUMMARY OF RULEMAKING PROCESSES RELATED TO CLIMATE-FRIENDLY AND EQUITABLE COMMUNITIES

I. OVERVIEW

This attachment provides a summary of expected rulemaking processes related to amendments to the Climate-Friendly and Equitable Communities rules, including the Transportation Planning Rules – Oregon Administrative Rule (OAR) chapter 660, division 12. This attachment describes the content and timing of each part of a proposed two-track rulemaking process and the relationship between them.

The Land Conservation and Development Commission (LCDC or commission) adopted administrative rules in July 2022, known as the Climate-Friendly and Equitable Communities rules. These rules were developed over a nearly two-year long process with participation from a wide range of stakeholders. Since adoption, the Department of Land Conservation and Development (DLCD or department) staff have been working with cities, counties, and Metro to begin implementing the rules. Parts of the rules phase in over time.

For further information about this report, please contact Bill Holmstrom, Land Use and Transportation Planning Coordinator at 971-375-5975 or bill.holmstrom@dlcd.oregon.gov.

II. BACKGROUND

Staff have continued to work toward implementation of the rules as adopted. At the commission's direction, staff have identified and kept track of issues. Many issues have been and will be addressed through guidance documents. However, resolution of some issues requires amendments to the rules.

At the January 2023 commission meeting, staff presented a plan to consider some limited correction and clarification amendments. The purpose of this suite of updates is to ensure the intent of the rules are clear.

As staff have continued to work with stakeholders, it has become clear that some issues require quicker resolution than originally envisioned. Staff have developed a two-track course of rulemaking to ensure that certain issues receive immediate attention, while also providing an opportunity for sufficient review and participation.

III. TEMPORARY RULEMAKING

The temporary rulemaking is intended to address a limited set of issues of immediate concern to stakeholders. The amendments would become effective relatively quickly, with the ability to further refine the amendments through the permanent rulemaking process later this year.

A. CONTENT OF TEMPORARY RULEMAKING

There are five elements included in the temporary rulemaking:

1. **More flexibility in the "alternative dates" process.** The amendments remove the deadline for local governments to request alternative deadlines for certain elements of the rules.
2. **Increasing certainty for planned transportation projects.** The rules require additional review of selected undeveloped roadway projects when adopting an updated transportation system plan. The amendments clarify how a project may be considered already in development, and not in need of review.
3. **Updating rules for climate-friendly areas (CFAs).** The amendments: require adoption of CFA maps rather than a comprehensive plan element; provide a clearer path to demonstrate development capacity clarify how housing needs analysis may be used; and make other clarifying changes.
4. **Alterations to parking reform rules.** A range of amendments that adjust or remove some general requirements for parking lots of a certain size, adjust some requirements for parking maximums, remove some requirements for unbundled parking, adjust options for parking management, and adjust a formula for bicycle parking.
5. **Adjusting site design requirements**. The amendments make a small change to clarify the application of certain pedestrian-oriented site design requirements.

B. TIMING OF TEMPORARY RULEMAKING

Staff recommends the commission accept public comment and adopt the temporary rule amendments at the April 2023 commission meeting. Temporary rules may only be effective for no longer than 180 days. Staff would arrange for the rules to become effective in May, providing enough time for the permanent rulemaking to proceed, with

expected permanent adoption in November. The issues addressed through the temporary rulemaking will be settled in the permanent administrative rules.

IV. PERMANENT RULEMAKING

The permanent rulemaking would include a set of minor corrections and clarifications to the rules, as originally presented to the commission in January. The permanent rulemaking would also review and refine the amendments made in the temporary rulemaking and make them permanent. Initiation of permanent rulemaking is Agenda Item 5 at this commission meeting.

A. CONTENT OF PERMANENT RULEMAKING

The permanent rulemaking will include two types of amendments:

- Minor clarifications and corrections; and
- Review and refinement of temporary rule amendments.

As presented in January, the permanent rulemaking will include a set of minor clarification and correction updates to the rules. Staff has generated a list of updates and solicited comments on other potential amendments. From these lists, staff have generated a list of corrections and clarification amendments.

The permanent rulemaking process will also review and refine the amendments made in the temporary rulemaking. While some of these amendments are also clarifying amendments, some are not. Review through the permanent rulemaking process is required to permanently adopt the amendments into the rules.

B. TIMING OF PERMANENT RULEMAKING

The permanent rulemaking is expected to proceed as staff presented to the commission in January:

April 2023	Commission initiates rulemaking.
May June	Rulemaking advisory committee meets and reviews draft rules.
July	Commission holds rulemaking hearing.
August	Rulemaking hearing is closed.
November	Commission makes adoption decision.

V. OTHER FUTURE RULEMAKING ACTIVITIES

Staff expects other rulemaking activities will be required in the future. For example, there likely is an upcoming legislative direction to update rules for housing. Many

existing rules, potentially including the Transportation Planning Rules, may need to be amended to be consistent with this direction.

Proposed Temporary Rule Amendments
April 3, 2023

This document includes proposed amendments to rules in OAR chapter 660, division 12, also known as the Transportation Planning Rules. These amendments are proposed by the Department of Land Conservation and Development ("department") for adoption by the Land Conservation and Development Commission ("commission"). These amendments are expected to be adopted by the commission on April 20, 2023. The department expects to propose further corrections and clarification amendments for review in summer 2023. The department plans to recommend that the commission adopt the corrections and clarifications amendments along with these temporary rules as permanent rules in November 2023.

Only rules with proposed amendments are included in this document. Comments in boxes are explanatory and not part of the adopted rules or proposed amendments.

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660-012-0012: Effective Dates and Transition

(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 17, 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.

The proposed amendments in this section would permit local governments to request alternative dates at any time. The existing rules have a deadline of January 31, 2023.

(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 or amended 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 or amended 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 December 31, 2023.~~ 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~~December 31, 2029.

(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~~d) 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 provided in OAR 660-044-0015.~~

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

(~~h~~g) 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 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 shall adopt land use requirements for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-0315 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 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 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 660-012-0400, 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.
(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 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 June 30, 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, 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 provided in OAR 660-012-0900 is 2023, with reports due no later than May 31, 2024.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.712, ORS 197.296, ORS 455.417

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 with a population greater than 10,000 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) A local government may designate one or more climate-friendly areas to accommodate at least 30 percent of housing units.

The proposed amendments in this subsection clarify that the most recently adopted and acknowledged "housing needs analysis" or "housing capacity analysis" serves as the basis for determining a city or county's total housing unit needs. Sole use of the term "housing capacity analysis" could have been interpreted to apply only to HCAs that were acknowledged after rules were adopted to implement House Bill 2003 (2019 Legislative Session).

(b) 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 analysis of housing capacity and needed housing consistent with ORS 197.296~~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 of the housing capacity analysis.

The proposed amendments in this section are for clarity.

(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 proposed~~existing or anticipated~~ development standards for ~~within~~ the climate-friendly area, including applicable setbacks, allowed building heights, open space requirements, on-site parking requirements, and all other applicable~~similar~~ regulations that would impact the developable site area. 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 where the development of additional roads and utility infrastructure is anticipated, the local government shall assume the same ratio of gross~~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) Thirty feet allows two floors.
(B) Forty feet allows three floors
(C) Fifty feet allows for four floors.
(D~~B~~) Sixty feet allows for five floors.
(E) Seventy-five feet allows for six floors.
(F~~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), 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 OAR 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 10,000 or less shall designate at least 25 acres of land as climate-friendly area.

(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. 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(2).

(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).

The proposed amendments in this section remove the requirement to adopt a climate-friendly element to the comprehensive plan, and more clearly set out the changes needed to adopt climate-friendly areas.

(6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and clearly denote the climate-friendly areas one~~elements to their~~ comprehensive plan maps, indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements and findings for the ~~the climate-friendly element of the~~ comprehensive plan map amendment shall include the following:

(a) Cities and counties subject to section (1) shall provide comprehensive plan 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 comprehensive plan maps showing the location of the adopted climate-friendly area. Local governments 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.~~ A~~dditionally, a~~dopted findings shall demonstrate compliance with the provisions of OAR 660-012-0310 through 660-012-0325, and 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).

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 and 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). Notwithstanding this section, 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 exemptions 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 greater than 5,000 up to 25,000 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 greater than 25,000 up to 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 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 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.

The proposed amendments in this section adjust an optional path for demonstrating the development capacity of climate-friendly areas. The amendments provide a quantifiable "burden of proof" threshold for local governments wishing to utilize this alternative option, which has been commonly referred to as the "outcome-based standards" path.

(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 will provide for equal or higher levels of development in climate-friendly areas than those allowed per the standards in section (8). Additional zoned building capacity of 25 percent may be included for development regulations that allow height bonuses for additional zoned building capacity above established maximums that are consistent with OAR 660-012-0315(2)(c)(B). Specifically, the local government must demonstrate that the alternative development regulations will consistently and expeditiously allow for the levels of development described in subsections (a)-(c). Alternative development regulations must require either a minimum residential density of 15 dwelling units per net acre or a minimum floor area ratio of 2.0, as described in section (8).~~below:~~

(a) Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 60,000 square feet per net acre. ~~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 greater than 25,000 up to 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 90,000 square feet per net acre. ~~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 greater than 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 120,000 square feet per net acre. ~~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 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:

(a) Topography or natural features;
(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 identified 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 must 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 must be designed to be barrier-free.

The proposed amendment in this subsection adjusts a site design requirement. The existing rules limit motor vehicle parking, access, and storage on-site between buildings and public pedestrian facilities. These facilities are usually sidewalks. The proposed adjustment limits the requirement to pedestrian facilities on or along the primary facing street. Section (2) of this rule continues to provide additional flexibility for local governments.

(b) Motor vehicle parking, circulation, access, and loading may be located 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 <u>on or along the primary facing street</u>. Bicycle parking may be permitted.
(c) On-site accessways must 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 must 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. 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 must 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 that affect private access to roads; and
(D) Other applications within airport noise corridors and imaginary surfaces that 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0405: Parking Regulation Improvements

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and

(c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

(2) Cities and counties shall adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

Proposed amendments in this section adjust requirements for larger parking lots, both by adjusting the size threshold where the requirements become applicable, and by adjusting the requirements themselves. The amendments clarify the requirements apply only to new parking spaces during redevelopment of part of a site, make tree canopy a more feasible option, and clarify continuous tree canopy is required for street trees, not all the trees on a lot.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-~~quarter~~ half acre of new surface parking on a lot or parcel as provided below:

(a) Developments must provide one of the following:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space ~~on the property~~. Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay $1,500 per new parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;

(B) Actions to comply with OAR 330-135-0010; or

(C) Tree canopy covering at least ~~50~~ 40 percent of the additional parking lot area at maturity but no more than 15 years after planting.

(b) Developments must provide street trees along driveways but are not required to provide them along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles, and other site design considerations; and

(c) Developments must provide street-like design and features along driveways including curbs and~~,~~ pedestrian facilities. Developments must provide~~, and~~ buildings built up to pedestrian facilities where feasible.

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building, and maintenance phases.

(e) In providing trees under subsections (a)~~,~~ and (b)~~ and (c),~~ the following standards shall be met.~~ The tree spacing and species planted must be designed to maintain a continuous canopy. Local codes must provide clear and objective standards to achieve such a canopy.~~ Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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.

(a) 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;
(b) 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;
(c) 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; and

The proposed amendments remove this subsection. The amendment would remove a requirement for more populous jurisdictions to do analysis and adopt findings for certain parking maximums. The remaining provisions of this rule would remain in place.

~~(d) 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~~

(~~e~~d) 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:

(a) 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;
(b) 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;
(c) 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
(d) 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

(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 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.

(3) Any reductions under section (2) shall be cumulative and not capped.

The proposed amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates. No Oregon jurisdiction has implemented unbundling. A proposed amendment to rule 0445 adds an option for unbundling parking.

~~(4) Cities and counties shall require the parking for multi-family residential units in the areas in OAR 660-012-0440 be unbundled parking.~~

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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.

The proposed amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates. No Oregon jurisdiction has implemented unbundling. A proposed amendment to rule 0445 adds an option for unbundling parking.

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

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0445: Parking Management Alternative Approaches

(1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420, cities and counties shall select and implement either a fair parking policy approach as provided in subsection (a) or a reduced regulation parking management approach as provided in subsection (b).

The proposed amendment changes this subsection so that only two of the five provisions need to be met under this option, rather than three out of five. The adjustment also requires at least one of the first three provisions are chosen, which is presently required when three out of five choices must be selected.

(a) A fair parking policy approach shall include at least ~~three~~ two of the following five provisions, including at least one provision from paragraphs (A)-(C):
(A) A requirement that parking spaces for each residential unit in developments that include five or more leased or sold residential units on a lot or parcel be unbundled parking. Cities and counties may exempt townhouse and rowhouse development from this requirement;
(B) A requirement that parking spaces serving leased commercial developments be unbundled parking;

(C) A requirement for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of $50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking;
(D) A tax on the revenue from commercial parking lots collecting no less than 10 percent of income, with revenues dedicated to improving transportation alternatives to drive-alone travel; and
(E) A reduction of parking mandates for new multifamily residential development to no higher than one-half spaces per unit, including visitor parking.

The proposed amendment changes this subsection to simplify provisions, remove a requirement to set parking maximums, and provide an unbundling option in lieu of a parking district. The provisions of this subsection only need be met if this option is chosen by the local government.

(b) A reduced regulation parking management approach shall include all of the following:
(A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;
(B) A repeal of parking mandates ~~for transit-oriented development and~~ mixed-use development;
(C) A repeal of parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;
(D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in residential developments of five or more units on a lot or parcel;
(E) A repeal of parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years. Cities and counties may require registration of a building as vacant two years prior to the waiving of parking mandates;
(F) A repeal of requirements to provide additional parking for change of use or redevelopment;
(G) A repeal of parking mandates for expansion of existing businesses by less than 30 percent of a building footprint;
(H) A repeal of parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or on a local inventory of historic resources or buildings;
(I) A repeal of parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space;
(J) A repeal of parking mandates for developments built under the Oregon Residential Reach Code;
(K) A repeal of parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;
(L) A repeal of parking mandates for schools;
(M) A repeal of parking mandates for bars and taverns; and
~~(N) Setting parking maximums consistent with OAR 660-012-0415(1), notwithstanding populations listed in that section; and~~
(N~~O~~) ~~Use~~ Implementation of at least one pricing mechanism, either:
(i) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through paid permits, meters, or other payments~~, or time limits.~~; or
(ii) Requirements ~~for~~ that parking for multi-family residential units ~~to~~ be unbundled parking.

(2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0630: Bicycle Parking

(1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle and other small-scale mobility devices.
(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily development or mixed-use development of four residential units or more, and new office and institutional developments. Such bicycle parking must include at least one bicycle parking space for each residential unit.
(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be located within a short distance from the main retail entrance.
(4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride lots.
(5) Cities and counties shall require bicycle parking in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

(6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

The proposed amendment to this section replaces a formula for determining the number of required bicycle spaces based on the number of mandated off-street motor vehicle parking spaces. This requirement continues to be based on mandated motor vehicle parking spaces, not built motor vehicle parking spaces. The updated requirement is simpler and requires fewer bicycle parking spaces for uses where many motor vehicle parking spaces are mandated, with a cap at twenty bicycle parking spaces.

(7) Cities and counties shall require bicycle parking for any land use where off-street motor vehicle parking is mandated. The minimum number of bicycle parking spaces shall be no less than the greater of:

(a) ~~Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7, rounded to the next highest whole number~~Four bicycle parking spaces for every ten mandated off-street motor vehicle parking spaces, in increments of four bicycle parking spaces, up to twenty bicycle parking spaces; or

(b) As otherwise provided in this rule.

(8) Cities and counties shall ensure that all bicycle parking provided must:

(a) Allow ways to secure at least two points on a bicycle;

(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions;

(c) Be in a location that is convenient and well-lit; and

(d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 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.

This subsection is proposed to be replaced by updated language. The purpose of this subsection is to ensure that projects presently underway do not need to be reviewed under this rule when making a major TSP update.

The proposed language below includes six potential thresholds that may be considered in the amendment. Staff does not expect to recommend all six thresholds in the updated rule, and thresholds may be modified. Comments are welcome.

The only projects that will require review as provided in this rule are those that meet the criteria in subsection (a) of this rule, do not meet any of the exceptions in subsection (b) of this rule, and do not yet meet any of the thresholds in subsection (c) at the time of a major TSP update. All other projects need not be reviewed.

~~(c) To retain a proposed facility that is included in an existing acknowledged plan adopted as provided in OAR 660-012-0015, a city or county shall review that facility under this rule at the time of a major update to its transportation system plan.~~

(c) Notwithstanding subsection (a), a city or county may carry forward a proposed facility in a major TSP update without review under this rule if it is a planned project in a ~~TSP~~transportation system plan acknowledged prior to January 1, 2023, and the project meets any of the following:

(A) The project is included in a general obligation bond approved by voters prior to January 1, 2022;

(B) The project is included as a project phase other than planning in the State Transportation Improvement Program adopted by the Oregon Transportation Commission, a metropolitan planning organization's transportation improvement program, or adopted local transportation improvement program;

(C) Projects that are classified as a class 1 or class 3 project and that have been issued a signed record of decision or finding of no significant impact as provided in 23 CFR Part 771;

(D) The project is on right-of-way that was purchased by, or dedicated to the public prior to January 1, 2024;

(E) The project has an approved contract for design and engineering services by January 1, 2024; or

(F) The project has been advertised for construction bids.

(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 that 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;
(B) Coordinate with transportation options providers to identify opportunities for providing transportation demand management services in and around the facility impact area; and
(C) Identify potential transportation options program investments that contribute to meeting the identified need which may be implemented without the proposed facility.

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

(A) Determine if various types of pricing could substantially reduce the need for the proposed facility;
(B) 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
(C) 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.

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

(a) 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

(b) 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.

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

(a) 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

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

(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) 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 significant changes to the proposed project or the land use context as described in the authorization report.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 468A.205

Proposed Temporary Rule Amendments
April 3, 2023

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660-012-0012: Effective Dates and Transition

(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 17, 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 or amended 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 or amended 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 completion of all elements included in the alternative dates, except for a major update to the transportation system plan, by December 31, 2029.

(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) 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.

(e) 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.

(f) Upon the director finding the proposed alternative dates meet the criteria in (e), the alternative dates shall be used.
(g) 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 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 shall adopt land use requirements for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-0315 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 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 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 660-012-0400, 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.
(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 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 June 30, 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, 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 provided in OAR 660-012-0900 is 2023, with reports due no later than May 31, 2024.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.712, ORS 197.296, ORS 455.417

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 with a population greater than 10,000 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) A local government may designate one or more climate-friendly areas to accommodate at least 30 percent of housing units.

(b) 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 analysis of housing capacity and needed housing consistent with ORS 197.296, 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 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 proposed development standards for the climate-friendly area, including applicable setbacks, allowed building heights, open space requirements, on-site parking requirements, and all other applicable regulations that would impact the developable site area. 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 where the development of additional roads and utility infrastructure is anticipated, the local government shall assume the same ratio of gross 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) Thirty feet allows two floors.
(B) Forty feet allows three floors
(C) Fifty feet allows for four floors.
(D) Sixty feet allows for five floors.
(E) Seventy-five feet allows for six floors.
(F) 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), 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 OAR 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 10,000 or less shall designate at least 25 acres of land as climate-friendly area.

(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. 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(2).

(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 clearly denote the climate-friendly areas on comprehensive plan maps, indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements and findings for the comprehensive plan map amendment shall include the following:

(a) Cities and counties subject to section (1) shall provide comprehensive plan 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 comprehensive plan maps showing the location of the adopted climate-friendly area. Local governments 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) Adopted findings shall demonstrate compliance with the provisions of OAR 660-012-0310 through 660-012-0325, and 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).

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 and 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). Notwithstanding this section, 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 exemptions 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 greater than 5,000 up to 25,000 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 greater than 25,000 up to 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 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 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 will provide for equal or higher levels of development in climate-friendly areas than those allowed per the standards in section (8). Additional zoned building capacity of 25 percent may be included for development regulations that allow height bonuses for additional zoned building capacity above established maximums that are consistent with OAR 660-012-0315(2)(c)(B). Specifically, the local government must demonstrate that the alternative development regulations will consistently and expeditiously allow for the levels of development described in subsections (a)-(c). Alternative development regulations must require either a minimum residential density of 15 dwelling units per net acre or a minimum floor area ratio of 2.0, as described in section (8).

(a) Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 60,000 square feet per net acre.
(b) Local governments with a population greater than 25,000 up to 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 90,000 square feet 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 greater than 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 120,000 square feet 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 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:
(a) Topography or natural features;
(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 identified 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 must 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 must be designed to be barrier-free.

(b) Motor vehicle parking, circulation, access, and loading may be located 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 on or along the primary facing street. Bicycle parking may be permitted.

(c) On-site accessways must 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 must 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. 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 must 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 that affect private access to roads; and
(D) Other applications within airport noise corridors and imaginary surfaces that 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0405: Parking Regulation Improvements

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and

(c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

(2) Cities and counties shall adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-half acre of new surface parking on a lot or parcel as provided below:

(a) Developments must provide one of the following:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space . Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay $1,500 per new parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;
(B) Actions to comply with OAR 330-135-0010; or
(C) Tree canopy covering at least 40 percent of the additional parking lot area at maturity but no more than 15 years after planting.

(b) Developments must provide street trees along driveways but are not required to provide them along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles, and other site design considerations; and

(c) Developments must provide street-like design and features along driveways including curbs and pedestrian facilities. Developments must provide buildings built up to pedestrian facilities where feasible.

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building, and maintenance phases.

(e) In providing trees under subsections (a) and (b) the following standards shall be met. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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.

(a) 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;

(b) 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;

(c) 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; and

(d) 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:

(a) 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;

(b) 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;

(c) 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

(d) 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

(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 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.

(3) Any reductions under section (2) shall be cumulative and not capped.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0445: Parking Management Alternative Approaches

(1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420, cities and counties shall select and implement either a fair parking policy approach as provided in subsection (a) or a reduced regulation parking management approach as provided in subsection (b).

(a) A fair parking policy approach shall include at least two of the following five provisions, including at least one provision from paragraphs (A)-(C):

(A) A requirement that parking spaces for each residential unit in developments that include five or more leased or sold residential units on a lot or parcel be unbundled parking. Cities and counties may exempt townhouse and rowhouse development from this requirement;
(B) A requirement that parking spaces serving leased commercial developments be unbundled parking;
(C) A requirement for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of $50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking;
(D) A tax on the revenue from commercial parking lots collecting no less than 10 percent of income, with revenues dedicated to improving transportation alternatives to drive-alone travel; and
(E) A reduction of parking mandates for new multifamily residential development to no higher than one-half spaces per unit, including visitor parking.

(b) A reduced regulation parking management approach shall include all of the following:

(A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;
(B) A repeal of parking mandates mixed-use development;
(C) A repeal of parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;
(D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in residential developments of five or more units on a lot or parcel;
(E) A repeal of parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years. Cities and counties may require registration of a building as vacant two years prior to the waiving of parking mandates;
(F) A repeal of requirements to provide additional parking for change of use or redevelopment;

(G) A repeal of parking mandates for expansion of existing businesses by less than 30 percent of a building footprint;
(H) A repeal of parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or on a local inventory of historic resources or buildings;
(I) A repeal of parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space;
(J) A repeal of parking mandates for developments built under the Oregon Residential Reach Code;
(K) A repeal of parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;
(L) A repeal of parking mandates for schools;
(M) A repeal of parking mandates for bars and taverns; and
(N) Implementation of at least one pricing mechanism, either:

(i) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through paid permits, meters, or other payments; or
(ii) Requirements that parking for multi-family residential units be unbundled parking.

(2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0630: Bicycle Parking

(1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle and other small-scale mobility devices.
(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily development or mixed-use development of four residential units or more, and new office and institutional developments. Such bicycle parking must include at least one bicycle parking space for each residential unit.
(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be located within a short distance from the main retail entrance.
(4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride lots.
(5) Cities and counties shall require bicycle parking in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.
(6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.
(7) Cities and counties shall require bicycle parking for any land use where off-street motor vehicle parking is mandated. The minimum number of bicycle parking spaces shall be no less than the greater of:

(a)Four bicycle parking spaces for every ten mandated off-street motor vehicle parking spaces, in increments of four bicycle parking spaces, up to twenty bicycle parking spaces; or
(b) As otherwise provided in this rule.

(8) Cities and counties shall ensure that all bicycle parking provided must:

(a) Allow ways to secure at least two points on a bicycle;
(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions;
(c) Be in a location that is convenient and well-lit; and
(d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 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) Notwithstanding subsection (a), a city or county may carry forward a proposed facility in a major TSP update without review under this rule if it is a planned project in a transportation system plan acknowledged prior to January 1, 2023, and the project meets any of the following:

(A) The project is included in a general obligation bond approved by voters prior to January 1, 2022;
(B) The project is included as a project phase other than planning in the State Transportation Improvement Program adopted by the Oregon Transportation Commission, a metropolitan planning organization's transportation improvement program, or adopted local transportation improvement program;
(C) Projects that are classified as a class 1 or class 3 project and that have been issued a signed record of decision or finding of no significant impact as provided in 23 CFR Part 771;
(D) The project is on right-of-way that was purchased by, or dedicated to the public prior to January 1, 2024;
(E) The project has an approved contract for design and engineering services by January 1, 2024; or
(F) The project has been advertised for construction bids.

(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 that 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;

(B) Coordinate with transportation options providers to identify opportunities for providing transportation demand management services in and around the facility impact area; and

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

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

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

(B) 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

(C) 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.

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

(a) 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

(b) 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.

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

(a) 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

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

(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) 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 significant changes to the proposed project or the land use context as described in the authorization report.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 468A.205

Oregon
Tina Kotek, Governor

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AGENDA ITEM 4
APRIL 20-21, 2023-LCDC MEETING
EXHIBIT 17

April 20, 2023

TO: Land Conservation and Development Commission

FROM: Brenda Ortigoza Bateman, Ph.D., Director
Palmer Mason, Senior Policy Advisor
Alexis Biddle, Legislative and Policy Coordinator
Matt Crall, Planning Services Division Manager
Bill Holmstrom, Land Use and Transportation Planning Coordinator
Kevin Young, Senior Urban PlannerStaff Name, Title

SUBJECT: **Agenda Item 4, April 20-21, 2023, LCDC Meeting**

TEMPORARY RULEMAKING: AMENDMENTS TO THE CLIMATE-FRIENDLY AND EQUITABLE COMMUNITIES RULES

I. UPDATED DRAFT RULES

Staff have updated the proposed draft rules provided in the commission packet. Staff provided an initial draft to the public on April 3, 2023. This draft was provided in the commission packet. Staff solicited public input on the draft rules, and made these updates in response to public comments.

Two versions of the draft rules are included; a set of proposed updated rules without any markings, and a set of updated rules showing the changes from the adopted rules. In this set of rules, the parts that have been updated since the April 3 draft have been highlighted.

For further information about this report, please contact Bill Holmstrom, Land Use and Transportation Planning Coordinator at 971-375-5975 or bill.holmstrom@dlcd.oregon.gov.

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Tina Kotek, Governor

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April 10, 2023

TO: Land Conservation and Development Commission

FROM: Brenda Ortigoza Bateman, Ph.D., Director
Matt Crall, Planning Services Division Manager
Bill Holmstrom, Land Use and Transportation Planning Coordinator

SUBJECT: **Agenda Item 4, April 20-21, 2023, LCDC Meeting**

ATTACHMENT D
RULEMAKING IMPACT STATEMENTS FOR TEMPORARY AMENDMENTS TO THE TRANSPORTATION PLANNING RULES FOR CLIMATE FRIENDLY AND EQUITABLE COMMUNITIES (OAR 660-012)

I. INTRODUCTION

On July 21, 2022, the Oregon Land Conservation and Development Commission adopted the Climate Friendly and Equitable Communities (CFEC) administrative rules to reduce climate pollution while improving equitable outcomes for underserved populations consistent with established statewide targets and goals. These rules were developed over a nearly two-year long process with participation from a wide range of stakeholders. Since adoption, the staff have been working with cities, counties, and Metro to begin implementing the rules. The commission has directed department staff to return as needed, with recommendations that will help with implementation.

Staff propose that the commission consider the proposed temporary amendments to address time-sensitive refinements that have been identified since the rules were adopted in July 2022. Although the CFEC rules included amendments to OAR 660-008, OAR 660-012, and OAR 660-044, the proposed temporary amendments will only amend portions of OAR 660-012. The rules apply in the eight areas with populations over 50,000 people (Albany, Bend, Corvallis, Eugene/Springfield, Grants Pass, Medford/Ashland, Portland metro, Salem/Keizer), which are currently working to implement the rules consistent with timelines established in the rules. The rule amendments will provide clarity for current implementation efforts.

Prior to adopting the CFEC rules, the Department of Land Conservation and Development (DLCD) provided a Statement of Fiscal Impact (FIS), a Housing Income Statement (HIS), and a Racial Equity Statement. The purpose of these statements was to help inform rulemaking. For this temporary rulemaking, ORS 183.335(5)(3) requires DLCD to prepare a housing cost impact statement. Neither a FIS or Racial Equity Statement is required.

II. RULE CHANGES

The following is a summary of the proposed changes arising from the CFEC rulemaking process, broken out by category in Division 12.

Number	Rule Title	Summary of Changes
CHANGES TO EXISTING RULES		
660-012-0012	Effective Dates and Transition	The proposed amendments in this section would permit local governments to request alternative dates at any time. The existing rules have a deadline of January 31, 2023.
660-012-0315	Designation of Climate Friendly Areas	The proposed amendments in this subsection clarify that the most recently adopted and acknowledged "housing needs analysis" or "housing capacity analysis" serves as the basis for determining a city or county's total housing unit needs. Sole use of the term "housing capacity analysis" could have been interpreted to apply only to HCAs that were acknowledged after rules were adopted to implement House Bill 2003 (2019 Legislative Session). Other amendments to this rule provide necessary clarifications, including clarification of the requirements for adoption of climate-friendly areas.
660-012-0320	Land Use Requirements in Climate Friendly Areas	The proposed amendments in this section adjust an optional path for demonstrating the development capacity of climate-friendly areas. The amendments provide a quantifiable "burden of proof" threshold for local governments wishing to utilize this alternative option.
660-012-0330	Land Use Requirements	The proposed amendment in this subsection adjusts a site design requirement. The existing rules limit motor vehicle parking, access, and storage on-site between buildings and public pedestrian facilities. These facilities are usually sidewalks. The proposed adjustment limits the requirement to pedestrian facilities on or along the primary facing street. Section (2) of this rule continues to provide additional flexibility for local governments.
660-012-0405	Parking Regulation Improvements	Proposed amendments in this section adjust requirements for larger parking lots, both by adjusting the size threshold where the requirements become applicable, and by adjusting the requirements themselves. The amendments clarify the rules apply only to new parking spaces during redevelopment of part of a site, make tree canopy a more feasible option, and clarify continuous tree canopy is required for street trees, not all the trees on a lot.

Number	Rule Title	Summary of Changes
660-012-0415	Parking Maximums and Evaluation in More Populous Communities	The amendment would remove a requirement for more populous jurisdictions to do analysis and adopt findings for certain parking maximums. The remaining provisions of this rule would remain in place.
660-012-0425	Reducing the Burden of Parking Mandates	The proposed amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates. A proposed amendment to rule 0445 adds an option for unbundling parking.
660-012-0435	Parking Reform in Climate Friendly Areas	The proposed amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates. A proposed amendment to rule 0445 adds an option for unbundling parking.
660-012-0445	Parking Management Alternative Approaches	The proposed amendment changes this subsection so that only two of the five provisions need to be met under this option, rather than three out of five. The adjustment also requires at least one of the first three provisions to be chosen, which is presently required when three out of five choices must be selected. Other proposed amendments to this section simplify provisions, remove a requirement to set parking maximums, and provide an unbundling option in lieu of a parking district.
660-012-0630	Bicycle Parking	The proposed amendment to this section replaces a formula for determining the number of required bicycle spaces based on the number of mandated off-street motor vehicle parking spaces. The updated requirement is simpler and requires fewer bicycle parking spaces for uses where many motor vehicle parking spaces are mandated, with a cap at twenty bicycle parking spaces.
660-012-0830	Enhanced Review of Select Roadway Projects	The purpose of this subsection is to ensure that roadway projects presently underway do not need to be reviewed under this rule when making a major TSP update. The only projects that will require review as provided in this rule are those that meet the criteria in subsection (a) of this rule, do not meet any of the exceptions in subsection (b) of this rule, and do not yet meet any of the thresholds in subsection (c) at the time of a major TSP update. All other projects need not be reviewed.

III. HOUSING IMPACT STATEMENT

The reference case for this analysis is the impact of the proposed rule amendments on the cost of a 1,200 square foot single family home on a 6,000 square foot lot. Most of

the proposed rule amendments; such as unbundling requirements for multifamily development, bike parking requirements for large businesses, and parking management policies adopted by local governments; would not have a direct impact on the cost of developing such a home. The only proposed rule amendment that relates directly to housing development are the changes to the climate-friendly area rules in OAR 660-012-0315 and OAR 660-012-0320. The changes proposed to OAR 660-012-0315 clarify how a local government is to determine 30 percent of total housing needs and how to determine zoned building capacity in climate-friendly areas. Also, the changes to section (6) clarify requirements for local government adoption of climate-friendly areas. None of these changes are anticipated to have effect the cost of developing a 1,200 square foot single family home on a 6,000 square foot lot.

The proposed amendment to OAR 660-012-0320(9) clarifies the requirements for local governments to demonstrate that alternative zoning standards (not consistent with the requirements of OAR 660-012-0320(8)) will result in "equal or higher levels of development in climate-friendly areas..." The proposed amendment includes a requirement that the local government's alternative zoning standards must require either a minimum residential density of 15 dwelling units per net acre or a minimum floor area ratio of 2.0..." The density of a 1,200 square foot single family home on a 6,000 square foot lot is approximately 7 dwelling units per acre. The floor area ratio of a 1,200 square foot home on a 6,000 square foot lot is 0.2. Therefore, it would not be possible to develop the described single family home consistent with these standards. However, constructing two dwelling units on a 6,000 square foot lot would result in a density of approximately 15 dwelling units per acre, thereby meeting the standard and reducing the land cost per unit by half.

DLCD anticipates that local governments will adopt climate-friendly areas in existing mixed-use areas, commercial areas, and higher density residential areas. OAR 660-012-0310(2), which provides locational criteria for climate-friendly areas, specifies in part that climate-friendly areas should be located in "existing or planned urban centers, including downtowns, neighborhood centers, transit-served corridors, or similar districts." The rule also specifies that climate-friendly areas shall be located in areas "served, or planned for service, by high quality pedestrian, bicycle, and transit services." For these reasons, it is not anticipated that climate-friendly areas will be designated in low-density residential zones, where it is permissible to build a 1,200 square foot single family home on a 6,000 square foot lot. We do not anticipate that the adoption of climate-friendly areas will have a significant impact on the cost of building a 1,200 square foot single family home on a 6,000 square foot lot. Additionally, climate-friendly areas will provide opportunities for a greater variety of housing types than are currently available. Providing additional housing units and a greater variety of housing types would be anticipated to reduce housing costs overall, and may result in a reduced demand for single-family homes that could reduce their costs.

In summary, the rules would be expected to have a negligible impact on home pricing for a 1,200 square foot home on a 6,000 square foot lot.

Proposed Temporary Rule Amendments

April 20, 2023

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EXHIBIT 18

Table of Contents

660-012-0012: Effective Dates and Transition

(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 17, 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 or amended 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 or amended 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 completion of all elements included in the alternative dates, except for a major update to the transportation system plan, by December 31, 2029.

(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) 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.

(e) 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.

(f) Upon the director finding the proposed alternative dates meet the criteria in (e), the alternative dates shall be used.
(g) 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 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 shall adopt land use requirements for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-0315 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 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 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 660-012-0400, 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.
(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 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 June 30, 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, 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 provided in OAR 660-012-0900 is 2023, with reports due no later than May 31, 2024.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.712, ORS 197.296, ORS 455.417

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 with a population greater than 10,000 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) A local government may designate one or more climate-friendly areas to accommodate at least 30 percent of housing units.

(b) 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 analysis of housing capacity and needed housing consistent with ORS 197.296 at the time it was adopted, 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 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 proposed development standards for the climate-friendly area, including applicable setbacks, allowed building heights, open space requirements, on-site parking requirements, and all other applicable regulations that would impact the developable site area. 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 of 5.5 acres or more bounded by streets where the internal development of additional roads and utility infrastructure is anticipated, the local government shall assume the same ratio of gross land area to net land area as that which exists in the most fully developed urban center within the city or county.

(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) Thirty feet allows two floors.
(B) Forty feet allows three floors
(C) Fifty feet allows for four floors.
(D) Sixty feet allows for five floors.
(E) Seventy-five feet allows for six floors.
(F) 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), 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 OAR 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 10,000 or less shall designate at least 25 acres of land as climate-friendly area.

(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. 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(2).

(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 clearly identify the climate-friendly areas in comprehensive plan maps, comprehensive plans, zoning maps, or zoning codes; indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements and findings for the plan, code, or map amendment shall include the following:

(a) Cities and counties subject to section (1) shall provide maps showing the location of all adopted climate-friendly areas, and supplemental materials 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. Local governments 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) Adopted findings shall demonstrate compliance with the provisions of OAR 660-012-0310 through 660-012-0325, and 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).

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 and 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). Notwithstanding this section, 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 exemptions 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 greater than 5,000 up to 25,000 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 greater than 25,000 up to 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 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 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 will provide for equal or higher levels of development in climate-friendly areas than those allowed per the standards in section (8). Additional zoned building capacity of 25 percent may be included for development regulations that allow height bonuses for additional zoned building capacity above established maximums that are consistent with OAR 660-012-0315(2)(c)(B). Specifically, the local government must demonstrate that the alternative development regulations will consistently and expeditiously allow for the levels of development described in subsections (a)-(c). Alternative development regulations must require either a minimum residential density of 15 dwelling units per net acre or a minimum floor area ratio of 2.0, as described in section (8).

(a) Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 60,000 square feet per net acre.

(b) Local governments with a population greater than 25,000 up to 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 90,000 square feet 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 greater than 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 120,000 square feet 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 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:

(a) Topography or natural features;
(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 identified 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 must 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 must be designed to be barrier-free.

(b) Motor vehicle parking, circulation, access, and loading may be located 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 on or along the primary facing street. Bicycle parking may be permitted.

(c) On-site accessways must 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 must 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. 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 must 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 that affect private access to roads; and
(D) Other applications within airport noise corridors and imaginary surfaces that 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0405: Parking Regulation Improvements

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and

(c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

(2) Cities and counties shall adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-half acre of new surface parking on a lot or parcel as provided below:

(a) Developments must provide one of the following:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space . Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay $1,500 per new parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;
(B) Actions to comply with OAR 330-135-0010; or
(C) Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting.

(b) Developments must provide either trees along driveways or a minimum of 30 percent tree canopy coverage over parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles, and other site design considerations; and

(c) Developments must provide pedestrian facilities between building entrances and pedestrian facilities in the adjacent public right-of-way.

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building, and maintenance phases.

(e) In providing trees under subsections (a) and (b) the following standards shall be met. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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.

(a) 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;

(b) 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;

(c) 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; and

(d) 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:

(a) 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;

(b) 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;

(c) 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

(d) 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

(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 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.

(3) Any reductions under section (2) shall be cumulative and not capped.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0445: Parking Management Alternative Approaches

(1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420, cities and counties shall select and implement either a fair parking policy approach as provided in subsection (a) or a reduced regulation parking management approach as provided in subsection (b).

(a) A fair parking policy approach shall include at least two of the following five provisions, including at least one provision from paragraphs (A)-(C):

(A) A requirement that parking spaces for each residential unit in developments that include five or more leased or sold residential units on a lot or parcel be unbundled parking. Cities and counties may exempt townhouse and rowhouse development from this requirement;
(B) A requirement that parking spaces serving leased commercial developments be unbundled parking;
(C) A requirement for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of $50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking;
(D) A tax on the revenue from commercial parking lots collecting no less than 10 percent of income, with revenues dedicated to improving transportation alternatives to drive-alone travel; and
(E) A reduction of parking mandates for new multifamily residential development to no higher than one-half spaces per unit, including visitor parking.

(b) A reduced regulation parking management approach shall include all of the following:

(A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;
(B) A repeal of parking mandates mixed-use development;
(C) A repeal of parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;
(D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in residential developments of five or more units on a lot or parcel;
(E) A repeal of parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years. Cities and counties may require registration of a building as vacant two years prior to the waiving of parking mandates;
(F) A repeal of requirements to provide additional parking for change of use or redevelopment;

(G) A repeal of parking mandates for expansion of existing businesses by less than 30 percent of a building footprint;
(H) A repeal of parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or on a local inventory of historic resources or buildings;
(I) A repeal of parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space;
(J) A repeal of parking mandates for developments built under the Oregon Residential Reach Code;
(K) A repeal of parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;
(L) A repeal of parking mandates for schools;
(M) A repeal of parking mandates for bars and taverns; and
(N) Implementation of at least one pricing mechanism, either:

(i) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through paid permits, meters, or other payments; or
(ii) Requirements that parking for multi-family residential units be unbundled parking.

(2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0630: Bicycle Parking

(1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle and other small-scale mobility devices.
(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily development or mixed-use development of four residential units or more, and new office and institutional developments. Such bicycle parking must include at least one bicycle parking space for each residential unit.
(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be located within a short distance from the main retail entrance.
(4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride lots.
(5) Cities and counties shall require bicycle parking in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.
(6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.
(7) Cities and counties shall require bicycle parking for any land use where off-street motor vehicle parking is mandated. The minimum number of bicycle parking spaces shall be no less than the greater of:

(a)Four bicycle parking spaces for every ten mandated off-street motor vehicle parking spaces, in increments of four bicycle parking spaces, up to twenty bicycle parking spaces; or
(b) As otherwise provided in this rule.

(8) Cities and counties shall ensure that all bicycle parking provided must:

(a) Allow ways to secure at least two points on a bicycle;
(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions;
(c) Be in a location that is convenient and well-lit; and
(d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 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) Notwithstanding subsection (a), a city or county may carry forward a proposed facility in a major transportation system plan update without review as provided in this rule if it is a planned project in a transportation system plan acknowledged prior to January 1, 2023, and the project meets any of the following:
(A) The project is included in a general obligation bond approved by voters prior to January 1, 2022;
(B) The project is included as a project phase other than planning in the State Transportation Improvement Program adopted by the Oregon Transportation Commission, a metropolitan planning organization's transportation improvement program, or adopted local transportation improvement program;
(C) Projects that have received a decision under the National Environmental Policy Act of 1969;
(D) The project has been advertised for construction bids.

(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 that 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;
(B) Coordinate with transportation options providers to identify opportunities for providing transportation demand management services in and around the facility impact area; and
(C) Identify potential transportation options program investments that contribute to meeting the identified need which may be implemented without the proposed facility.

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

(A) Determine if various types of pricing could substantially reduce the need for the proposed facility;
(B) 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
(C) 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.

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

(a) 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

(b) 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.

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

(a) 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

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

(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) 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 significant changes to the proposed project or the land use context as described in the authorization report.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 468A.205

Proposed Temporary Rule Amendments
April 20, 2023

This document includes proposed amendments to rules in OAR chapter 660, division 12, also known as the Transportation Planning Rules. These amendments are proposed by the Department of Land Conservation and Development ("department") for adoption by the Land Conservation and Development Commission ("commission").

These amendments are revised from the April 3, 2023 version. Staff received comments on the April 3 draft and made changes in response to these comments. Changes from the April 3 version are highlighted. Changes have been made to rules 0315, 0405, and 0830.

The department expects to propose further corrections and clarification amendments for review in summer 2023. The department plans to recommend that the commission adopt the corrections and clarifications amendments along with these temporary rules as permanent rules in November 2023.

Only rules with proposed amendments are included in this document. Comments in boxes are explanatory and not part of the adopted rules or proposed amendments.

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660-012-0012: Effective Dates and Transition

(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 17, 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.

The proposed amendments in this section would permit local governments to request alternative dates at any time. The existing rules have a deadline of January 31, 2023.

(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 or amended 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 or amended 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 December 31, 2023.~~ 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~~December 31, 2029.

(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~~d) 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 provided in OAR 660-044-0015.~~

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

(~~h~~g) 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 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 shall adopt land use requirements for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-0315 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 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 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 660-012-0400, 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.
(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 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 June 30, 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, 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 provided in OAR 660-012-0900 is 2023, with reports due no later than May 31, 2024.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.712, ORS 197.296, ORS 455.417

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 with a population greater than 10,000 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) A local government may designate one or more climate-friendly areas to accommodate at least 30 percent of housing units.

The proposed amendments in this subsection clarify that the most recently adopted and acknowledged "housing needs analysis" or "housing capacity analysis" serves as the basis for determining a city or county's total housing unit needs. Sole use of the term "housing capacity analysis" could have been interpreted to apply only to HCAs that were acknowledged after rules were adopted to implement House Bill 2003 (2019 Legislative Session).

Since the April 3 draft, staff made a clarification based on feedback from local governments. This change makes it clearer that housing studies acknowledged before or after passage of House Bill 2003 in 2019 may be used to determine the total number of housing units needed by the community.

(b) 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 analysis of housing capacity and needed housing consistent with ORS 197.296 at the time it was adopted~~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 of the housing capacity analysis.

The proposed amendments in this section are for clarity.

Since the April 3 draft, staff made some additional clarifications based on feedback from local governments. These changes provide more clarity than the April 3 draft, but allow local governments some discretion in determining whether future roadway and infrastructure improvements will be necessary in certain areas that are over 5.5 acres in size.

(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 proposed~~existing or anticipated~~ development standards for ~~within~~ the climate-friendly area, including applicable setbacks, allowed building heights, open space requirements, on-site parking requirements, and all other applicable~~similar~~ regulations that would impact the developable site area. 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 of 5.5 acres or more bounded by streets ~~of 5.5 acres or more~~ where the internal development of additional roads and utility infrastructure is anticipated, the local government shall assume the same ratio of gross~~total~~ land area to net land area as that which exists in the most fully developed urban center within the city or county.

(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) Thirty feet allows two floors.
(B) Forty feet allows three floors
(C) Fifty feet allows for four floors.
(D~~B~~) Sixty feet allows for five floors.
(E) Seventy-five feet allows for six floors.
(F~~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), 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 OAR 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 10,000 or less shall designate at least 25 acres of land as climate-friendly area.

(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. 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(2).

(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).

The proposed amendments in this section remove the requirement to adopt a climate-friendly element to the comprehensive plan, and more clearly set out the changes needed to adopt climate-friendly areas.

Since the April 3 draft, staff have modified the proposed amendments to expand the types of actions local governments may use to implement climate-friendly area zoning and mapping to allow for more flexibility, while achieving program goals. The proposed amendment allows for a greater variety of actions to demonstrate compliance. All listed actions would require post-acknowledgment plan amendment notices from local governments, which will enable review by department staff.

(6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and clearly identify the climate-friendly areas in~~on~~~~elements to their~~ comprehensive plan maps, comprehensive plans, zoning maps, or zoning codes; indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements and findings for the ~~the climate-friendly element of the comprehensive~~ plan, code, or map amendment shall include the following:

(a) Cities and counties subject to section (1) shall provide ~~comprehensive plan~~ maps showing the location of all adopted climate-friendly areas, and supplemental materials ~~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 ~~comprehensive plan~~ maps showing the location of the adopted climate-friendly area. Local governments 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.~~ A~~dditionally, a~~dopted findings shall demonstrate compliance with the provisions of OAR 660-012-0310 through 660-012-0325, and 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).

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 and 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). Notwithstanding this section, 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 exemptions 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 greater than 5,000 up to 25,000 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 greater than 25,000 up to 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 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 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.

The proposed amendments in this section adjust an optional path for demonstrating the development capacity of climate-friendly areas. The amendments provide a quantifiable "burden of proof" threshold for local governments wishing to utilize this alternative option, which has been commonly referred to as the "outcome-based standards" path.

(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 will provide for equal or higher levels of development in climate-friendly areas than those allowed per the standards in section (8). Additional zoned building capacity of 25 percent may be included for development regulations that allow height bonuses for additional zoned building capacity above established maximums that are consistent with OAR 660-012-0315(2)(c)(B). Specifically, the local government must demonstrate that the alternative development regulations will consistently and expeditiously allow for the levels of development described in subsections (a)-(c). Alternative development regulations must require either a minimum residential density of 15 dwelling units per net acre or a minimum floor area ratio of 2.0, as described in section (8).~~below:~~

(a) Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 60,000 square feet per net acre. ~~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 greater than 25,000 up to 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 90,000 square feet per net acre. ~~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 greater than 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to allow a zoned building capacity, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a and b) and allowed building heights, of at least 120,000 square feet per net acre. ~~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 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:

(a) Topography or natural features;
(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 identified 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 must 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 must be designed to be barrier-free.

The proposed amendment in this subsection adjusts a site design requirement. The existing rules limit motor vehicle parking, access, and storage on-site between buildings and public pedestrian facilities. These facilities are usually sidewalks. The proposed adjustment limits the requirement to pedestrian facilities on or along the primary facing street. Section (2) of this rule continues to provide additional flexibility for local governments.

(b) Motor vehicle parking, circulation, access, and loading may be located 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 on or along the primary facing street. Bicycle parking may be permitted.
(c) On-site accessways must 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 must 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. 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 must 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 that affect private access to roads; and
(D) Other applications within airport noise corridors and imaginary surfaces that 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0405: Parking Regulation Improvements

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and

(c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

(2) Cities and counties shall adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

Proposed amendments in this section adjust requirements for larger parking lots, both by adjusting the size threshold where the requirements become applicable, and by adjusting the requirements themselves. The amendments clarify that for redevelopment, the requirements apply only to new parking spaces, make tree canopy a more feasible option, and clarify continuous tree canopy is required for street trees, not all the trees on a lot.

Since the April 3 draft, staff added an option for 30 percent tree canopy instead of trees along driveways. Staff also adjusted the language to focus the requirements for design standards along driveways on pedestrian connections.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one ~~quarter~~ half acre of new surface parking on a lot or parcel as provided below:

(a) Developments must provide one of the following:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space ~~on the property~~. Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay $1,500 per new parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;

(B) Actions to comply with OAR 330-135-0010; or

(C) Tree canopy covering at least ~~50~~ 40 percent of the new parking lot area at maturity but no more than 15 years after planting.

(b) Developments must provide ~~street~~ either trees along driveways or a minimum of 30 percent tree canopy coverage over parking areas. Developments ~~but~~ are not required to provide ~~them~~ trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles, and other site design considerations; and

(c) Developments must provide pedestrian facilities between building entrances and pedestrian facilities in the adjacent public right-of-way.

~~street-like design and features along driveways including curbs and, pedestrian facilities, and buildings built up to pedestrian facilities.~~

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building, and maintenance phases.

(e) In providing trees under subsections (a), and (b) ~~and (c),~~ the following standards shall be met. ~~The tree spacing and species planted must be designed to maintain a continuous canopy. Local codes must provide clear and objective standards to achieve such a canopy.~~ Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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.

(a) 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;

(b) 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;

(c) 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; and

The proposed amendments remove this subsection. The amendment would remove a requirement for more populous jurisdictions to do analysis and adopt findings for certain parking maximums. The remaining provisions of this rule would remain in place.

~~(d) 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~~

(~~e~~d) 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:

(a) 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;

(b) 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;

(c) 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

(d) 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.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

(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 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.

(3) Any reductions under section (2) shall be cumulative and not capped.

The proposed amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates. No Oregon jurisdiction has implemented unbundling. A proposed amendment to rule 0445 adds an option for unbundling parking.

~~(4) Cities and counties shall require the parking for multi-family residential units in the areas in OAR 660-012-0440 be unbundled parking.~~

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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.

The proposed amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates. No Oregon jurisdiction has implemented unbundling. A proposed amendment to rule 0445 adds an option for unbundling parking.

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

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0445: Parking Management Alternative Approaches

(1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420, cities and counties shall select and implement either a fair parking policy approach as provided in subsection (a) or a reduced regulation parking management approach as provided in subsection (b).

The proposed amendment changes this subsection so that only two of the five provisions need to be met under this option, rather than three out of five. The adjustment also requires at least one of the first three provisions are chosen, which is presently required when three out of five choices must be selected.

(a) A fair parking policy approach shall include at least ~~three~~ two of the following five provisions, including at least one provision from paragraphs (A)-(C):

(A) A requirement that parking spaces for each residential unit in developments that include five or more leased or sold residential units on a lot or parcel be unbundled parking. Cities and counties may exempt townhouse and rowhouse development from this requirement;
(B) A requirement that parking spaces serving leased commercial developments be unbundled parking;
(C) A requirement for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of $50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking;
(D) A tax on the revenue from commercial parking lots collecting no less than 10 percent of income, with revenues dedicated to improving transportation alternatives to drive-alone travel; and
(E) A reduction of parking mandates for new multifamily residential development to no higher than one-half spaces per unit, including visitor parking.

The proposed amendment changes this subsection to simplify provisions, remove a requirement to set parking maximums, and provide an unbundling option in lieu of a parking district. The provisions of this subsection only need be met if this option is chosen by the local government.

(b) A reduced regulation parking management approach shall include all of the following:

(A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;
(B) A repeal of parking mandates ~~for transit-oriented development and~~ mixed-use development;
(C) A repeal of parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;
(D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in residential developments of five or more units on a lot or parcel;
(E) A repeal of parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years. Cities and counties may require registration of a building as vacant two years prior to the waiving of parking mandates;
(F) A repeal of requirements to provide additional parking for change of use or redevelopment;
(G) A repeal of parking mandates for expansion of existing businesses by less than 30 percent of a building footprint;
(H) A repeal of parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or on a local inventory of historic resources or buildings;
(I) A repeal of parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space;
(J) A repeal of parking mandates for developments built under the Oregon Residential Reach Code;
(K) A repeal of parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;

(L) A repeal of parking mandates for schools;
(M) A repeal of parking mandates for bars and taverns; and
~~(N) Setting parking maximums consistent with OAR 660-012-0415(1), notwithstanding populations listed in that section; and~~
(N~~O~~) ~~Use~~ Implementation of at least one pricing mechanism, either:
(i) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through paid permits, meters, or other payments~~, or time limits.~~; or
(ii) Requirements ~~for~~ that parking for multi-family residential units ~~to~~ be unbundled parking.

(2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

660-012-0630: Bicycle Parking

(1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle and other small-scale mobility devices.
(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily development or mixed-use development of four residential units or more, and new office and institutional developments. Such bicycle parking must include at least one bicycle parking space for each residential unit.
(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be located within a short distance from the main retail entrance.
(4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride lots.
(5) Cities and counties shall require bicycle parking in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.
(6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

The proposed amendment to this section replaces a formula for determining the number of required bicycle spaces based on the number of mandated off-street motor vehicle parking spaces. This requirement continues to be based on mandated motor vehicle parking spaces, not built motor vehicle parking spaces. The updated requirement is simpler and requires fewer bicycle parking spaces for uses where many motor vehicle parking spaces are mandated, with a cap at twenty bicycle parking spaces.

(7) Cities and counties shall require bicycle parking for any land use where off-street motor vehicle parking is mandated. The minimum number of bicycle parking spaces shall be no less than the greater of:
(a) ~~Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7, rounded to the next highest whole number~~Four bicycle parking spaces for every ten mandated off-street motor vehicle parking spaces, in increments of four bicycle parking spaces, up to twenty bicycle parking spaces; or
(b) As otherwise provided in this rule.

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

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712

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 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.

This subsection is proposed to be replaced by updated language. The purpose of this subsection is to ensure that projects presently underway do not need to be reviewed under this rule when making a major TSP update. Staff originally added this subsection in response to concerns that projects that were already well into development would need to be reviewed at the time of a major transportation system plan update.

The only projects that will require review as provided in this rule are those that meet the criteria in subsection (a) of this rule, do not meet any of the exceptions in subsection (b) of this rule, and do not yet meet any of the thresholds in subsection (c) at the time of a major TSP update. All other projects need not be reviewed.

Since the April 3 draft, staff have adjusted this subsection to remove some proposed thresholds. The removed thresholds conflict with or are duplicative of other thresholds which remain. Staff believes it is unlikely there are projects where one of the proposed thresholds does not apply and one of the removed thresholds would apply. Staff also simplified the language of the threshold in paragraph (C).

~~(c) To retain a proposed facility that is included in an existing acknowledged plan adopted as provided in OAR 660-012-0015, a city or county shall review that facility under this rule at the time of a major update to its transportation system plan.~~

(c) Notwithstanding subsection (a), a city or county may carry forward a proposed facility in a major transportation system plan update without review ~~under~~as provided in this rule if it is a planned project in a transportation system plan acknowledged prior to January 1, 2023, and the project meets any of the following:

(A) The project is included in a general obligation bond approved by voters prior to January 1, 2022;
(B) The project is included as a project phase other than planning in the State Transportation Improvement Program adopted by the Oregon Transportation Commission, a metropolitan planning organization's transportation improvement program, or adopted local transportation improvement program;
(C) Projects that have received a decision under the National Environmental Policy Act of 1969;
(D) The project has been advertised for construction bids.

(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 that 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;
(B) Coordinate with transportation options providers to identify opportunities for providing transportation demand management services in and around the facility impact area; and
(C) Identify potential transportation options program investments that contribute to meeting the identified need which may be implemented without the proposed facility.

(h) Investigate alternatives to the proposed facility that include system pricing. The city or county must:
(A) Determine if various types of pricing could substantially reduce the need for the proposed facility;
(B) 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
(C) 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.

(6) A city or county completing an alternatives review must, in coordination with affected jurisdictions:
(a) 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
(b) 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.

(7) The governing body of the city or county shall review the alternatives review report and may either:
(a) 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
(b) Choose to complete the authorization report for the proposed facility, as provided in section (8).

(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) 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 significant changes to the proposed project or the land use context as described in the authorization report.

Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 468A.205