



# Oregon

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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 10, November 2-3, 2023, LCDC Meeting**

## Climate Friendly and Equitable Communities Rulemaking Adoption

### I. Agenda Item Summary

**Purpose.** The Land Conservation and Development Commission (LCDC or commission) will consider adoption of rule amendments for the Climate-Friendly and Equitable Communities program. The commission held a hearing on July 28 to take testimony about draft rules and held the comment period open for written testimony through September 17, 2023. Staff recommend that the commission adopt the amendments in Attachment A, which reflect that testimony and work of the rulemaking advisory committee. This staff report contains an update on the ongoing work in the Climate-Friendly and Equitable Communities program, a review of the rulemaking process, and an overview of the recommended rule amendments.

**Objective.** The commission adopts rule amendments.

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](mailto:bill.holmstrom@dlcd.oregon.gov).

### II. Climate-Friendly and Equitable Communities Program Update

The Department of Land Conservation and Development (DLCD or department) and the Oregon Department of Transportation (ODOT) continue to support cities and counties through the [Climate-Friendly and Equitable Communities program](#). Staff are developing guidance, delivering technical assistance, and distributing funds to cities and counties. Staff also continue to work with local governments who request alternative dates or exemptions, as allowed in the rules. Staff have included a detailed update in Attachment B.

### **III. Corrections and Clarifications Rulemaking Process**

The commission initiated the corrections and clarifications rulemaking in April 2023. The adopted rulemaking charge is included as Attachment C. At this same commission meeting, commissioners adopted a limited set of temporary amendments to Oregon Administrative Rules chapter 660, division 12, commonly known as the Transportation Planning Rules or TPR. These temporary rules are in effect through November 7, 2023.

After the commission initiated the rulemaking, Director Bateman appointed a 20-person [rulemaking advisory committee](#) based on direction from the commission. The rulemaking advisory committee met four times to review and discuss draft amendments to the rules. The rulemaking advisory committee reviewed a draft fiscal impact statement for the draft rule amendments.

The department also convened a technical advisory committee at the request of several cities and counties. The technical advisory committee was open to the members of the rulemaking advisory committee and staff from all affected cities and counties. The technical advisory committee met three times.

The commission held a hearing on draft amendments at its meeting July 28, and accepted written testimony through September 17. The written testimony is included as Exhibits 9-21. A summary of the written testimony is included in Attachment D. To be fair to all interested parties, the commission and department have not accepted any testimony nor discussed the draft rules with any outside parties after the close of the public comment period.

This rulemaking process is limited to the scope of the commission's April 2023 rulemaking charge. Staff continue to keep a list of other issues that could be considered in a future rulemaking process. This includes changes to OAR 660-012-0210, as described below in this staff report.

The department will update housing planning rules in 2024 as part of the Oregon Housing Needs Analysis process. That process will include a review of other administrative rules, including the TPR, to identify any amendments needed for consistency with updated housing rules. Department staff working on housing, transportation, and climate change have been coordinating closely to ensure the Climate-Friendly and Equitable Communities program increases housing. A summary of how these programs work together to expand housing choices in Oregon is included in Attachment E.

### **IV. Recommended Rule Amendments**

The recommended rule amendments are in Attachment A, along with explanations for amendments in each rule or section. A rule-by-rule summary of changes in the division

is included in Attachment F. These amendments respond to each of the elements of the adopted rulemaking charge in Attachment C, including:

1. Minor clarification and correction amendments; and
2. Further refinement of the temporary amendments adopted in April.

The recommended rule amendments also include changes not explicitly listed in the charge, but within the corrections and clarifications scope of the rulemaking. Some of these changes came from suggestions, questions, or concerns from members of the advisory committees.

Significant issues raised in testimony or discussed in advisory committee meetings are described below. This includes a set of options for the commission to consider in rule 0630 related to bicycle parking for residential development.

**a. Rule 0005: Definitions**

This rule defines terms that are used in the division. See pages 1-7 of Attachment A.

**1. “Accessible” and “accessible dwelling unit”**

Members of the rulemaking advisory committee suggested a broader and more accurate description of accessibility, as codified in ORS 447.210 through 447.280. The recommended amendments include federal requirements and state requirements for accessibility that exceed federal standards.

**2. “Metro region 2040 center”**

The recommended amendments include a new definition that is used consistently throughout the division to be clear about which rules apply to town centers, regional centers, and the central city identified in Title 6 of Metro’s Urban Growth Management Functional Plan. At the request of the City of Portland, the central city, generally the area of Portland’s downtown, south waterfront, and near eastside, is included within the definition of “Metro Region 2040 Center.”

**3. “Multi-unit housing”**

The recommended amendments include a new definition that is used consistently throughout the division.

**4. “Separated or protected bicycle facilities”**

Advisory committee members suggested changes to this definition to clarify which facility designs would qualify. Pedestrian and bicycle staff at ODOT also suggested changes to be consistent with how ODOT uses terms in plans and guidelines. The recommended amendments incorporate many of these suggestions.

**b. Rule 0012: Effective Dates and Transition**

This rule sets effective dates for certain parts of the division to allow for an orderly transition from previous requirements to updated ones as shown on pages 7-9 of Attachment A.

The recommended amendments to subsection (4)(d) would clarify the process for cities and counties in Metro to adopt town and regional center boundaries. The amendments improve consistency with Metro’s implementation process for its 2040 Growth Concept and clarify that the requirements apply to areas that have been planned for urban uses by either a city or a county in the region. The amendment also uses the newly defined term “Metro Region 2040 Centers” to refer to areas with boundaries adopted by cities and counties.

**c. Rule 0210: Transportation Modeling and Analysis**

This rule sets requirements for how cities and counties use transportation modelling to make land use decisions in the context of meeting climate goals as shown on page 15 of Attachment A.

The rulemaking charge included changing the effective date of this rule from 2024 to when a city or county adopts a transportation system plan or TSP. There was significant discussion of this rule at rulemaking advisory committee meetings, technical advisory committee meetings, and a separate meeting with interested parties focused on just this rule. Despite that discussion and multiple drafts of the rule, there was no consensus on corrections or clarifications that could address the concerns. As a result, the recommended amendments postpone the effective date of this rule until 2027 to allow time for a collaborative rulemaking process for substantial revisions that go beyond corrections and clarifications.

**d. Rule 0320: Land Use Requirements in Climate-Friendly Areas**

This rule sets requirements for cities and counties to adopt land use regulations for climate-friendly areas as shown on pages 20-22 of Attachment A.

Members of the rulemaking advisory committee commented that the minimum floor area ratio (FAR) requirement of 2.0 did not provide sufficient flexibility for cities and counties that used the “outcome-oriented option” for climate-friendly area development regulations in section (9). Additionally, commenters noted that this FAR requirement would conflict with the minimum zoned building capacity requirement of at least 60,000 square feet per net acre in subsection (9)(a). To address these concerns, the recommended amendments reduce the minimum FAR option from 2.0 to 1.0, which is more consistent with the minimum residential density option and with other parts of the rule.

The Oregon Realtors and City of Springfield submitted written comments on the September 8, 2023 draft. In response, staff recommend further changes to sections (1), (2), and (3), which are included on pages 20-21 of Attachment A. The amendment to section (1) provides clarity regarding reduced development expectations when utilizing the “outcome-oriented” approach described in section (9). The amendment to section (2) does not allow cities and counties to require ground floor commercial and office uses if a multi-unit residential building contains regulated affordable housing units. This change will facilitate funding for affordable housing development, which typically would not support non-residential development. Lastly, the amendments to section (3) provide consistency with the modified “outcome-oriented” approach described in Section (9), which no longer contains requirements for jobs per net acre.

**e. Rule 0325: Transportation Review in Climate-Friendly Areas**

This rule sets requirements for how cities and counties review changes to land uses in new, expanded, or existing climate-friendly areas or Metro Region 2040 centers as shown on pages 23-24 of Attachment A.

Staff recommend rearranging sections of this rule to clarify how the rule applies to adopting a climate-friendly area or Metro Region 2040 Center and how it applies to reviewing plan or land use regulations within existing climate-friendly areas or Metro Region 2040 Centers. The recommended amendments clarify what actions local governments must take in each circumstance. Section (6) gives cities and counties options for how to review plan amendments that cross the boundary and thus affect an area that is both inside and outside a climate-friendly area or Metro Region 2040 Center.

**f. Rule 0350: Urban Growth Boundaries**

This rule provides additional clarity for how to plan for the transportation system with urban growth boundary (UGB) expansions.

Advisory committee members and written testimony expressed concerns that this rule could make future UGB expansions more difficult, particularly expansions needed to supply land for housing, because the rule requires the city to have an updated TSP prior to a UGB expansion. The recommended amendment postpones the effective date of this requirement until 2029 as shown on subsection (5)(f) of rule 0012, on page 9 of Attachment A. By that time, most or all affected cities and counties will have updated their TSP to meet the requirements in the rules.

The recommended amendments do not include any amendments to rule 0350 because the postponement is in rule 0012. Therefore, rule 0350 is not included in Attachment A.

**g. Rules 0430 through 0445: Parking Reform**

These rules are the core parking reforms, reducing costly parking mandates for equity uses (rule 0430), climate-friendly areas (rule 0435), and near transit (rule 0440). Rule 0445 provides two options for parking reform if a city or county decides to not repeal parking mandates city-wide or county-wide as shown on pages 30-32 of Attachment A.

Staff recommend amendments to clarify these rules and other parking provisions based on feedback from cities and counties. Specifically, advisory committee members expressed concern that implementing rule 0440 could be confusing when the transit provider adjusts bus frequencies. The recommended amendments add an option to allow cities and counties to adopt a static map of areas near frequent transit and use that map for a year before updating it. Advisory committee members also expressed concerns about the feasibility of the reform options under rule 0445. The recommended amendments make those options easier to implement.

Some testimony raised equity concerns about these provisions; however, other testimony from equity organizations, affordable housing providers, and a disability consultant supported parking reforms. Additionally, experience from communities around Oregon and the United States that have reformed parking and a review of the academic literature show that parking reform generally improves equity.

**h. Rule 0630: Bicycle Parking**

This rule sets requirements for cities and counties to adopt development regulations that require bicycle parking as shown on pages 35-36 of Attachment A.

Staff recommend rearranging this rule to clarify which types of uses require bicycle parking, and what standards cities and counties must use. The recommended rules no longer contain a requirement for a minimum number of bicycle parking spaces calculated based on required off-street motor vehicle parking spaces.

This rule requires cities and counties to require at least one bicycle parking space per residential unit in multi-unit and mixed-use residential developments. The rulemaking advisory committee had significant discussion about this requirement, and written testimony also addressed this issue. Testimony noted that this can be a substantial expense for housing developers in some cases, and that relatively few trips are taken by bicycle. The requirement would, however, prepare for a future in which many more trips are taken by bicycle to reduce climate pollution.

The recommended amendments would add flexibility to allow cities and counties to reduce the parking requirement for a specific development application (a variance) or for a type of residential use (for example a care facility). Because of the significant

controversy on this issue, Attachment A also includes two other options on pages 35-36 that the commission could select.

- **Option A: One space per unit**  
This is what the commission adopted in 2022.
- **Option B: One space per unit with flexibility for reductions or exemptions**  
The department recommends this option.
- **Option C: One half space per unit**  
Cities and counties could choose to set a higher ratio, but they could not reduce below this ratio.

**i. Rule 0830: Enhanced Review of Select Roadway Projects**

This rule requires cities and counties to carefully review alternatives if they propose certain projects that would significantly increase street or highway capacity as shown on pages 39-42 of Attachment A.

The advisory committees spent significant time discussing this rule, specifically concerns about projects in existing plans. The rule does not apply when a city or county starts construction for a project in its existing TSP. The rule would apply if a city or county proposes to add a project its TSP and to the process for updating a TSP. Subsection (1)(c) requires the city or county to review projects on the prior TSP before projects are carried forward to the new TSP. Advisory committee members expressed concern that this review would be inappropriate for projects that are in ready for construction at the time of the TSP update, or that were included in a general obligation bond levy approved by voters.

Staff recommend adding a list of four exceptions to subsection (1)(c) so that some projects would not need to be reviewed during the TSP update. For projects that do not fall into one of the exceptions, the city or county would have options during a TSP update:

- Choose to not carry the project forward into the updated plan;
- Change the proposed project so that it no longer meets the criteria in (1)(a) or meets an exception in (1)(b) and thus is not subject to the rule; or
- Review alternatives as required in the rule.

Even with exceptions added to (1)(c), some advisory committee members and written testimony objected to the requirement to review projects in existing plans. Other members supported fewer and narrower exceptions. The recommended amendments represent a reasonable middle ground: avoiding excessive review of projects already underway, while ensuring that projects are carefully reviewed before adding street and highway capacity.

## **V. Assessment of Administrative Rule Requirements**

Oregon Revised Statute 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 recommended amendments fulfill these requirements as described below.

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

The recommended amendments make a variety of corrections and clarifications, including 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 recommended amendments provide additional flexibility to cities and counties to set different schedules for meeting key deadlines in the existing rules. The recommended amendments provide additional flexibility to determine how to best meet key requirements locally. The amended rules only apply to local governments within metropolitan areas.

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

The recommended amendments are corrections and clarifications 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 recommended amendments.



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

The recommended amendments are corrections and clarifications to adopted rules. The amendments bring more clarity and certainty to local governments. The degree of property or economic impacts are likely 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 recommended amendments are corrections and clarifications to adopted rules. The department worked with stakeholders to develop amendments that provide increased flexibility and certainty. The recommended amendments are likely to have less economic impact than the presently adopted rules.

**VI. Recommended Action**

The department recommends that the commission:

1. Review the recommended amendments to administrative rules in Attachment A;
2. Review [rulemaking impact statements](#);
3. Review public comment and testimony received through September 17;
4. Adopt the recommended administrative rules; and
5. Repeal temporary rules upon the effective date of the adopted rules.

**a. Sample Motion 1 – Adopt Permanent Rule Amendments**

*Recommended motion – Approve department recommendation.*

I move that the Land Conservation and Development Commission amend rules in Oregon Administrative Rules chapter 660, division 12, as recommended in Attachment A of the staff report, using option B in rule 630, section 3.

*Alternate motion – Approve recommended rules using a different option for bicycle parking requirements.*

I move that the Land Conservation and Development Commission amend rules in Oregon Administrative Rules chapter 660, division 12, as recommended in Attachment A of the staff report, using option **[A or C]** in rule 630, section 3.

*Alternate motion – Approve revised rules.*

I move that the Land Conservation and Development Commission amend rules in Oregon Administrative Rules chapter 660, division 12, as recommended in

Attachment A of the staff report, using option **[A, B, or C]** in rule 630, section 3, with the following revisions: ***[state proposed revisions]***

**b. Sample Motion 2 – Repeal Temporary Rules**

I move that the Land Conservation and Development Commission repeal the temporary rules in Oregon Administrative Rule Chapter 660, Division 12, upon the filing and effective date of the permanent rules.

**VII. Attachments**

**A. Recommended Rule Amendments**

**B. Implementation Update**

**C. Rulemaking Charge**

**D. Summary of Testimony Received**

**E. Increasing Housing Production and Transportation Choices**

**F. Rule-by-Rule Summary of Changes to the Transportation Planning Rules**

**Chapter 660 – Division 12  
 Transportation Planning  
 Recommended Amendments – October 19, 2023**

This document contains the recommended set of amendments to the Transportation Planning Rules. The amendments are meant to address the rulemaking charge given to the department and the rulemaking advisory committee by the Land Conservation and Development Commission on April 20, 2023. This document includes changes from presently adopted rules (not including rules adopted temporarily by the commission), and comments about changes within boxes which are not part of the rules themselves.

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1 **660-012-0005: Definitions**

2 The change in this rule is due to advice of counsel to add a preamble to the definitions.

3 For the purposes of this division, the definitions contained in ORS 197.015, 197.303, and 197.627 shall apply unless  
 4 the context requires otherwise. In addition, the following definitions apply:

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

9 The change in this definition is to clarify that these units can accommodate all people, and are often seen  
 10 as desirable for many reasons and bought/leased/rented by people without disabilities.

11 (2) “Accessible dwelling unit” means a dwelling unit constructed to standards capable of accommodating persons  
 12 with disabilities, in compliance with ORS 447.210 through 447.280, the Americans with Disabilities Act and  
 13 applicable construction requirements in adopted building codes.

14 (3) “Accessible” means complying with the applicable standards of ORS 447.210 through 447.280, and where  
 15 applicable, with ORS 447.310, American with Disabilities Act.

16 (4) “Accessway” means a walkway that provides pedestrian and or bicycle passage either between streets or from a  
 17 street to a building or other destination such as a school, park, or transit stop. Accessways generally include a

walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

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

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

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

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

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

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

This is a new definition added for clarity. There are references to climate pollution throughout the division.

(11) “Climate pollution” means emissions of greenhouse gases as defined in ORS 468A.210.

The change in this definition is to reword for clarity.

~~(12)~~ “Commercial parking lot” means a site ~~without a primary use where the primary use is renting or leasing~~ vehicle parking spaces ~~are rented or leased~~. It does not include shared parking.

~~(13)~~ “Committed transportation facilities” means those proposed transportation facilities and improvements that are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.

~~(14)~~ “Demand management” means actions that are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include, but are not limited to, the use of non-driving modes, ride-sharing and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid parking.

~~(15)~~ “Equitable outcomes” means outcomes that burdens underserved populations less than, and benefits underserved populations as much or more as, the city or county population as a whole. Examples of equitable outcomes include:

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

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

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

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

- 1 (e) Equitable access to parks, nature, open spaces, and public spaces;
- 2 (f) Better and more racially equitable health outcomes across the lifespan, particularly health outcomes connected
- 3 to transportation choices, air pollution, and food;
- 4 (g) Recognizing and remedying impacts of past practices such as redlining, displacement, exclusionary zoning,
- 5 and roadway and other public infrastructure siting decisions that harmed underserved communities; ~~and~~
- 6 (h) Fairly-distributed benefits to residents and local governments across cities and counties within metropolitan
- 7 areas; and

8 The change in this definition is to add an example to encourage engagement of people with disabilities in  
9 planning decisions. Decision processes up to this point have often not centered these voices.

- 10 (i) Increased opportunities for people with disabilities to be actively engaged in community-based decision-
- 11 making processes, with supports as needed.-
- 12 (165) “Freeway” means a limited-access highway with access points exclusively from interchanges with other
- 13 streets and highways. Limited access may be provided for rural land uses in rural areas where no other access is
- 14 available.
- 15 (176) “Horizon year” means the final year of the twenty-year planning period.
- 16 (187) “Influence area of an interchange” means the area 1,320 feet from an interchange ramp terminal measured on
- 17 the crossroad away from the mainline.
- 18 (198) “Local streets” means streets that are functionally classified as local streets to serve primarily local access to
- 19 property and circulation within neighborhoods or specific areas. Local streets do not include streets functionally
- 20 classified as collector or arterials.
- 21 (2049) “Local Street Standards” include but are not limited to standards for right-of-way, pavement width, travel
- 22 lanes, parking lanes, curb turning radius, and accessways.
- 23 (210) “Major” means, in general, those facilities or developments that, considering the size of the urban or rural area
- 24 and the range of size, capacity or service level of similar facilities or developments in the area, are either larger
- 25 than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the
- 26 immediate neighborhood:
- 27 (a) “Major” as it modifies transit corridors, stops, transfer stations, and new transportation facilities means those
- 28 facilities that are most important to the functioning of the system or that provide a high level, volume, or
- 29 frequency of service;
- 30 (b) “Major” as it modifies industrial, institutional, and retail development means such developments that are larger
- 31 than average, serve more than neighborhood needs, or that have traffic impacts on more than the immediate
- 32 neighborhood;
- 33 (c) Application of the term “major” will vary from area to area depending upon the scale of transportation
- 34 improvements, transit facilities, and development that occur in the area. A facility considered to be major in a
- 35 smaller or less densely developed area may, because of the relative significance and impact of the facility or
- 36 development, not be considered a major facility in a larger or more densely developed area with larger or more
- 37 intense development or facilities.
- 38 (224) “Major transit stop” means existing and planned transit stations, including light rail stations and other transit
- 39 transfer stations, except for temporary facilities; other planned stops designated as major transit stops in a
- 40 transportation system plan and existing stops that:
- 41 (a) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to
- 42 region wide service. In urban areas of 1,000,000 or more population, major transit stops are generally located
- 43 along routes that have or are planned for 15-minute or better service frequency throughout the day and on
- 44 weekends; and
- 45 (b) Are located in a transit-oriented development or within one-quarter mile of an area planned and zoned for:
- 46 (A) Medium or high-density residential development; or
- 47 (B) Intensive commercial or institutional uses within one-quarter mile of land uses in paragraph (A); or
- 48 (C) Uses likely to generate a relatively high level of transit ridership.
- 49 (232) “Metropolitan area” means the local governments that are responsible for adopting local or regional
- 50 transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities,
- 51 counties, and, in the Portland Metropolitan Area, Metro.

1 This is a new definition added for clarity. There are references to Metro Region 2040 Centers throughout  
2 the division.

3 (24) “Metro Region 2040 Center” means the area within a boundary adopted by a city or county under Title 6 of the  
4 acknowledged Metro Urban Growth Management Functional Plan for the central city, regional centers, and town  
5 centers on Metro’s 2040 Growth Concept map.

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

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

18 This is a new definition added to address charge item 1. The new definition of “multi-unit housing” will be  
19 used consistently throughout the division.

20 (27) “Multi-unit housing” means five or more attached housing units on a single lot or parcel. A dwelling unit may  
21 be attached to another dwelling unit vertically or horizontally. Multi-unit housing does not include middle housing  
22 types, as defined in ORS 197.758, but does include five or more attached condominium dwelling units located on  
23 a collectively managed lot or parcel.

24 ~~(285)~~ “ODOT” means the Oregon Department of Transportation.

25 ~~(296)~~ “Parking benefit district” means a designated area where some of the revenues from parking fees or permits  
26 for public parking within the designated area are dedicated to public improvements in the area.

27 The change in this definition is to reword for clarity and to address historic conditional uses based on  
28 providing parking.

29 ~~(3027)~~ “Parking mandates” means requirements to include or retain a carport, garage, or minimum number of off-  
30 street parking spaces with development, ~~or~~ redevelopment, alterations, changes of use, or, for residential  
31 development, a fee-in-lieu of providing parking for residential development. It does not include requirements for  
32 parking spaces under the Americans with Disabilities Act or ORS 447.233.

33 ~~(3128)~~ “Parking maximums” means limits on the number of off-street parking spaces that can be included in a  
34 development.

35 The change in this definition is to exclude spaces for automobiles for sale or rent and fleet vehicles as  
36 “parking spaces.”

37 ~~(3229)~~ “Parking spaces” means on and off-street spaces designated for automobile parking, other than parking  
38 spaces reserved for:

39 ~~(a) reserved for automobiles for sale or rent;~~

40 ~~(b) fleet vehicles;~~

41 ~~(c) carpools or vanpools; or~~

42 ~~(d) ~~or~~ parking under the Americans with Disabilities Act.~~

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

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

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

50 (c) That have, or could develop, or have planned a network of streets and accessways that provide convenient  
51 pedestrian circulation.

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

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

(36) “Pedestrian scale” means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow, and buffering. Examples include ornamental lighting of limited height; bricks, pavers, or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

(37) “People with disabilities” means people who have a record or history of physical, mental, intellectual, or sensory impairments that in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

This is a new definition to address charge item 2.

(38) “Performance measure” means an indicator used to evaluate progress towards meeting performance targets in accordance with OAR 660-012-0910.

This is a new definition to address charge item 2.

(39) “Performance standard” means an indicator used to review comprehensive plan and land use regulation amendments in accordance with OAR 660-012-0060.

(40) “Planning period” means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this division.

(41) “Preliminary Design” means an engineering design that specifies in detail the location and alignment of a planned transportation facility or improvement.

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

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

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

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

(46) “Roads” means streets, roads, and highways.

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

The change in this definition is in response to RAC comments.

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

1 This change in this definition is a rewording to make it easier to provide shared parking.

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

5 (5045) “Transit-Oriented Development (TOD)” means a mix of residential, retail, and office uses and a supporting  
 6 network of roads, bicycle, and pedestrian ways focused on a major transit stop designed to support a high level of  
 7 transit use. The key features of transit-oriented development include:

- 8 (a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel  
 9 from the surrounding area;
- 10 (b) High density of residential development proximate to the transit stop sufficient to support transit operation and  
 11 neighborhood commercial uses within the TOD;
- 12 (c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the  
 13 TOD and high levels of transit use.

14 (5146) “Transportation Facilities” means any physical facility that moves or assist in the movement of people or  
 15 goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage, and water systems.

16 (5247) “Transportation System Management Measures” means techniques for increasing the efficiency, safety,  
 17 capacity, or level of service of a transportation facility without increasing its size. Examples include, but are not  
 18 limited to, traffic signal improvements, traffic control devices including installing medians and parking removal,  
 19 channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.

20 (5348) “Transportation Needs” means estimates of the movement of people and goods consistent with an  
 21 acknowledged comprehensive plan and the requirements of this division. Needs are typically based on projections  
 22 of future travel demand resulting from a continuation of current trends as modified by policy objectives, including  
 23 those expressed in Goal 12 and this division, and attaining the state’s goals for greenhouse gas emissions  
 24 reduction, especially those for avoiding principal reliance on any one mode of transportation.

25 (5449) “Transportation Needs, Local” means needs for movement of people and goods within communities and  
 26 portions of counties and the need to provide access to local destinations.

27 (550) “Transportation Needs, Regional” means needs for movement of people and goods between and through  
 28 communities and accessibility to regional destinations within a metropolitan area, county, or associated group of  
 29 counties.

30 (561) “Transportation Needs, State” means needs for movement of people and goods between and through regions  
 31 of the state and between the state and other states.

32 (572) “Transportation Options Provider” means an entity providing services that work to change travel behavior in  
 33 order to increase transportation system efficiency.

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

37 (594) “Transportation Service” means a service for moving people and goods, such as intercity bus service and  
 38 passenger rail service.

39 (6055) “Transportation System Plan (TSP)” means a plan for one or more transportation facilities that are planned,  
 40 developed, operated, and maintained in a coordinated manner to supply continuity of movement between modes,  
 41 and within and between geographic and jurisdictional areas.

42 (6156) “Urban Area” means lands within an urban growth boundary, two or more contiguous urban growth  
 43 boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). For the purposes of this  
 44 division, the area need only meet the definition contained in the Unincorporated Communities Rule although the  
 45 area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

46 (6257) “Unbundled parking” means a requirement that parking spaces for each unit in a development be rented,  
 47 leased, or sold separately from the unit itself. The parking space(s) must be rented, leased, or sold at market rates  
 48 for comparable local off-street parking. The renter, lessor, or buyer of the unit must be allowed to opt out of  
 49 renting, leasing, or buying the parking space.

50 (6358) “Urban Fringe” means:

- 51 (a) Areas outside the urban growth boundary that are within five miles of the urban growth boundary of an MPO  
 52 area; and
- 53 (b) Areas outside the urban growth boundary within two miles of the urban growth boundary of an urban area  
 54 containing a population greater than 25,000.



1 ~~(6459)~~ “Vehicle Miles Traveled (VMT)” means all jurisdiction household-based light vehicle travel regardless of  
 2 where the travel occurs.

3 ~~(650)~~ “Walkway” means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and  
 4 surfaced portions of accessways.

5 Statutory/Other Authority: ORS 197.040

6 Statutes/Other Implemented: ORS 197.712, ORS 197.717, ORS 197.732, ORS 197.012

### 7 **660-012-0012: Effective Dates and Transition**

8 (1) The rules in this division adopted on July 21, 2022, and amendments to rules in this division adopted on that  
 9 date, are effective August 17, 2022, except as provided in this rule.

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

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

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

19 

The changes in this section are part of temporary rules adopted by the commission in April.
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20 (3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or deadlines in  
 21 section (4) of this rule.

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

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

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

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

29 (b) Proposed alternative dates must demonstrate consistent progress toward meeting the updated requirements of  
 30 this division. ~~Proposed alternative dates must include at least some work implemented by December 31, 2023.~~

31 Proposed alternative dates must include completion of all elements included in the alternative dates, except for a  
 32 major update to the transportation system plan, by ~~June 30, 2027~~ December 31, 2029.

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

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

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

41 ~~(fe)~~ The director shall review the proposed alternative dates to determine whether the proposed alternative dates  
 42 meet the following criteria:

43 (A) Ensures urgent action;

44 (B) Coordinates actions across jurisdictions within the metropolitan area;

45 (C) Coordinates with work required as provided in OAR 660-044-0100;

46 (D) Sequences elements into a logical progression; and

47 (E) Considers availability of funding and other resources to complete the work.

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

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

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

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

5 The change in this subsection addresses charge item 4. The change matches the date for local  
6 governments to meet the requirements of OAR 660-012-0215 with adoption of a local TSP update.

- 7 (b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation performance standards  
8 take effect ~~on June 30, 2025~~ upon the adoption of a major update to the local transportation system plan.

- 9 (c) A city or county that is subject to the requirements of OAR 660-012-0310 shall adopt land use requirements  
10 for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-  
11 0315 by December 31, 2024.

12 The change in this subsection addresses charge item 18 in part. The change clarifies that certain  
13 requirements must be met when local governments in the Portland Metropolitan Area adopt Metro Region  
14 2040 centers.

- 15 (d) Metro shall amend ~~its~~ the Urban Growth Management Functional Plan in conjunction with its next  
16 growth management analysis under ORS 197.296 and no later than December 31, 2024, to require each city and  
17 county within Metro to:

18 (A) By December 31, 2025, local government adopt boundaries for allion of Region 2040 regional and town  
19 centers identified on Metro's 2040 Growth Concept map for which the city or county has adopted urban land  
20 use designations in their comprehensive plan, except for any portions of centers that have boundaries adopted  
21 by another city or county; and land use regulations as described in the acknowledged urban growth  
22 management functional plan. Within the Metro urban growth boundary, a county with planning jurisdiction in  
23 unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services, or a  
24 city shall comply with the adopted requirements of the urban growth management functional plan by  
25 December 31, 2025.

26 (B) Adopt boundaries for any other regional and town center identified on Metro's 2040 Growth Concept map  
27 when the city or county adopts urban land use designations for the area of that center in their comprehensive  
28 plan, unless portions of the center have boundaries already adopted by another city or county; and

29 (C) Identify boundaries for regional and town centers that are adopted pursuant to this subsection to be located  
30 in the general area of the center as identified in the Metro 2040 Growth Concept map.

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

33 The change in this subsection is for language consistency.

- 34 (f) Cities and counties shall adopt comprehensive plan amendments and land use regulations meeting  
35 requirements provided in OAR 660-012-0400, OAR 660-012-0405, and OAR 660-012-0415 through OAR 660-  
36 012-0450 no later than June 30, 2023, except as provided below. If a city or county has not done so, it may not  
37 ~~apply-enforce~~ parking mandates after that date.

38 (A) Cities and counties that pass population thresholds in OAR 660-012-0400, OAR 660-012-0415, or OAR  
39 660-012-0450 must adopt comprehensive plan amendments and land use regulations meeting requirements  
40 within 12 months of passing those population thresholds.

41 (B) If cities and counties adopt an approach in OAR 660-012-0445, policies must take effect no later than June  
42 30, 2023.

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

- 45 (g) Cities choosing to report on the share of on-street parking spaces that are priced as provided in OAR 660-012-  
46 0450(1)(b) must:

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

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

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

The change in this subsection addresses charge item 4. Staff have changed this subsection to match the recommendation to postpone the effective date of ORS 660-012-0210.

- (a) The provisions of OAR 660-012-0210 take effect ~~June 30, 2024~~ December 31, 2027.
- (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.

This new subsection addresses charge item 3. The new subsection means that during the interim period before December 31, 2029, local governments need not adopt a major update to their transportation system plan meeting all updated requirements to expand an urban growth boundary.

- (f) The provisions of OAR 660-012-0350(1)(a) take effect December 31, 2029.

This new subsection means that cities and counties need not adopt a new transportation system plan in the case where they need to use to authorization process in OAR 660-012-0830 in the interim period.

- (g) The provisions of OAR 660-012-0830(2)(b) take effect upon the adoption of a major update to the local transportation system plan
- (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

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

This changes in this rule are for clarity.

- (1) Cities and counties shall develop and adopt a transportation system plan. Cities and counties shall develop a transportation system plan and amendments to that plan consistent with the provisions of OAR 660-012-0105 through OAR 660-012-0215. A transportation system plan includes the following elements:
  - (a) The core transportation system plan elements as provided in section (2);
  - (b) Funding projections as provided in OAR 660-012-0115;
  - (c) A transportation options element as provided in OAR 660-012-0145;
  - (d) An unconstrained project list as provided in OAR 660-012-0170;
  - (e) A financially-constrained project list as provided in OAR 660-012-0180;
  - (f) Any refinement plans adopted as provided in OAR 660-012-0190;
  - (g) A pedestrian system element as provided in OAR 660-012-0500;
  - (h) A bicycle system element as provided in OAR 660-012-0600;
  - (i) A public transportation system element as provided in OAR 660-012-0700; and
  - (j) A street and highway system element as provided in OAR 660-012-0800.
- (2) A transportation system plan shall include the following core elements:
  - (a) The base and planning horizon years as provided in section (3) of this rule;
  - (b) The land use assumptions as provided in OAR 660-012-0340;
  - (c) A list of all elements of the plan, and the date of adoption or amendment of each;
  - (d) The coordinated land use and transportation system planning policies in the ~~city's~~ comprehensive plan;
  - (e) The local transportation system plan goals and policies;
  - (f) Areas with concentrations of underserved populations as provided in OAR 660-012-0125, identified using best available data;

- 1 (g) A record of the engagement, involvement, and decision-making processes used in development of the plan, as  
 2 provided in OAR 660-012-0130;
- 3 (h) A major equity analysis as provided in OAR 660-012-0135 or an engagement-focused equity analysis as  
 4 provided in OAR 660-012-0135 for urban areas under 5,000 in population; and
- 5 (i) The dates of each report made to the director as provided in OAR 660-012-0900, including all applicable city  
 6 and county reports for the planning area.
- 7 (3) Cities and counties shall determine the base and horizon years of a transportation system plan as follows:
- 8 (a) The base year is the present or past year which is used for the development of plan elements. The base year  
 9 shall be the year of adoption of a major update to the ~~T~~ransportation ~~S~~ystem planUpdate, or no earlier than  
 10 five years prior.
- 11 (b) The horizon year is the future year for which the plan contains potential projects and shall be at least twenty  
 12 years from the year of adoption of a major update to the transportation system plan.
- 13 (4) The director may grant a whole or partial exemption from the requirements of this division to cities and counties  
 14 with a population of less than 10,000 within the urban area. The director may also grant a whole or partial  
 15 temporary exemption from the requirements of this division to jurisdictions of any size that are newly included in  
 16 an existing metropolitan area or a newly designated metropolitan area. The director shall use the criteria and  
 17 process as provided in OAR 660-012-0055(7) to decide to approve an exemption.
- 18 (5) The development of a transportation system plan shall be coordinated with affected cities, counties,  
 19 transportation facility owners, and transportation service providers, and transportation options providers.
- 20 (6) Adoption or amendment of a transportation system plan shall constitute the land use decision regarding the  
 21 function, mode, general location, and need for transportation facilities, services, and major improvements.
- 22 (7) Adoption or amendment of a transportation system plan shall include findings of compliance with applicable  
 23 statewide planning goals, acknowledged comprehensive plan policies, and land use regulations.
- 24 (8) Cities and counties shall design transportation system plans to achieve transportation performance targets as  
 25 provided in OAR 660-012-0910.
- 26 (9) Metro shall adopt a regional transportation system plan provided in OAR 660-012-0140.
- 27 (10) Cities and counties in the Portland Metropolitan Area shall additionally meet the requirements as provided in  
 28 OAR 660-012-0140.

29 Statutory/Other Authority: ORS 197.040

30 Statutes/Other Implemented: ORS 197.012, ORS 197.180, ORS 197.200, ORS 197.274, ORS 197.712

### 31 **660-012-0110: Transportation System Planning Area**

- 32 (1) The planning area for transportation system plans is the area within the acknowledged urban growth boundary.  
 33 The unincorporated area within urban growth boundaries is the urbanizable area.
- 34 (2) Cities and counties are responsible for cooperatively developing transportation system plans within the urban  
 35 area, including the urbanizable area. Cities and counties shall jointly determine and agree how transportation  
 36 system planning will occur in the urbanizable area, including plan adoption.
- 37 (a) Cities may develop and adopt a single transportation system plan for the entire urban area;
- 38 (b) A county may choose to develop and adopt a separate transportation system plan for areas in the urbanizable  
 39 area; or
- 40 (c) A city and county may jointly determine the geographic extent of each of their transportation system plans  
 41 within the urban area.

42 **The changes in this section address charge items 5 and 6. The changes remove confusing provisions for**  
 43 **counties. The rules should be clear throughout when they apply to cities or counties.**

- 44 (3) Counties planning for urban areas as provided in this rule, and associated cities, shall meet these requirements:
- 45 ~~(a) Counties shall meet the applicable requirements of this division as if they were a city, even when requirements~~  
 46 ~~only refer to cities.~~
- 47 ~~(a)~~ Both the city and county shall meet all applicable requirements of this division based on the population of the  
 48 entire urban area, except where a population threshold in a rule specifically refers to the population of the urban  
 49 unincorporated area.
- 50 ~~(b)~~ When a county develops a transportation system plan for a portion of the urban area within an urban growth  
 51 boundary, both transportation system plans must have the same planning horizon year. This subsection does not  
 52 apply in urban areas with more than one city or in the Portland Metropolitan Area.

(4) Counties shall plan areas outside urban growth boundaries as rural, regardless of location within a metropolitan area. Counties planning for unincorporated communities within a metropolitan area must meet requirements provided in OAR chapter 660, division 22.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### **660-012-0135: Equity Analysis**

(1) Cities and counties shall determine whether the land use and transportation plans required in this division improve outcomes for underserved populations by using an equity analysis. An equity analysis is intended to determine benefits and burdens on underserved populations, as identified in OAR 660-012-0125.

This section has been added to address charge item 7. The new section clarifies which circumstances require each type of equity analysis. This does not change which types of analysis are required, only lists them in this rule.

(2) A city or county must engage in either a major equity analysis or an engagement-focused equity analysis as provided in this division, including in the following circumstances:

(a) A major equity analysis must be conducted when making a major update to a transportation system plan for an urban area of 5,000 in population or larger, as provided in OAR 660-012-0100(2).

(b) An engagement-focused equity analysis must be conducted:

(A) When making a major update to a transportation system plan for an urban area under 5,000 in population, as provided in OAR 660-012-0100(2);

(B) When making a minor update to a transportation system plan, as provided in OAR 660-012-0105(1);

(C) When designating a climate-friendly area, as provided in OAR 660-012-0315(4)(c); and

(D) When choosing to authorize a proposed facility, as provided in OAR 660-012-0830(2)(f).

~~(23)~~ A city or county engaging in a major equity analysis shall conduct all the actions in the engagement-focused equity analysis in section ~~(34)~~. In addition, a city or county shall:

(a) Assess, document, acknowledge, and address where current and past land use, transportation, and housing policies and effects of climate change have harmed or are likely to harm underserved populations;

(b) Assess, document, acknowledge, and address where current and past racism in land use, transportation, and housing has harmed or is likely to harm underserved populations;

(c) Identify geographic areas with significantly disproportionate concentrations of underserved populations;

(d) Develop key performance measures as required in OAR 660-012-0905, or review existing performance measures, for key community outcomes as provided in subsection ~~(34)~~(a) over time; and

(e) Use the best available data in conducting sections (a) through (d).

~~(34)~~ A city or county conducting an engagement-focused equity analysis shall:

(a) Engage with members of underserved populations as identified in OAR 660-012-0125 to develop key community outcomes;

(b) Gather, collect, and value qualitative and quantitative information, including lived experience, from the community on how the proposed change benefits or burdens underserved populations;

(c) Recognize where and how intersectional discrimination compounds disadvantages;

(d) Analyze the proposed changes for impacts and alignment with desired key community outcomes and key performance measures under OAR 660-012-0905;

(e) Adopt strategies to create greater equity or minimize negative consequences; and

(f) Report back and share the information learned from the analysis and unresolved issues with people engaged as provided in subsection (a).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### **660-012-0140: Transportation System Planning in the Portland Metropolitan Area**

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

(2) Cities and counties shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with Metro's regional transportation system plan. Consistent means city and county comprehensive plans and implementing ordinances conform with the policies and projects in the regional transportation system

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

39 The changes in this section address charge item 5. The changes provide additional flexibility for setting  
 40 the horizon year of local transportation system plans in the Portland Metropolitan Area to match the  
 41 horizon date of the regional transportation plan.

- 42 (5) Notwithstanding requirements for transportation system ~~planning areas plans~~ provided in OAR 660-012-0100  
 43 through OAR 660-012-0110:
- 44 (a) Metro shall work cooperatively with cities and counties to determine responsibility for planning areas in the  
 45 urbanizable area. Where a county has responsibility for a planning area, the county must meet the requirements  
 46 as provided for counties in OAR 660-012-0110;
- 47 (b) Counties planning for unincorporated areas within the urban growth boundary shall meet all applicable  
 48 requirements based on the population of the planning area; ~~and~~
- 49 (c) Counties and cities need not have the same planning horizon year; ~~and~~
- 50 (d) Cities or counties may set the horizon year of a local transportation system plan to match the horizon year of  
 51 the adopted regional transportation plan.

- 1 (6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-0150, Metro  
 2 shall prescribe inventory requirements in transportation system plans for cities and counties in a regional  
 3 functional plan.
- 4 (7) Metro may propose alternative requirements in lieu of requirements provided in this division.
- 5 (a) The director shall review proposed alternative requirements to make a recommendation to the commission as  
 6 to whether the proposed alternative requirements would meet the objectives of the original requirements and  
 7 support the purposes of this division.
- 8 (b) The commission shall hold a hearing to review the proposed alternative requirements and the director's  
 9 recommendation. If the commission finds that the proposed alternative requirements meet the objectives of the  
 10 original requirements and support the purposes of this division, then the commission shall issue an order  
 11 approving the proposed alternative requirements; otherwise, the commission shall remand the proposed  
 12 alternative requirements to Metro with specific directions for changes needed to meet the objectives of the  
 13 original requirement and support the purposes of this division.
- 14 (c) Upon approval by the commission, Metro may adopt the proposed alternative requirements into a regional  
 15 functional plan. Upon adoption by Metro, cities and counties that comply with the alternative requirements of  
 16 the regional functional plan are no longer required to meet the specific requirements of this division as  
 17 described in the commission order.

18 Statutory/Other Authority: ORS 197.040

19 Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.274, ORS 197.301, ORS 197.712

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### 20 **660-012-0155: Prioritization Framework**

- 21 (1) Cities, counties, Metro, and state agencies shall use the framework in this rule for decision making regarding  
 22 prioritization of transportation facilities and services. Cities, counties, Metro, and state agencies shall consider the  
 23 following:
- 24 (a) Prioritization factors as provided in section (3);  
 25 (b) Classification of facilities or segments as provided in section (4);  
 26 (c) The planned land use context as provided in section (5); and  
 27 (d) Expected primary users as provided in section (6).
- 28 (2) Cities, counties, Metro, and state agencies may use local values determined through engagement as provided in  
 29 OAR 660-012-0120 to weight various prioritized factors when making prioritization decisions as provided in this  
 30 division.
- 31 (3) Cities, counties, Metro, and state agencies shall prioritize transportation facilities and services based on the  
 32 following factors:
- 33 (a) Meeting greenhouse gas reduction targets, including:
- 34 (A) Reducing per-capita vehicle miles traveled to meet greenhouse gas reduction targets provided in OAR 660-  
 35 044-0020 or OAR 660-044-0025;  
 36 (B) Supporting compact, pedestrian-friendly patterns of development in urban areas, particularly in climate-  
 37 friendly areas;  
 38 (C) Reducing single-occupant vehicle travel as a share of overall travel; and  
 39 (D) Meeting performance targets set as provided in OAR 660-012-0910.
- 40 (b) Improving equitable outcomes for underserved populations identified in OAR 660-012-0125;  
 41 (c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;  
 42 (d) Improving access for people with disabilities;  
 43 (e) Improving access to destinations, particularly key destinations identified as provided in OAR 660-012-0360;  
 44 (f) Completing the multimodal transportation network, including filling gaps and making connections;  
 45 (g) Supporting the economies of the community, region, and state; and  
 46 (h) Other factors determined in the community.

47 **The change in this section addresses charge item 8. The change clarifies that local governments may**  
 48 **apply mode-specific functional classifications to facilities.**

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

- 1 (5) Cities, counties, Metro, and state agencies shall consider the planned land use context around an existing or  
 2 planned transportation facility or segment when making decisions about appropriate transportation facilities and  
 3 services.
- 4 (a) Within climate-friendly areas, cities, counties, Metro, and state agencies shall prioritize pedestrian, bicycle,  
 5 and public transportation facilities and services. Cities, counties, Metro, and state agencies shall ensure facilities  
 6 are planned for these modes to experience safe, low stress, and comfortable travel for people of all ages and  
 7 abilities within climate-friendly areas with minimal interference from motor vehicle traffic.
- 8 (b) In areas with concentrations of underserved populations, cities, counties, Metro, and state agencies shall  
 9 prioritize transportation projects addressing historic and current marginalization. Proposed transportation  
 10 projects in these areas must work to rectify previous harms and prevent future harms from occurring. These  
 11 areas may have suffered from disinvestment or harmful investments, including transportation system  
 12 investments. Such harms include but are not limited to displacement, increased exposure to pollutants,  
 13 destruction and division of neighborhoods, heat islands, and unsafe conditions for pedestrians, cyclists, transit  
 14 users, and others.
- 15 (6) Cities, counties, Metro, and state agencies shall consider the expected primary users of an existing or planned  
 16 transportation facility or segment when making decisions about appropriate transportation facilities and services.  
 17 In particular:
- 18 (a) In areas near schools or other locations with expected concentrations of children, or areas with expected  
 19 concentrations of older people or people with disabilities, cities, counties, Metro, and state agencies must  
 20 prioritize safe, protected, and continuous pedestrian and bicycle networks connecting to key destinations,  
 21 including transit stops.
- 22 (b) In industrial areas, along routes accessing key freight terminals, and other areas where accommodations for  
 23 freight are needed, cities, counties, Metro, and state agencies must consider the needs of freight users.  
 24 Pedestrian, bicycle, and public transportation system connections must be provided in industrial areas at a level  
 25 that provides safe access for workers.

26 Statutory/Other Authority: ORS 197.040

27 Statutes/Other Implemented: ORS 197.012, ORS 197.180, ORS 197.712, ORS 468A.205

## 28 **660-012-0180: Financially-Constrained Project List**

- 29 (1) Cities and counties shall include a financially-constrained project list in a transportation system plan. Cities and  
 30 counties shall use the prioritized unconstrained project list developed as provided in OAR 660-012-0170 and the  
 31 amount of funding available developed as provided in OAR 660-012-0115 to produce the financially-constrained  
 32 project list.
- 33 (2) Cities, counties, Metro, and the state may only develop, fund, and construct projects on the financially-  
 34 constrained project list.
- 35 (a) Cities and counties may only submit projects on the financially-constrained project list in their transportation  
 36 system plan to the financially-constrained list of a federally-required regional transportation plan.

37 The changes to this subsection address charge item 9. The intent of this provision is to allow projects that  
 38 happen along with development to occur even if they are not on the financially-constrained project list.  
 39 This is because often these types of projects are opportunistic, depending on property development  
 40 which may not have been anticipated. The adopted language could be interpreted in ways that were not  
 41 intended.

42 (b) ~~Cities and counties may permit projects on the unconstrained project list but not on the financially constrained~~  
 43 ~~list to be constructed if the project is built by a property owner as a requirement of land development and the~~  
 44 ~~project would not require review as provided in OAR 660-012-0830.~~ Cities and counties may develop, fund, or  
 45 construct a project on the unconstrained project list if:

46 (A) The project is required as a condition of land development;

47 (B) A property owner is providing financial or material contributions to the project; and

48 (C) The project would not require review as provided in OAR 660-012-0830.

- 49 (3) Cities and counties shall create a financially-constrained project list using the top available projects on the  
 50 prioritized unconstrained project list and the planning-level cost estimates developed as provided in OAR 660-  
 51 012-0170. The sum of the planning-level cost estimates for projects placed on the financially-constrained project  
 52 list shall not exceed 125 percent of the funding available as identified in OAR 660-012-0115. Cities and counties  
 53 shall select projects such that the resulting financially-constrained list would:



- 1 (a) Reduce per capita vehicle miles traveled, as provided in OAR 660-012-0160;  
 2 (b) Burden underserved populations less than and benefit underserved populations as much or more as the city or  
 3 county population as a whole; and  
 4 (c) Make significant progress towards meeting the performance targets set for each performance measure as  
 5 provided in OAR 660-012-0910 or OAR 660-044-0110.
- 6 (4) If the list of projects cannot meet each test in section (3), the city or county must adjust the project list to find the  
 7 highest-ranking set of projects that can meet the criteria in section (3). This is the financially-constrained project  
 8 list.
- 9 (5) Cities or counties making a major or minor amendment to the transportation system plan as provided in OAR  
 10 660-012-0105 which includes an update to any project list, shall update the financially-constrained project list as  
 11 provided in this rule.
- 12 (6) Cities and counties shall prioritize the implementation of projects from the financially-constrained project list for  
 13 their ability to reduce climate pollution and improve equitable outcomes using the criteria provided in section (3)  
 14 of this rule.

15 Statutory/Other Authority: ORS 197.040

16 Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.712, ORS 468A.205

### 17 **660-012-0210: Transportation Modeling and Analysis**

18 The change to this rule postpones the effective date of this rule to allow for a future process to review and  
 19 refine this rule. The not yet in effect adopted text of the rule will remain for now, but it is staff's intention to  
 20 review and recommend amendments to this rule prior to the effective date.

21 (1) This rule does not become effective until December 31, 2027.

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

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

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

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

29 Statutory/Other Authority: ORS 197.040

30 Statutes/Other Implemented: ORS 197.012, ORS 197.712

### 31 **660-012-0215: Transportation Performance Standards**

32 The changes in this rule address charge item 10. The changes fix a numbering error.

33 (1) This rule applies to transportation performance standards that cities and counties use to review comprehensive  
 34 plan and land use regulation amendments as provided in OAR 660-012-0060. If a city or county requires  
 35 applicants to analyze transportation impacts as part of development review in acknowledged local land use  
 36 regulations, then that review must include evaluation of the performance standards established under this rule.

37 This rule applies to transportation performance standards that Metro uses to review functional plan amendments  
 38 as provided in OAR 660-012-0060.

39 (2) Cities and counties shall adopt transportation performance standards. The transportation performance standards  
 40 must support meeting the targets for performance measures set as provided in OAR 660-012-0910. The  
 41 transportation performance standards must include these elements:

42 ~~(3a)~~ Characteristics of the transportation system that will be measured, estimated, or projected, and the methods to  
 43 calculate their performance;

44 ~~(4b)~~ Thresholds to determine whether the measured, estimated, or projected performance meets the performance  
 45 standard. Thresholds may vary by facility type, location, or other factors. Thresholds shall be set at the end of  
 46 the planning period, time of development, or another time; and

47 ~~(5c)~~ Findings for how the performance standard supports meeting the targets for performance measures set as  
 48 provided in OAR 660-012-0910.

49 The change in this section addresses charge item 11. The change clarifies that Metro may set standards  
 50 that are to be used across the region.

51 ~~(6)~~ Cities, counties, Metro, and state agencies shall adopt two or more transportation performance standards. Metro  
 52 may adopt regional performance standards in a functional plan for use across regional and local plans. At least one

1 of the transportation performance standards must support increasing transportation options and avoiding principal  
 2 reliance on the automobile. The transportation system plan must clearly establish how to apply the multiple  
 3 performance standards to a proposal that meets some, but not all, of the transportation performance standards. The  
 4 transportation performance standards must evaluate at least two of the following objectives for the transportation  
 5 system, for any or all modes of transportation:

- 6 (a) Reducing climate pollution;
- 7 (b) Equity;
- 8 (c) Safety;
- 9 (d) Network connectivity;
- 10 (e) Accessibility;
- 11 (f) Efficiency;
- 12 (g) Reliability; and
- 13 (h) Mobility.

14 Statutory/Other Authority: ORS 197.040

15 Statutes/Other Implemented: ORS 197.012, ORS 197.180, ORS 197.712

16 The title of this rule has been changed to be consistent.

17 **660-012-0310: ~~Climate~~-Climate-Friendly Areas**

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

- 19 (a) Are within a metropolitan area other than the Portland Metropolitan Area;
- 20 (b) Are inside incorporated cities or areas within an urban growth boundary as provided in section (3); and
- 21 (c) Have a population of more than 5,000 within an urban growth boundary.

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

- 24 (a) Locations able to support development consistent with the land use requirements of OAR 660-012-0320.
- 25 (b) The locations shall be in existing or planned urban centers, including downtowns, neighborhood centers,  
 26 transit-served corridors, or similar districts. To the extent practicable, climate-friendly areas should be located  
 27 within, or in close proximity to, areas planned for, or provided with, high-density residential uses and a high  
 28 concentration of employment opportunities.
- 29 (c) The locations shall be in areas that are served, or planned for service, by high quality pedestrian, bicycle, and  
 30 transit services.
- 31 (d) The locations shall not be in areas where development is limited or disallowed by provisions adopted pursuant  
 32 to Statewide Planning Goal 7. Climate-friendly areas may be designated in such areas if the local government  
 33 has adopted requirements for development that will mitigate potential hazards to life and property, in  
 34 compliance with Statewide Planning Goal 7.
- 35 (e) Cities may designate climate-friendly areas within the urban growth boundary, but outside the city limits  
 36 boundary, if the following requirements are met:
  - 37 (A) The area is contiguous with the city limits boundary;
  - 38 (B) The provision of urban services is contingent upon annexation into the city limits and the area is readily  
 39 serviceable with urban water, sewer, stormwater, and transportation. "Readily serviceable" means that urban  
 40 infrastructure services are nearby and could be provided to allow construction on the site within one year of  
 41 an application for a building permit;
  - 42 (C) The zoning that will be applied upon annexation, based on the city's comprehensive plan designation for the  
 43 area, is consistent with climate-friendly area requirements;
  - 44 (D) The county in which the subject area is located has adopted a consistent comprehensive plan designation for  
 45 the area; and
  - 46 (E) The city can demonstrate that at least 70 percent of complete annexation applications within the last five  
 47 years have been approved within one year of the date of complete annexation application.
- 48 (f) Climate-friendly areas shall have a minimum width of 750 feet, including any internal rights of way that may  
 49 be unzoned. Contiguous climate-friendly areas with distinct land use requirements may be considered  
 50 cumulatively to demonstrate compliance with the minimum width requirement. Exceptions to these minimum  
 51 dimensional requirements are allowed due to natural barriers, such as rivers; or due to long-term barriers in the  
 52 built environment, such as freeways. Exceptions are also allowed if potential climate-friendly areas are  
 53 constrained by adjacent areas planned and zoned to meet industrial land needs.

- 1 (3) Cities and counties shall designate climate-friendly areas. Counties with planning jurisdiction in unincorporated  
 2 areas provided with urban water, sanitary sewer, stormwater, and transportation services within an identified  
 3 urban growth boundary shall coordinate with the respective city or cities to address climate-friendly area  
 4 requirements for those areas. Areas under county jurisdiction outside urban growth boundaries; or within urban  
 5 growth boundaries but not provided with urban water, sanitary sewer, stormwater, and transportation services; are  
 6 not subject to this rule.
- 7 (4) Cities and counties shall designate climate-friendly areas as they cross the population thresholds in subsections  
 8 (a) and (b). City population is as determined by the most recently certified Portland State University Population  
 9 Research Center population estimate. Compliance timelines are based upon the date of the certification of the  
 10 population estimate. County population within an urban growth boundary may be calculated by interpolating  
 11 Portland State University Population Research Center's population forecast for the area within an urban growth  
 12 boundary, then subtracting the certified city population estimate from the total population within the urban growth  
 13 boundary for the current year.
- 14 (a) A city or county with a population within an urban growth boundary exceeding 5,000, but less than 10,001  
 15 shall submit a study of potential climate-friendly areas to the department as provided in OAR 660-012-0315  
 16 within 545 days of reaching a population exceeding 5,000. The city or county shall subsequently adopt land use  
 17 requirements as provided in OAR 660-012-0315, and climate-friendly elements to their comprehensive plans  
 18 within 365 days of the deadline for submittal of the study of potential climate-friendly areas.
- 19 (b) A city or a county with a population exceeding 10,000 within an urban growth boundary shall submit a study  
 20 of potential climate-friendly areas to the department as provided in OAR 660-012-0315 within 545 days of  
 21 reaching a population exceeding 10,000. The city or county shall subsequently adopt land use requirements as  
 22 provided in OAR 660-012-0315, and climate-friendly elements to their comprehensive plans within 365 days of  
 23 the deadline for submittal of the study of potential climate-friendly areas. The city or county shall maintain  
 24 sufficient lands within climate-friendly areas as their population grows, as provided in OAR 660-012-0315. For  
 25 cities also subject to OAR 660-008-0045, compliance with this requirement shall be demonstrated in each  
 26 Housing Capacity Analysis following the initial designation of climate-friendly areas. Land use requirements  
 27 for climate-friendly areas shall be established concurrent or prior to the adoption of the Housing Capacity  
 28 Analysis as provided in OAR 660-012-0320. Counties subject to this rule shall coordinate with cities to address  
 29 climate-friendly area requirements within an urban growth boundary.
- 30 (5) If a city or county has not designated sufficient climate-friendly areas as provided in this rule, the commission  
 31 may:
- 32 (a) Initiate periodic review for the city or county to address the requirement; or  
 33 (b) Issue an enforcement order to the city or county, consistent with ORS 197.646.

34 Statutory/Other Authority: ORS 197.040

35 Statutes/Other Implemented: ORS 197.012, ORS 197.615, ORS 197.646, ORS 197.712

36 **The title of this rule has been changed to be consistent.**

37 **660-012-0315: Designation of ~~Climate~~-Climate-Friendly Areas**

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

46 **The changes in this subsection are part of the temporary rules adopted by the commission in April.**

- 47 (b) The total number of housing units necessary to meet all current and future housing needs shall be determined  
 48 from the local government's most recently adopted and acknowledged analysis of housing capacity analysis and  
 49 needed housing consistent with ORS 197.296 at the time it was adopted, by adding the total number of existing  
 50 dwelling units identified in the buildable land inventory to the anticipated number of future needed housing  
 51 units over the planning period of the housing capacity analysis.

1 The changes in this section are part of the temporary rules adopted by the commission in April.

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

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

13 (b) Where the local government has not established a maximum building height, assumed building height shall be  
14 85 feet. For the purpose of calculating zoned building capacity, cities and counties may assume the following  
15 number of floors within multistory buildings, based on allowed building heights:

16 (A) Thirty feet allows two floors.

17 (B) Forty feet allows three floors.

18 (C) Fifty feet allows for four floors.

19 (~~B~~D) Sixty feet allows for five floors.

20 (E) Seventy-five feet allows for six floors.

21 (~~E~~F) Eighty-five feet allows for seven floors.

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

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

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

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

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

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

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

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

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

53 (c) A community engagement plan for the designation of climate-friendly areas, including the process to adopt  
54 associated amendments to the comprehensive plan and zoning code, consistent with the requirements of OAR

1 660-012-0120 through 660-012-0130. The community engagement plan shall be consistent with the  
 2 requirements for an engagement-focused equity analysis as provided in OAR 660-012-0135(34).

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

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

7 (f) Plans for achieving fair and equitable housing outcomes within climate-friendly areas, as identified in OAR  
 8 660-008-0050(4)(a)-(f). Analysis of OAR 660-008-0050(4)(f) shall include analysis of spatial and other data to  
 9 determine if the rezoning of potential climate-friendly areas would be likely to displace residents who are  
 10 members of state and federal protected classes. The local government shall also identify actions that may be  
 11 employed to mitigate or avoid potential displacement.

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

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

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

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

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

25 

The changes in this section are part of temporary rules adopted by the commission in April.
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26 (6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and clearly identify the  
 27 climate-friendly elements to areas in their comprehensive plan maps, comprehensive plans, zoning maps, or zoning  
 28 codes; indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements  
 29 and findings for the climate-friendly element of the comprehensive plan, code, or map amendment shall include  
 30 the following:

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

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

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

44 ~~Adoption of a climate-friendly element into the comprehensive plan containing findings and analysis~~  
 45 ~~summarizing the local government climate-friendly area designation decision process and demonstration of~~  
 46 ~~compliance with the provisions of OAR 660-012-0310 through 660-012-0325. Additionally, a~~ Adopted findings  
 47 shall demonstrate compliance with the provisions of OAR 660-012-0310 through 660-012-0325, and shall  
 48 include:

49 (A) Identification of all ongoing and newly-added housing production strategies the local government shall use  
 50 to promote the development of affordable housing in climate-friendly areas. The local government may use  
 51 the Housing Production Strategy Guidance for Cities to review and identify potential strategies, as provided  
 52 in OAR 660-008-0050(3). These strategies shall be incorporated into future housing production strategy  
 53 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

The title of this rule has been changed to be consistent.

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

The changes to this section provide clarity regarding reduced development expectations when using the outcome-oriented approach in section (9).

(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 comply with the requirements in 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.

The changes to this section address charge item 1. The changes incorporate the consistent use of the term “multi-unit housing. Other changes disallow local governments from requiring ground floor and office uses if a multi-unit residential building contains regulated affordable housing units. This change will facilitate funding for affordable housing, which typically would not support non-residential development.

(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) ~~Multi-unit housing~~~~family residential~~ and attached single-unit housing~~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 multi-unit~~family residential~~ buildings, unless a multi-unit building will contain units subject to a recorded agreement that runs with the land and requires affordability for an established income level for a defined period of time.

(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.

The changes to this section provide consistency with the modified outcome-oriented approach described in section (9), which no longer contains requirements for jobs per net acre.

(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). Employment densities for abutting areas

1 shall comply with the thresholds in subsection (b). If subsections (a) or (b) are met, no changes to existing zoning  
2 or development standards are required for these areas.

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

5 (b) Existing employment uses equal to or greater than the number of jobs per acre provided in paragraphs (A),  
6 (B), or (C) as applicable~~section (9).~~

7 (A) Qualifying areas within local governments with a population greater than 5,000 up to 25,000 shall provide  
8 at least 20 jobs per net acre.

9 (B) Qualifying areas within local governments with a population greater than 25,000 up to 50,000 shall provide  
10 at least 30 jobs per net acre.

11 (C) Qualifying areas within local governments with a population greater than 50,000 shall provide at least 40  
12 jobs per net acre.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 The changes in this section are part of temporary rules adopted by the commission in April.  
8 Typographical errors have been corrected in 9(b) and 9(c). Subsections (a), (b), and (c) have been  
9 restructured for improved clarity. The minimum floor area ratio option in Section (9) has been reduced  
10 from 2.0 to 1.0 to provide more flexibility for local governments and to be more consistent with the  
11 minimum zoned building capacity requirements in subsection (a).

12 (9) As an alternative to adopting the development regulations in section (8), local governments may demonstrate  
13 with adopted findings and analysis that their adopted development regulations for climate-friendly areas will  
14 provide for equal or higher levels of development in climate-friendly areas than those allowed per the standards in  
15 section (8). Additional zoned building capacity of 25 percent may be included for development regulations that  
16 allow height bonuses for additional zoned building capacity above established maximums that are consistent with  
17 OAR 660-012-0315(2)(c)(B). Specifically, the local government must demonstrate that the alternative  
18 development regulations will consistently and expeditiously allow for the levels of development described in  
19 subsections (a)-(c). Alternative development regulations must require either a minimum residential density of 15  
20 dwelling units per net acre or a minimum floor area ratio of 1.02-0, as described in section (8), ~~below~~:

21 (a) Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations to  
22 allow a zoned building capacity of at least 60,000 square feet per net acre, based on regulations impacting  
23 buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights in climate-  
24 friendly areas to enable development of at least 20 dwelling units and 20 jobs per net acre.

25 (b) Local governments with a population greater than 25,000 up to 50,000 shall adopt development regulations for  
26 at least one climate-friendly area of at least 25 acres to allow a zoned building capacity of at least 90,000 square  
27 feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a)  
28 and (b) and allowed building heights, or at least 90,000 square feet per net acre, enable development of at least  
29 30 dwelling units and 30 jobs per net acre. Additional climate-friendly areas may comply with this standard or  
30 with the standard in subsection (a).

31 (c) Local governments with a population greater than 50,000 shall adopt development regulations for at least one  
32 climate-friendly area of at least 25 acres to allow a zoned building capacity, of at least 120,000 square feet per  
33 net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b)  
34 and allowed building heights, or at least 120,000 square feet per net acre, enable development of at least 40  
35 dwelling units and 40 jobs per net acre. Additional climate-friendly areas may comply with this standard or with  
36 the standard in subsections (a) or (b).

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

44 Statutory/Other Authority: ORS 197.040

45 Statutes/Other Implemented: ORS 197.012, ORS 197.712



1 The title of this rule has been changed to be consistent.

2 **660-012-0325: Transportation Review in ~~Climate~~Climate-Friendly Areas and Centers**

3 The changes to this rule address charge item 12. The changes rearrange some of the provisions of the  
4 rule to better clarify the application of the rule to both adopting a climate-friendly area or Region 2040  
5 center and reviewing plan or land use regulations within existing climate-friendly areas or Region 2040  
6 centers. The changes clarify what actions local governments must take in each circumstance.

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

14 (1) Cities or counties shall use the provisions of this rule to review amendments to comprehensive plans or land use  
15 regulations in lieu of the provisions of OAR 660-012-0060 when the amendment is:

16 (a) To adopt a climate-friendly area as provided in OAR 660-012-0310 through OAR 660-012-0320, or a Metro  
17 Region 2040 center; or

18 (b) Within an adopted climate-friendly area or Metro Region 2040 center.

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

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

24 ~~(b) Develop and adopt a multimodal transportation gap summary in coordination with impacted transportation  
25 facility providers and transportation service providers as provided in section (3) to meet requirements in OAR  
26 660-012-0320.~~

27 (2) Cities and counties considering amendments to comprehensive plans or land use regulations to adopt or expand a  
28 climate-friendly area as provided in OAR 660-012-0310 through OAR 660-012-0320, or a Metro Region 2040  
29 center, must make findings, including:

30 (a) A multimodal transportation gap summary as provided in section (4); and

31 (b) The multimodal transportation gap summary must include a highway impacts summary as provided in section  
32 (5) if the designated climate-friendly area as provided in OAR 660-012-0315 or Region 2040 center contains a  
33 ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.

34 (3) Cities and counties considering amendments to comprehensive plans or land use regulations within an adopted  
35 climate-friendly area or Metro Region 2040 center must make findings including a highway impacts summary as  
36 provided in section (5) if:

37 (a) A city or county is reviewing a plan amendment that includes property in an adopted Interchange Area  
38 Management Plan, includes property within one-quarter mile of a ramp terminal intersection, or includes  
39 property within one-quarter mile of a state highway segment in an adopted ODOT Facility Plan area; or

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

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

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

48 ~~(b) A summary of the gaps in the pedestrian and bicycle networks in the climate-friendly area, including gaps  
49 needed to be filled for people with disabilities, based on the summary of the existing multimodal transportation  
50 network;~~

51 ~~(c) If applicable as provided in section (42), a highway impacts summary as provided in section (5); and~~

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

- 1 ~~(4) A city or county shall include a highway impacts summary in the multimodal transportation gap summary if the~~  
 2 ~~designated climate friendly area as provided in OAR 660-012-0315 or Region 2040 center contains a ramp~~  
 3 ~~terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.~~  
 4 (5) A highway impacts summary must identify how the transportation system may be affected by implementation of  
 5 the climate-friendly area. The highway impacts summary must include:  
 6 (a) A summary of ~~the changes between~~ existing and proposed development capacity of the climate-friendly area  
 7 based on the proposed changes to the comprehensive plan and land use regulations;  
 8 (b) A summary of the additional motor vehicle traffic generation that may be expected in the planning period,  
 9 considering reductions for expected complementary mixed-use development, additional multimodal options,  
 10 and assuming meeting goals for reductions in vehicle miles traveled per capita; and  
 11 (c) A summary of traffic-related deaths and serious injuries within the climate-friendly area in the past five years.  
 12 ~~(6) Cities and counties making amendments to adopted land use regulations shall adopt findings including a~~  
 13 ~~highway impacts summary as provided in section (5) if:~~  
 14 ~~(a) A city or county is reviewing a plan amendment within one quarter mile of a ramp terminal intersection,~~  
 15 ~~adopted Interchange Area Management Plan area, or adopted ODOT Facility Plan area, or;~~  
 16 ~~(b) The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing~~  
 17 ~~traffic on the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted~~  
 18 ~~by the Oregon Transportation Commission.~~

19 This section has been added to address how plan amendments that affect areas both inside and outside  
 20 a climate-friendly area or Region 2040 center may be reviewed.

- 21 (6) Cities and counties considering amendments to comprehensive plans or land use regulations that affect areas  
 22 both inside and outside an adopted climate-friendly area or Metro Region 2040 center may either:  
 23 (a) Make separate findings for areas inside the climate-friendly area or Metro Region 2040 center as provided in  
 24 this rule, and findings for areas outside the climate-friendly area or Metro Region 2040 center as provided in  
 25 OAR 660-012-0060; or  
 26 (b) Make findings for all affected areas as provided in OAR 660-012-0060.  
 27 (7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap summary or a  
 28 revised highway impacts summary to ODOT and other affected transportation facility or service providers prior to  
 29 submitting notice as provided in OAR 660-018-0020.

30 Statutory/Other Authority: ORS 197.040

31 Statutes/Other Implemented: ORS 197.012, ORS 197.610-197.625, ORS 197.712, ORS 197.717

### 32 **660-012-0330: Land Use Requirements**

- 33 (1) Cities and counties shall implement plans and land use regulations to support compact, pedestrian-friendly,  
 34 mixed-use land use development patterns in urban areas. Land use development patterns must support access by  
 35 people using pedestrian, bicycle, and public transportation networks.  
 36 (2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site or class of sites  
 37 would make those provisions prohibitively costly or impossible to implement. Cities or counties may adopt land  
 38 use regulations that provide for exemptions as provided in this section. Any allowed exemption shall advance the  
 39 purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not  
 40 limited to:  
 41 (a) Topography or natural features;  
 42 (b) Railroads, highways, or other permanent barriers;  
 43 (c) Lot or parcel size, orientation, or shape;  
 44 (d) Available access;  
 45 (e) Existing or nonconforming development;  
 46 (f) To provide for accessibility for people with disabilities; or  
 47 (g) Other site constraints.  
 48 (3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and connected  
 49 neighborhoods. Land use regulations must meet the following requirements for neighborhood design and access:  
 50 (a) Neighborhoods shall be designed with connected networks of streets, paths, accessways, and other facilities to  
 51 provide circulation within the neighborhood and pedestrian and bicycle system connectivity to adjacent  
 52 districts. A connected street network is desirable for motor vehicle traffic but may be discontinuous where

1 necessary to limit excessive through-travel, or to protect a safe environment for walking, using mobility  
2 devices, and bicycling in the neighborhood.

3 (b) Neighborhoods shall be designed with direct pedestrian access to key destinations identified in OAR 660-012-  
4 0360 via pedestrian facilities.

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

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

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

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

19 

The changes in this subsection are part of temporary rules adopted by the commission in April.
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20 (b) Motor vehicle parking, circulation, access, and loading may be located on site beside or behind buildings.  
21 Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public  
22 pedestrian facilities on or along the primary facing street. Bicycle parking may be permitted.

23 (c) On-site accessways must be provided to directly connect key pedestrian entrances to public pedestrian  
24 facilities, to any on-site parking, and to adjacent properties, as applicable.

25 (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary pedestrian entrances as  
26 required in this section. Primary pedestrian entrances for uses open to the public must be open during business  
27 hours.

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

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

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

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

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

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

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

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

52 (7) Cities and counties with an urban area over 100,000 in population must have reasonable land use regulations that  
53 allow for development of low-car districts. These districts must be developed with no-car or low-car streets, where  
54 walking or using mobility devices are the primary methods of travel within the district. Cities and counties must

- 1 make provisions for emergency vehicle access and local freight delivery. Low-car districts must be allowed in  
 2 locations where residential or mixed-use development is authorized.
- 3 (8) Cities and counties must implement land use regulations to protect transportation facilities, corridors, and sites  
 4 for their identified functions. These regulations must include, but are not limited to:
- 5 (a) Access control actions consistent with the function of the transportation facility, including but not limited to  
 6 driveway spacing, median control, and signal spacing;
- 7 (b) Standards to protect future construction and operation of streets, transitways, paths, and other transportation  
 8 facilities;
- 9 (c) Standards to protect public use airports as provided in OAR 660-013-0080;
- 10 (d) Processes to make a coordinated review of future land use decisions affecting transportation facilities,  
 11 corridors, or sites;
- 12 (e) Processes to apply conditions to development proposals in order to minimize impacts and protect  
 13 transportation facilities, corridors, or sites for all transportation modes;
- 14 (f) Regulations to provide notice to public agencies providing transportation facilities and services, railroads,  
 15 Metropolitan Planning Organizations, the Oregon Department of Transportation, and the Oregon Department of  
 16 Aviation of:
- 17 (A) Land use applications that require public hearings;
- 18 (B) Subdivision and partition applications;
- 19 (C) Other applications that affect private access to roads; and
- 20 (D) Other applications within airport noise corridors and imaginary surfaces that affect airport operations.
- 21 (g) Regulations ensuring that amendments to land use designations, densities, and design standards are consistent  
 22 with the functions, capacities, and performance standards of facilities identified in the TSP.

23 Statutory/Other Authority: ORS 197.040

24 Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### 25 **660-012-0405: Parking Regulation Improvements**

26 The change in this section clarifies small employee parking lots need not have preferential parking. This  
 27 is in line with how cities have applied this long-standing rule provision in the past.

- 28 (1) Cities and counties shall adopt land use regulations as provided in this section:
- 29 (a) Designated employee parking areas in new developments with more than 50 parking spaces shall provide  
 30 preferential parking for carpools and vanpools;
- 31 (b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-  
 32 oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and  
 33 ride stations, and similar facilities; and
- 34 (c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing  
 35 mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for  
 36 truck loading should be considered.

37 The changes in this section clarify the desire to encourage conversion of underused parking areas  
 38 applies to both on and off-street parking.

- 39 (2) Cities and counties shall adopt policies for on-street parking and land use regulations for off-street parking that  
 40 allow and encourage the conversion of existing underused parking areas to other uses.
- 41 (3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

42 The changes in this section addressing tree canopy provisions and exemption of application to parking  
 43 lots between  $\frac{1}{4}$  and  $\frac{1}{2}$  acre in this section are part of temporary rules adopted by the commission in April  
 44 and are also charge items 15 and 16. Minor changes in subsection (4)(a) to clarify intent and remove  
 45 confusing language. There is a clarification the  $\frac{1}{2}$  acre measurement is not just the parking spaces  
 46 themselves, and another that it is focused on off-street parking. This section also addresses charge item  
 47 14 to allow counties to have the option of receiving fee-in-lieu payments into a local fund.

- 48 (4) Cities and counties shall adopt land use regulations for any new development that includes more than one-  
 49 ~~quarter-half~~ acre of new off-street surface parking on a lot or parcel as provided below. The new surface parking  
 50 area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and  
 51 maneuvering areas, including driveways and drive aisles. ~~as provided below.~~

1 The changes in this subsection clarify that it describes a mitigation action. Changes also clarify that cities  
 2 and counties may offer only a subset of the actions in the rule if they so wish, and clarifies it applies to  
 3 new off-street spaces.

4 (a) Developments not required to comply with OAR 330-135-0010 must provide a climate mitigation action.  
 5 Climate mitigation actions shall include at least one of the following. Cities and counties are not required to  
 6 offer all these options~~one of the following~~:

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

12 The change to this paragraph sets \$1,500 as a floor, allowing cities and counties to index it for inflation,  
 13 and clarifies it just applies to off-street parking spaces.

14 (B) ~~Payment of at least \$1,500 per new off-street parking space into a city or county fund dedicated to~~  
 15 ~~equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for~~  
 16 ~~such purpose;~~

17 ~~Actions to comply with OAR 330-135-0010; or~~

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

20 The change to this paragraph would allow a mixture of actions.

21 (D) A mixture of actions under paragraphs (A) through (C) the city or county deems to meet the purpose of this  
 22 section.

23 The changes to this subsection clarify it is about trees. The changes also clarify if tree canopy is chosen  
 24 as the mitigation action under subsection (a) it meets this overlapping requirement.

25 (b) Developments must provide tree canopy. ~~Developments shall provide ~~street~~ either trees along driveways or a~~  
 26 ~~minimum of 30 percent tree canopy coverage over new parking areas. Developments but are not required to~~  
 27 ~~provide ~~them~~ trees along drive aisles. The tree spacing and species planted must be designed to maintain a~~  
 28 ~~continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations.~~  
 29 ~~Developments providing 40 percent tree canopy to comply with paragraph (a)(C) comply with this subsection;~~  
 30 ~~and~~

31 The changes to this subsection clarify pedestrian connections must be included throughout the site, more  
 32 in line with the previous language and existing TPR; and only need to be made if there are existing or  
 33 planned pedestrian facilities in the adjacent rights-of-way.

34 (c) Developments must provide pedestrian connections throughout the parking lot, connecting at minimum the  
 35 following, except where not practical due to site-specific conditions:

36 (A) building entrances;

37 (B) existing or planned pedestrian facilities in the adjacent public rights-of-way;

38 (C) transit stops; and

39 (D) accessible parking spaces, street-like design and features along driveways including curbs, pedestrian  
 40 facilities, and buildings built up to pedestrian facilities.

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

43 The changes to this subsection focus the tree provisions on planting and removes the maintenance  
 44 provisions.

45 (e) In providing trees under subsections (a) and, (b) and ~~(c)~~, the following standards shall be met. ~~The tree spacing~~  
 46 ~~and species planted must be designed to maintain a continuous canopy. Local codes must provide clear and~~  
 47 ~~objective standards to achieve such a canopy.~~ Trees must be planted and maintained to maximize their root  
 48 health and chances for survival, including having ample high-quality soil, space for root growth, and reliable  
 49 irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible.

1 The city or county shall have minimum standards for tree planting and tree care no lower than the 2021  
 2 American National Standards Institute A300 standards, ~~and a process to ensure ongoing compliance with tree~~  
 3 ~~planting and maintenance provisions.~~

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

6 Statutory/Other Authority: ORS 197.040

7 Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### 8 **660-012-0410: Electric Vehicle Charging**

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

10 (2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state  
 11 building code adopted pursuant to ORS 455.417.

12 **The change in this section makes a minor clarification.**

13 (3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential  
 14 dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more  
 15 residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS  
 16 455.417, to accommodate ~~serve~~ 40 percent of all vehicle parking spaces.

17 Statutory/Other Authority: ORS 197.040

18 Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 455.417

#### 19 **660-012-0415: Parking Maximums and Evaluation in More Populous Communities**

20 **The changes in this section address charge items 17 and 18. The changes include a clarification about**  
 21 **which map is being referenced, and about which parking maximum requirements may apply.**

22 (1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the  
 23 urban growth boundary, and cities with populations over 25,000 within the Portland Metropolitan Area, shall set  
 24 parking maximums in climate-friendly areas, and in Metro Region 2040 centers ~~regional centers and town centers,~~  
 25 ~~designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted~~  
 26 ~~Boundaries map.~~ Those cities and counties shall also set parking maximums on lots or parcels within the transit  
 27 corridors and rail stop areas listed in OAR 660-012-0440. Cities and counties that have designated priority transit  
 28 corridors under OAR 660-012-0710 may set parking maximums in those corridors in place of the corridors  
 29 identified in OAR 660-012-0440(3)(b) and (c).

30 (a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit and two off-street  
 31 parking spaces per non-studio residential unit in a multi-unit housing development in climate-friendly areas and  
 32 within one-half mile walking distance of priority transit corridors. These maximums shall include visitor  
 33 parking;

34 (b) Parking maximums shall be no higher than five spaces per 1,000 square feet of floor space for all commercial  
 35 and retail uses other than automobile sales and repair, eating and drinking establishments, and entertainment  
 36 and commercial recreation uses;

37 (c) For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area  
 38 than the floor area of the building; and

39 **The changes in this subsection are part of temporary rules adopted by the commission in April.**

40 ~~(d) In setting parking maximums, cities and counties shall consider setting maximums equal to or less than 150~~  
 41 ~~percent of parking mandates in their adopted land use regulations in effect as of January 1, 2020. A city or~~  
 42 ~~county that sets a higher parking maximum must adopt findings for doing so. In no case shall the city or county~~  
 43 ~~exceed the limits in subsections (a) through (c) in climate friendly areas and for developments on parcels or lots~~  
 44 ~~within one-half mile of transit corridors and three-quarters mile of rail transit stops listed in OAR 660-012-~~  
 45 ~~0440; and~~

46 (ed) Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking  
 47 structures may be exempted from the calculations in this section.

The changes in this section clarify the areas listed are the key areas for parking management, even when a city has taken the path of waiving parking mandates and is therefore not subject to OAR 660-012--0435 and OAR 660-012-0440.

- (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 listed in~~ OAR 660-012-0435(2) and OAR ~~or~~ 660-012-0440(2) and (3). 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.

The changes in this section clarify wording and remove duplication with OAR 660-012-0405(3) requirement on shared parking.

- (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 non-loading parking is provided on site, all 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 deletion of this section is part of temporary rules adopted by the commission in April.

- ~~(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

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

- (1) This rule applies to cities and counties that:
- (a) Are within a metropolitan area; and
  - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.
- (2) Cities and counties may not require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally-established property.

The changes in this section address charge item 13. The changes make language parallel.

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 329A.250, ORS 443.400, ORS 456.250

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

- (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.

The changes in this section address charge items 18 and 20. The changes include a minor clarification about which map is referenced, and other cleaner language and an exemption of townhouses and rowhouses.

- (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 Metro Region 2040 centers ~~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-regulations to requiring~~ no more than one-half off-street parking space per dwelling unit in the area that is not a townhouse or rowhouse; and
    - (C) Adopting land use regulations without parking mandates for commercial developments.

The deletion of this section is part of temporary rules adopted by the commission in April.

- ~~(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



**660-012-0440: Parking Reform Near Transit Corridors**

The changes in this rule address charge items 21 and 22. The changes include clarification about how sections (3)(b) and (c) interact, along with the ability to set areas without mandates once per year.

- (1) This rule applies to cities and counties that:
- (a) Are within a metropolitan area; and
  - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.
- (2) Cities and counties may not ~~require parking spaces~~ enforce parking mandates for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops.
- (3) Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors, including:
- (a) Priority transit corridors designated under OAR 660-012-0710;
  - (b) Corridors with ~~bus-transit~~ service arriving with a scheduled frequency of at least four times an hour during peak service; and
  - (c) If a community has no corridor qualifying under subsection (b), cCorridors with the most frequent transit ~~route or routes~~ service in the community if the scheduled frequency is at least once per hour during peak service.
- (4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.
- (5) In determining the extent of lands subject to subsection (3)(b) or (c), a city or county shall either:
- (a) Evaluate current service frequencies on the date a land use application is submitted, provided the application remains valid for review pursuant to ORS 215.427 or ORS 227.178, or
  - (b) Adopt a map designating these lands based on service frequency on the date development codes implementing this rule are adopted. The city or county must update the map at least once per year from the date of adoption if services frequencies change and additional lands become subject to subsection (3)(b) or (c). The city or county must use subsection (5)(a) if additional lands are subject to subsections (3)(b) or (c) and the adopted map is more than one year old.

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 changes in this subsection are part of temporary rules adopted by the commission in April and address charge item 17. Additional clarification on when unbundling takes effect per charge item 19.

- (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) through (C):
- (A) A requirement that parking spaces for each residential unit in multi-unit housing developments ~~that include five or more leased or sold residential units on a lot or parcel~~ be unbundled parking upon lease creation, lease renewal, or sale. 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 upon lease creation or renewal;
  - (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~~ multi-unit housing residential development to no higher than one-half spaces per unit, including visitor parking.

The changes in this subsection are part of temporary rules adopted by the commission in April. Additional changes clarify historic resources references per charge item 23 and that the scope of “change of use and redevelopment” is not unlimited. Clarification on when unbundling must take effect for charge item 19.

(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 multi-unit housing 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 where at least 50 percent of the building floor area is retained;
- (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 identified as a designated or contributing structure 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)~~ 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 that parking for multi-unit housing units be unbundled parking upon lease renewal or sale.

(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

### 660-012-0505: Pedestrian System Inventory

The change in this section addresses charge item 24. The change clarifies that the inventory requirement applies within ¼ mile of primary and secondary (K-12) schools.

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

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

### 3 **660-012-0510: Pedestrian System Requirements**

4 The change in this section addresses charge item 8. The change clarifies that local governments may  
 5 apply mode-specific functional classifications to pedestrian facilities.

- 6 (1) This rule describes the minimum planned pedestrian facilities that must be included in plans. Cities and counties  
 7 may choose to exceed the requirements in this rule. Cities and counties may choose to apply pedestrian functional  
 8 classifications to pedestrian facilities.  
 9 (2) Pedestrian facility owners must design, build, and maintain pedestrian facilities to allow comfortable travel for  
 10 all people, including people with disabilities.  
 11 (3) All streets and highways, other than expressways, shall have pedestrian facilities, as provided in ORS 366.514.  
 12 (a) Pedestrian facilities must be planned for both sides of each street.  
 13 (b) Cities shall plan for enhanced pedestrian facilities such as wide, protected sidewalks and pedestrian zones,  
 14 such as plazas, in the following contexts:  
 15 (A) Along high volume or high-speed streets;  
 16 (B) In climate-friendly areas and Metro Region 2040 centers;  
 17 (C) In areas with concentrations of underserved populations.

18 The change in this subsection addresses charge item 25. The change clarifies that the right-of-way to be  
 19 considered in this requirement includes right-of-way dedicated to transportation purposes, not necessarily  
 20 right of way for utilities or other purposes.

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

48 Statutory/Other Authority: ORS 197.040  
 49 Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 366.514

**660-012-0605: Bicycle System Inventory**

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

The change in this section addresses charge item 24. The change clarifies that the inventory requirement applies within ¼ mile of primary and secondary (K-12) schools.

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

**660-012-0610: Bicycle System Requirements**

The change in this section addresses charge item 8. The change clarifies that local governments may apply mode-specific functional classifications to bicycle facilities.

(1) This rule describes the minimum planned bicycle facilities that must be included in plans. Cities or counties may choose to exceed the requirements in this rule. Cities and counties may choose to apply bicycle functional classifications to bicycle facilities.

(2) Cities and counties shall plan for a connected network of bicycle facilities that provides a safe, low stress, direct, and comfortable experience for people of all ages and abilities. All ages and abilities includes:

- (a) School-age children;
- (b) People over 65 years of age;
- (c) Women;
- (d) People of color;
- (e) Low-income riders;
- (f) People with disabilities;
- (g) People moving goods, cargo, or other people; and
- (h) People using shared mobility services.

(3) A connected network is comprised of both the ability to access key destinations within a community and enough coverage of safe and comfortable facilities to ensure most people within the community can travel by bicycle.

- (a) Cities and counties must design the connected network to connect to key destinations identified as provided in OAR 660-012-0360, and to and within each climate-friendly area or Metro Region 2040 center.
- (b) Cities and counties must design the connected network to permit most residents of the planning area to access the connected network with an emphasis on mitigating uncomfortable or unsafe facilities or crossings.
- (c) The connected network shall consist of connected bicycle facilities including, but not limited to, separated and protected bicycle facilities, bicycle boulevards, and multi-use or bicycle paths. The connected network must include a series of interconnected bicycle facilities and provide direct routes to key destinations. Cities and counties must design comfortable and convenient crossings of streets with high volumes of traffic or high-speed traffic.

The changes in this section address concerns that the application of certain bicycle facilities was unclear.

(4) Cities and counties shall plan and design bicycle facilities considering the context of adjacent motor vehicle facilities and land uses.

- (a) Cities and counties ~~shall must~~ design bicycle facilities with higher levels of separation or protection along streets that have higher volumes or speeds of traffic.
- (b) Cities and counties ~~shall must~~ plan for separated or protected bicycle facilities on streets in climate-friendly areas, Metro Region 2040 ~~C~~centers, and other places with a concentration of destinations. Cities and counties are not required to plan sSeparated or protected bicycle facilities ~~may not be necessary~~ on streets with very low

1 levels of motor vehicle traffic, ~~with slow speeds of motor vehicles, or near where~~ a high-quality parallel bicycle  
 2 facility on the connected network ~~exists within one block.~~

3 (c) Cities and counties ~~shall must~~ identify locations with existing bicycle facilities along high traffic or high-speed  
 4 streets where the existing facility is not protected or separated, or parallel facilities do not exist. Cities and  
 5 counties ~~shall must~~ plan for a transition to appropriate facilities in these locations.

6 (5) Cities and counties shall adopt standards for bicycle system planning and facilities that will result in a safe, low  
 7 stress, and comfortable experience for people of all ages and abilities. In adopting standards, cities and counties  
 8 may use one or more of the following:

9 (a) The Urban Bikeway Design Guide, second edition, published by the National Association of City  
 10 Transportation Officials;

11 (b) Designing for All Ages & Abilities, December 2017, published by the National Association of City  
 12 Transportation Officials; and

13 (c) For state facilities, The Blueprint for Urban Design, 2019, published by the Oregon Department of  
 14 Transportation.

15 (6) Cities and counties shall use the transportation prioritization framework in OAR 660-012-0155 when making  
 16 decisions about bicycle facilities.

17 Statutory/Other Authority: ORS 197.040

18 Statutes/Other Implemented: ORS 197.012, ORS 197.712

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### 19 **660-012-0630: Bicycle Parking**

20 The changes in this rule address charge item 17. The rule has also been reorganized to be clearer about  
 21 which uses need to have required bicycle parking (section 2), minimum parking requirements for some  
 22 residential uses (section 3), and standards for required bicycle parking (section 4). The updated rule also  
 23 removes the existing requirements for a certain number of bike parking spaces for uses where off-street  
 24 motor vehicle parking is required.

25 (1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle  
 26 and other small-scale mobility devices.

27 (2) Cities and counties shall require bicycle parking for the following uses:

28 (a) All new multi-unit development or mixed-use development of five residential units or more as provided in  
 29 section (3);

30 (b) All new retail development;

31 (c) All new office and institutional developments;

32 (d) All major transit stops, and any park-and-ride lots that require land use approval; and

33 (f) Any land use where off-street motor vehicle parking is mandated.

34 This section provides that cities and counties must have required bicycle parking for multi-unit and mixed-  
 35 use residential uses. Staff presents three options to the commission for this section based on  
 36 conversations at the rulemaking advisory committee and testimony received.

37 **OPTION A:** This option prescribes a minimum of one bicycle parking space per residential unit.

38 (3) Cities and counties shall require a minimum of one covered bicycle parking space per unit for multi-unit and  
 39 mixed-use residential uses.

40 **OPTION B: This is the staff recommended option.** This option provides for a minimum of one bicycle  
 41 parking space per residential unit and provides for cities and counties to allow case-by-case adjustments  
 42 as well as different requirements in some situations.

43 (3) Cities and counties shall require a minimum of one covered bicycle parking space per unit for multi-unit and  
 44 mixed-use residential uses. Cities and counties may:

45 (a) Allow for reductions or exemptions to the minimum parking requirement based on development-specific  
 46 considerations; and

47 (b) Exempt or reduce the minimum parking requirement for certain types of residential uses that are likely to have  
 48 less future demand for bicycle parking.

**OPTION C:** This option prescribes a minimum of one half of a bicycle parking space per unit.

(3) Cities and counties shall require a minimum of one-half of a covered bicycle parking space per unit, rounded up to the next nearest whole number, for multi-unit and mixed-use residential uses.

(4) Cities and counties shall adopt development regulations requiring all required bicycle parking provided must:

(a) Either allow ways to lock at least two points on a bicycle, or be within a lockable space only available to authorized users;

(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 stairs, other parked bicycles, walls, or other obstructions;

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

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

(5) Cities and counties shall provide for public bicycle parking and 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.

~~(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) Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7, rounded to the next highest whole number; 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

## **660-012-0700: Public Transportation System Planning**

The changes in this section address charge item 26. The changes clarify how local governments are to work with transit service providers. There are also changes to use terms consistently.

(1) Transportation system plans must include a public transportation system element that meets the requirements of this rule. Cities and counties must work in close cooperation with transit service providers in order to complete the public transportation system element of the transportation system plan.

(a) Cities and counties shall coordinate with public transportation service providers to develop the public transportation system ~~plan~~ element.

(b) The public transportation system ~~plan~~ element must include elements of the public transportation system that are in the control of the city, county, and coordinating transportation facility owners.

(c) The public transportation system ~~plan~~ element must identify elements of the public transportation system that the city or county will work with transit service providers to realize or improve, including transit priority corridors, transit supportive infrastructure, and stop amenities.

(d) Cities and counties must coordinate with transit service providers to align the public transportation system ~~plan~~ transit element with Transit Development Plans, goals, and other strategic planning documents ~~developed~~ adopted by a transit service providers to the extent practical.

- 1 (e) Transportation system plans do not control public transportation elements exclusively controlled by transit  
 2 service providers. These include funding or details of transit service provision, including timetables and routing.
- 3 (2) A public transportation system element must include the following elements:
- 4 (a) The complete public transportation system as described in section (3) that includes the full buildout and  
 5 provision of services of the public transportation system within the urban growth boundary;
- 6 (b) Identification of gaps and deficiencies in the public transportation system as described in section (4);
- 7 (c) Locations of key public transportation destinations identified as provided in OAR 660-012-0360; and
- 8 (d) A list of prioritized public transportation system projects developed as provided in OAR 660-012-0720.
- 9 (3) The complete public transportation system is the full buildout of a complete public transportation system within  
 10 the planning area. The city or county determines the complete public transportation system plan by:
- 11 (a) Using the public transportation system inventory developed under OAR 660-012-0705 as a base; and
- 12 (b) Adding the minimum public transportation services and facilities to places that do not presently meet the  
 13 minimum public transportation system requirements in OAR 660-012-0710.
- 14 (4) Cities and counties shall identify gaps and deficiencies in the public transportation system by comparing the  
 15 complete public transportation system with the public transportation system inventory developed under OAR 660-  
 16 012-0705. Cities and counties must include any part of the complete public transportation system not presently  
 17 built or operated to the standards in the complete public transportation system plan as a gap or deficiency. Cities  
 18 and counties must identify gaps in the transit supportive facilities provided on priority transit corridors and other  
 19 transit corridors identified as provided in OAR 660-012-0710. Transit supportive facilities include, but are not  
 20 limited to:
- 21 (a) Stations, hubs, stops, shelters, signs, and ancillary features; and
- 22 (b) Transit priority infrastructure, including signals, queue jumps, and semi-exclusive or exclusive bus lanes or  
 23 transitways.

24 Statutory/Other Authority: ORS 197.040

25 Statutes/Other Implemented: ORS 197.012, ORS 197.712

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26 **660-012-0810: Street and Highway System Requirements**

- 27 (1) Cities and counties shall plan, design, build, and maintain a connected streets and highway network in a manner  
 28 that respects the prioritization factors in OAR 660-012-0155.
- 29 (a) Cities and counties shall plan streets and highways for the minimum size necessary for the identified function,  
 30 land use context, and expected users of the facility.
- 31 (b) Cities and counties shall consider and reduce excessive standards for local streets and accessways in order to  
 32 reduce the cost of construction, increase safety, provide for more efficient use of urban land, provide for  
 33 emergency vehicle access while discouraging inappropriate traffic volumes and speeds, provide for utility  
 34 placement, and support connected and safe pedestrian and bicycle networks.
- 35 (c) Cities and counties shall plan for an equitable allocation of right-of-way consistent with the prioritization  
 36 factors as provided in OAR 660-012-0155. Streets in climate-friendly areas, Metro Region 2040 centers, and  
 37 along priority transit corridors must be designed to prioritize pedestrian, bicycle, and transit systems, as  
 38 provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- 39 (2) Cities and counties shall plan local streets to provide local access to property and localized circulation within  
 40 neighborhoods.
- 41 (a) Cities and counties shall plan and design local streets for low and safe travel speeds compatible with shared  
 42 pedestrian and bicycle use.
- 43 (b) Cities and counties shall establish standards for local streets with pavement width and right-of-way width as  
 44 narrow as practical to meet needs, reduce the cost of construction, efficiently use urban land, discourage  
 45 inappropriate traffic volumes and speeds, improve safety, and accommodate convenient pedestrian and bicycle  
 46 circulation. Local street standards adopted by a city or county must be developed as provided in ORS 368.039.  
 47 A local street standard where the paved width is no more than 28 feet on streets where on-street parking is  
 48 permitted on both sides of the street shall be considered adequate to meet this requirement. Wider standards  
 49 may be adopted if the local government makes findings that the wider standard is necessary.
- 50 (c) Cities and counties shall plan and design a complete and connected network of local streets. Cities and  
 51 counties may plan for chicanes, diverters, or other strategies or devices in local street networks where needed to  
 52 prevent excessive speed or through travel. These measures must continue to provide for connected and  
 53 pedestrian and bicycle networks.

- 1 (d) Cities and counties shall avoid planning or designing local streets with a dead end. Dead end local streets may  
 2 be permitted in locations with topographic or other barriers, or where the street is planned to continue to a  
 3 connected network in the future.
- 4 (e) Cities and counties shall plan for multimodal travel on local streets as provided in OAR 660-012-0510, OAR  
 5 660-012-0610, and OAR 660-012-0710. Cities and counties must plan local streets in climate-friendly areas and  
 6 Metro Region 2040 centers to prioritize pedestrian and bicycle systems, and be limited to local access for motor  
 7 vehicles.
- 8 (f) A city or county may plan for local streets to be wider than otherwise allowed in this rule when used  
 9 exclusively for access to industrial or commercial properties outside of climate-friendly areas or Metro Region  
 10 2040 centers, and where plans do not allow residential or mixed-use development.
- 11 (g) Transportation system plans need not include the specific location of all planned local streets but must  
 12 describe areas where they will be necessary.
- 13 (3) Cities and counties shall plan collector streets to provide access to property and collect and distribute traffic  
 14 between local streets and arterials. Cities and counties must plan and design a collector street network that is  
 15 complete and connected with local streets and arterials.
- 16 (a) Cities and counties must plan for multimodal travel on collector streets as provided in OAR 660-012-0510,  
 17 OAR 660-012-0610, and OAR 660-012-0710.
- 18 (b) Cities and counties must plan collectors in climate-friendly areas and Metro Region 2040 centers to prioritize  
 19 pedestrian, bicycle, and public transportation systems.
- 20 (4) Cities and counties shall plan arterial streets and highways to provide travel between neighborhoods and across  
 21 urban areas. Cities and counties must plan an arterial street network that is complete and connected with local  
 22 streets and collectors.
- 23 (a) Cities and counties shall designate each segment of an arterial as one of the three categories below in the  
 24 transportation system plan. These designations must be made considering the intended function, the land use  
 25 context, and the expected users of the facility. Cities and counties must address these considerations to ensure  
 26 local plans include different street standards for each category of arterial segment.
- 27 (A) Cities and counties shall plan for local access priority arterial segments to prioritize access to property and  
 28 connected streets when balancing needs on the facility. Local access priority arterial segments will generally  
 29 allow for more access locations from property, more opportunities to make turns, more frequent intersections  
 30 with other streets, and slower speeds.
- 31 (B) Cities and counties shall plan for through movement priority arterial segments to prioritize through  
 32 movement of traffic when balancing needs on the facility. Through movement priority arterial segments will  
 33 generally prioritize access limited to intersections with the street network, limited access to individual  
 34 properties, and safe speeds.
- 35 (C) Cities and counties shall plan for arterial segments in a climate-friendly area to prioritize multimodal travel  
 36 as provided in subsection (b). This includes prioritizing complete, connected, and safe pedestrian, bicycle,  
 37 and public transportation facilities.
- 38 (b) Cities and counties shall plan for multimodal travel on or along arterial streets as provided in OAR 660-012-  
 39 0510, OAR 660-012-0610, and OAR 660-012-0710.
- 40 (A) Cities and counties shall plan arterials in climate-friendly areas to prioritize pedestrian, bicycle, and public  
 41 transportation systems.
- 42 (B) Cities and counties shall plan arterials along transit priority corridors to prioritize transit service reliability  
 43 and frequency over general-purpose traffic.

44 **The changes in this section address charge item 27. The changes make some clarifications about how**  
 45 **local governments must consider planning for freeways as part of the transportation planning process.**

- 46 (5) Cities and counties shall, as part of the transportation planning process, carefully consider new or expanded  
 47 freeways considering goals for reductions in vehicle miles traveled per capita.
- 48 (a) Cities and counties shall consider high-occupancy vehicle lanes, including transit lanes, and managed priced  
 49 lanes on freeways.
- 50 (b) Pedestrian and bicycle facilities should be parallel to freeways, rather than on them. Transit facilities on or  
 51 along freeways ~~must~~ should be designed for direct transit vehicle access.
- 52 (6) Notwithstanding other provisions of this rule, where appropriate, cities and counties shall plan and design streets  
 53 and highways to accommodate:



- 1 (a) Transit vehicles on a segment of a priority transit corridor or transit corridor without dedicated transit lanes or  
2 transitway.  
3 (b) Freight travel on designated freight routes and key freight terminals inventoried as provided in OAR 660-012-  
4 0805.  
5 (c) Agricultural equipment on streets or highways connecting to agriculturally zoned land used for agricultural  
6 purposes where equipment access is necessary.

7 Statutory/Other Authority: ORS 197.040

8 Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 368.039

9 **660-012-0830: Enhanced Review of Select Roadway Projects**

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

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

- 13 (A) A new or extended arterial street, highway, freeway, or bridge carrying general purpose vehicle traffic;  
14 (B) New or expanded interchanges;  
15 (C) An increase in the number of general purpose travel lanes for any existing arterial or collector street,  
16 highway, or freeway; and  
17 (D) New or extended auxiliary lanes with a total length of one-half mile or more. Auxiliary lane means the  
18 portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing,  
19 maneuvering of entering and leaving traffic, and other purposes supplementary to through-traffic movement.

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

- 22 (A) Changes expected to have a capital cost of less than \$5 million;  
23 (B) Changes that reallocate or dedicate right of way to provide more space for pedestrian, bicycle, transit, or  
24 high-occupancy vehicle facilities;  
25 (C) Facilities with no more than one general purpose travel lane in each direction, with or without one turn lane;  
26 (D) Changes to intersections that do not increase the number of lanes, including implementation of a  
27 roundabout;  
28 (E) Access management, including the addition or extension of medians;  
29 (F) Modifications necessary to address safety needs; or  
30 (G) Operational changes, including changes to signals, signage, striping, surfacing, or intelligent transportation  
31 systems.

32 The changes in this subsection are part of temporary rules adopted by the commission in April. This  
33 version is slightly changed to use parallel language and to incorporate some changes from advisory  
34 committee input.

35 ~~(e) To retain a proposed facility that is included in an existing acknowledged plan adopted as provided in OAR  
36 660-012-0015, a city or county shall review that facility under this rule at the time of a major update to its  
37 transportation system plan.~~

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

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

48  
49 (2) Cities and counties choosing to authorize a proposed facility as provided in this rule shall:

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

1 A proposed added provision in OAR 660-012-0012(5)(g) postpones the effective date on this subsection  
2 until the adoption of a transportation system plan.

- 3 (b) Include the authorization process as part of an update to a transportation system plan to meet the requirements  
4 as provided in OAR 660-012-0100, or have an existing acknowledged transportation system plan meeting these  
5 requirements;  
6 (c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;  
7 (d) Designate the project limits and characteristics of the proposed facility, including length, number of lanes, or  
8 other key features;  
9 (e) Designate a facility impact area and determine affected jurisdictions as provided in section (3);  
10 (f) Conduct an engagement-focused equity analysis of the proposed facility as provided in OAR 660-012-0135;  
11 (g) Develop a public involvement strategy as provided in section (4);  
12 (h) Conduct an alternatives review as provided in sections (5) and (6);  
13 (i) Choose to move forward with an authorization report as provided in section (7);  
14 (j) Complete an authorization report as provided in section (8); and  
15 (k) Publish the authorization report as provided in section (9).

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

- 17 (a) Coordinate with all cities and counties with planning jurisdictions within two miles of the limits of the  
18 proposed facility to determine the extent of the facility impact area;  
19 (b) Review the extent of the impact of the proposed facility by including all areas where implementation of the  
20 proposed facility is expected to change levels or patterns of traffic or otherwise change the transportation  
21 system or land use development patterns;  
22 (c) Take particular care when reviewing the facility impact area in places with concentrations of underserved  
23 populations. The city or county must consider the special impact of new facilities in the context of historic  
24 patterns of discrimination, disinvestment, and harmful investments;  
25 (d) Designate a facility impact area to include, at minimum, areas within one mile of the proposed facility; and  
26 (e) Determine affected jurisdictions by including all cities or counties with planning jurisdictions in the designated  
27 facility impact area.

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

- 29 (a) Develop the public involvement strategy as provided in OAR 660-012-0130.  
30 (b) Require that the public involvement strategy provides for opportunities for meaningful public participation in  
31 decision-making over the course of the authorization process;  
32 (c) Require that the public involvement strategy includes regular reports to the affected governing bodies,  
33 planning commissions, and the public on the progress of the authorization process; and  
34 (d) Coordinate the public involvement strategy with other public involvement activities that may be concurrent,  
35 including updates to a transportation system plan or authorizations for other proposed facilities.

36 (5) A city or county choosing to undertake an alternatives review shall, in coordination with affected jurisdictions:

37 The change in this subsection addresses charge item 28. The change makes the term “public  
38 involvement strategy” consistent throughout the rule.

- 39 (a) Have designated the facility impact area, determined affected jurisdictions, transit service providers, and  
40 transportation options providers; and developed a public ~~consultation~~-involvement strategy as provided in this  
41 rule;  
42 (b) Develop a summary of the expected impacts of the proposed facility on underserved populations identified as  
43 provided in OAR 660-012-0125, particularly, but not exclusively, in neighborhoods with concentrations of  
44 underserved populations. These impacts must include, but are not limited to, additional household costs, and  
45 changes in the ability to access jobs and services without the use of a motor vehicle;  
46 (c) Develop a summary of the estimated additional motor vehicle travel per capita that is expected to be induced  
47 by implementation of the proposed facility over the first 20 years of service, using best available science;  
48 (d) Investigate alternatives to the proposed facility, as provided in subsections (e) through (h). Cities and counties  
49 must use a planning level of analysis, and make use of existing plans and available data as much as practical;  
50 (e) Investigate alternatives to the proposed facility through investments in the pedestrian and bicycle systems. The  
51 city or county must:  
52 (A) Review the transportation system plan for identified gaps and deficiencies in pedestrian and bicycle  
53 facilities within the facility impact area;

- 1 (B) Determine how much of the need for the proposed facility may be met through enhanced investments in the  
2 pedestrian and bicycle networks;
- 3 (C) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need  
4 which do not require implementation of the proposed facility; and
- 5 (D) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need  
6 which may be implemented without the proposed facility, and may be retained if the proposed facility is  
7 implemented.
- 8 (f) Investigate alternatives to the proposed facility through investments in the public transportation system. The  
9 city or county must:
- 10 (A) Review the transportation system plan for identified gaps and deficiencies in public transportation facilities  
11 and services within the facility impact area;
- 12 (B) Coordinate with transit service providers to identify opportunities for providing additional transit service  
13 within or to the facility impact area; and
- 14 (C) Identify potential transit facility and service investments that contribute to meeting the identified need  
15 which may be implemented without the proposed facility.
- 16 (g) Investigate alternatives to the proposed facility through investments in transportation options programs; or  
17 other means to reduce demand for motor vehicle travel. The city or county must:
- 18 (A) Review the transportation system plan for identified existing and needed transportation demand  
19 management services within the facility impact area;
- 20 (B) Coordinate with transportation options providers to identify opportunities for providing transportation  
21 demand management services in and around the facility impact area; and
- 22 (C) Identify potential transportation options program investments that contribute to meeting the identified need  
23 which may be implemented without the proposed facility.
- 24 (h) Investigate alternatives to the proposed facility that include system pricing. The city or county must:
- 25 (A) Determine if various types of pricing could substantially reduce the need for the proposed facility;
- 26 (B) Investigate a range of pricing methods appropriate for the facility type and need, which may include, but are  
27 not limited to: parking pricing, tolling, facility pricing, cordon pricing, or congestion pricing; and
- 28 (C) Identify pricing methods where it is reasonably expected to meet the need for the facility, may reasonably  
29 be implemented, and can be expected to generate sufficient revenue to cover the costs of operating the  
30 collection apparatus.
- 31 (6) A city or county completing an alternatives review must, in coordination with affected jurisdictions:
- 32 (a) Review the projects identified in section (5) to determine sets of investments that may be made that could  
33 substantially meet the need for the proposed facility without implementation of the proposed facility. A city or  
34 county must consider adopted state, regional, and local targets for reduction of vehicle miles traveled to reduce  
35 ~~greenhouse gas emissions~~ climate pollution when making determinations of substantially meeting the need for  
36 the proposed facility; and
- 37 (b) Complete an alternatives review report upon completion of the alternatives review phase. The alternatives  
38 review report must include a description of the effectiveness of identified alternatives. The alternatives review  
39 report must include the summaries developed in subsections (5)(b) and (c). The alternatives review report must  
40 be provided to the public, and the governing bodies and planning commissions of each affected city or county.  
41 The alternatives review report must also be included in the next annual report to the director as provided in  
42 OAR 660-012-0900.
- 43 (7) The governing body of the city or county shall review the alternatives review report and may either:
- 44 (a) Select a set of investments reviewed in the alternatives review report intended to substantially meet the  
45 identified need for the proposed facility. These investments may be added to the unconstrained project list of the  
46 transportation system plan as provided in OAR 660-012-0170; or
- 47 (b) Choose to complete the authorization report for the proposed facility, as provided in section (8).
- 48 (8) A city or county choosing to complete an authorization report as provided in section (7) shall, after completion  
49 of the alternatives review, include the following within the authorization report:
- 50 (a) A record of the initiation of the authorization process by the governing body;
- 51 (b) The public involvement strategy developed as provided in section (4), and how each part of the public  
52 involvement strategy was met;
- 53 (c) The alternatives review report;

- 1 (d) A summary of the estimated additional long-term costs of maintaining the proposed facility, including  
 2 expected funding sources and responsible transportation facility operator.
- 3 (9) A city or county shall publish the authorization report upon completion and provide it to the public and  
 4 governing bodies of each affected jurisdiction.
- 5 (10) A city or county, having completed and published an authorization report, may place the proposed project on  
 6 the list of street and highway system projects with other projects as provided in OAR 660-012-0820. A proposed  
 7 project authorized as provided in this rule may remain on a project list in the transportation system plan as long  
 8 there are no significant changes to the proposed project or the land use context as described in the authorization  
 9 report.

10 Statutory/Other Authority: ORS 197.040

11 Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 468A.205

## 12 **660-012-0905: Land Use and Transportation Performance Measures**

13 **The changes in this rule are for clarity.**

- 14 (1) Cities, counties, and Metro that have a land use and transportation scenario approved by the commission as  
 15 provided in OAR 660-044-0050 or OAR 660-044-0120 shall report on the performance measures from the  
 16 approved regional scenario plan.
- 17 (2) Cities and counties that do not have a land use and transportation scenario approved by the commission as  
 18 provided in OAR 660-044-0120 shall report on the specific actions, including capital improvements and the  
 19 adoption of policies or programs that they have or will undertake to reduce pollution and increase equitable  
 20 outcomes for underserved populations. At a minimum, this report must include the following performance  
 21 measures:
- 22 (a) Compact Mixed-Use Development
- 23 (A) Number of publicly supported affordable housing units in climate-friendly areas.
- 24 (B) Number of existing and permitted dwelling units in climate-friendly areas and percentage of existing and  
 25 permitted dwelling units in climate-friendly areas relative to total number of existing and permitted dwelling  
 26 units in the jurisdiction.
- 27 (C) Share of retail and service jobs in climate-friendly areas relative to retail and service jobs in the jurisdiction.
- 28 (b) Active Transportation
- 29 (A) Percent of collector and arterials streets in climate-friendly areas and underserved population  
 30 neighborhoods with bicycle and pedestrian facilities with Level of Traffic Stress 1 or 2.
- 31 (B) Percent of collector and arterial roadways streets in climate-friendly areas and underserved population  
 32 neighborhoods with safe and convenient marked pedestrian crossings.
- 33 (C) Percent of transit stops with safe pedestrian crossings within 100 feet.
- 34 (c) Transportation Options
- 35 (A) Number of employees covered by an Employee Commute Options Program.
- 36 (B) Number of households engaged with Transportation Options activities.
- 37 (C) Percent of all Transportation Options activities that were focused on underserved population communities.
- 38 (d) Transit
- 39 (A) Share of households within one-half mile of a priority transit corridor.
- 40 (B) Share of low-income households within one-half mile of a priority transit corridor.
- 41 (C) Share of key destinations within one-half mile of a priority transit corridor.
- 42 (e) Parking Costs and Management: Average daily public parking fees in climate-friendly areas.
- 43 (f) Transportation System
- 44 (A) Vehicle miles traveled per capita.
- 45 (B) Percent of jurisdiction transportation budget spent in climate-friendly areas and underserved population  
 46 neighborhoods.
- 47 (C) Share of investments that support modes of transportation with low pollution.

48 Statutory/Other Authority: ORS 197.040

49 Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 468A.205

**660-012-0910: Land Use and Transportation Performance Targets**

The changes to this rule address charge item 29. The change clarifies that Metro, rather than cities or counties, sets regional performance targets for the Portland Metropolitan Area, consistent with OAR 660-012-0900.

- (1) ~~Cities and counties,~~ and Metro must set performance targets for each reporting year for each performance measure provided in OAR 660-044-0110 and OAR 660-012-0905 in their local transportation system plan. Performance targets for the performance measures provided in OAR 660-012-0905 must be set at levels that are reasonably likely to achieve the regional performance targets from an approved land use and transportation scenario plan as provided in OAR 660-044-0110 or the regional performance targets from the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission.
- (2) ~~Cities, and counties,~~ and Metro that have a land use and transportation scenario approved by the commission as provided in OAR 660-044-0120 must set targets for equity performance measures in a transportation system plan as provided in OAR 660-044-0110(9)(c).
- (3) ~~Cities, and counties,~~ and Metro shall set performance targets in any major update to their transportation system plan as provided in OAR 660-012-0105. If a city or county has not yet set targets and is submitting a major report as provided in OAR 660-012-0900(7), then the city or county shall set performance targets through a minor update to their transportation system plan.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 184.899, ORS 197.012, ORS 197.712, ORS 468A.205



# Oregon

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## Implementation Update Climate-Friendly and Equitable Communities Program

October 19, 2023

DLCD and the Oregon Department of Transportation (ODOT) continue to support cities and counties through the [Climate-Friendly and Equitable Communities program](#). To date, the departments have secured roughly \$22 million to implement the program including:

- Nearly \$800,000 in grants from DLCD to cities and counties for studies of potential climate-friendly areas spent during the 2021-2023 biennium.
- \$3 million appropriated by the legislature to DLCD for the 2023-2025 biennium, nearly \$2.7 million of which will be grants to cities and counties.
- Roughly \$18.5 million from ODOT to fund local transportation system plans (TSPs) over the next 5-7 years, to fund regional scenario planning in the Eugene-Springfield region and the Salem-Keizer region, and to develop performance measures and targets for smaller metropolitan areas.

DLCD and ODOT will also provide advice, guidance documents, code reviews, and one-on-one consultation. DLCD will focus on parking reform and climate-friendly areas. ODOT will lead on updating the guidance and data for transportation system plans and updating the ODOT Analysis and Procedures Manual.

### Program Updates

#### *Parking Reform*

Eight cities have repealed parking mandates citywide:

- Albany
- Beaverton
- Bend
- Central Point
- Corvallis
- Portland
- Salem
- Tigard

With department assistance, many other cities and counties are moving towards removing parking mandates citywide, while others are exploring the fair policies reform option (Sherwood) or the reduced red tape option (Medford, Phoenix). Ashland, Cornelius, Eugene, Grants Pass and Springfield are scheduled to complete their reforms this year.

As a result, local housing builders and businesses previously stymied by parking mandates are now able to develop. The Sightline Institute reported on several examples in articles published [February 2](#) and [June 30](#), and anecdotes continue to emerge, including moving forward on [scores of affordable housing units in Troutdale](#), an expansion of a hair salon in Grants Pass, and an expansion of a dog genetics facility in Gladstone.

Staff have worked with cities to draft and finalize code changes and adopt the various parking reforms into their codes.

### ***Climate-Friendly Areas***

DLCD provided funding to the 15 local governments that are required to designate climate-friendly areas (CFAs) in the 2021-2023 biennium. DLCD awarded grants and contracts totaling nearly \$800,000 to support community engagement and technical analysis of potential locations for the CFAs. Cities and counties will use that analysis to prepare a report and submit it to DLCD by the end of 2023. Then the cities and counties must amend their zoning and development regulations to create CFAs by the end of 2024.

Local governments are preparing their CFA studies for review by the department and public. The studies must be submitted by December 31, 2023, but two have already been submitted.

- The City of Eagle Point was the first community to submit its [CFA study](#) for review and comment. Their study was published on the CFEC website on August 31, 2023, and one public comment was received. Department comments on the study were provided to Eagle Point on October 17, 2023.
- The City of Salem submitted its study on September 26, 2023, and the study was published on the CFEC website on October 4, 2023. Public comments are due by October 25, 2023, and the department's comments will be provided prior to December 3, 2023.

Department staff prepared an October 26, 2023, session for the annual conference of the Oregon Chapter of the American Planning Association, entitled "Housing Planning is Climate Planning". The session will be moderated by Commission Vice-Chair Nick Lelack, with brief presentations by department staff, as well as from planners from three implementing cities (Eugene, Corvallis, and Bend). The focus of the discussion will be how CFA implementation fits in with ongoing mixed-use planning and other local planning efforts. Among other topics, Bend staff will discuss lessons learned from the department-funded CFA market study, which evaluated the market feasibility of seven housing prototypes in potential CFA areas in Bend.

Department staff continue to work with local governments to implement CFA requirements and to support related work in the 2023-2025 biennium, including additional market studies, as resources are available. More detailed information on funding support for local government implementation is provided below.

### ***Alternative Dates and Exemptions***

The rules allow cities and counties to request alternative dates for some timelines in the rules. The temporary rules adopted in April extended the opportunity to request alternate dates. At the end of June, cities and counties in the Salem-Keizer and the Eugene-Springfield regions submitted regional work plans which included additional requests for alternative dates. Director Bateman has approved alternative dates for 30 cities and counties. A [report of approved alternative dates](#) is on the [program website](#).

Smaller jurisdictions may also request a temporary exemption from some or all of the requirements in the Transportation Planning Rules. Director Bateman has approved exemptions for nine cities and one county. A [report of approved exemptions](#) is on the program website.

### **2023-2025 Funding**

The 2023 legislature appropriated \$3 million to support cities and counties through the Climate-Friendly and Equitable Communities program. This funding will be allocated in two categories:

**Required work:** Non-competitive allocation for all rule requirements with a deadline within this biennium, and for requirements triggered by a local update of a transportation system plan (TSP).

**Open grants:** Competitive process open to cities and counties within metropolitan areas to support other work required by the rules and work consistent with the intent of the CFEC program.

### ***Required Work***

This category consists of work directly required by rule with a specific deadline within the biennium and requirements triggered by a major update of a transportation systems plan (TSP). The required deadlines included climate-friendly areas (OAR 660-012-0310), parking reform and management (660-012-0400 series), and land use regulations (660-012-0330) triggered by a TSP update. ODOT is leading implementation on TSP updates, inventories, scenario planning, performance measures, and performance standards. Staff reviewed the rule to list all of the tasks required during the 2023-2025 biennium and then contacted each city and county to discuss what funding they would need to meet the requirements. This category is non-competitive and does not require an application from affected local governments.

- **Land Use Regulations (OAR 660-012-0330)**

This rule updates requirements for land use code to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Local codes are required to be updated with a major update to a TSP.

#### **Model Code**

Many local governments expressed interest in receiving funding and model code from DLCDC during this biennium to help them prepare for the upcoming requirements. The model code will be developed through the guidance and input of local government practitioners.



### **Code Audits**

This work will provide code audits using the model code to identify needed areas of work in existing land use regulations in order to comply with the updated requirements. DLCD will provide consultant support to jurisdictions.

### **Code Amendments**

This work will provide consultant support to implement needed changes identified through code audits for local governments to meet updated requirements.

- **CFA Zoning Updates (OAR 660-012-0315)**

This work will provide consultant and grant funding support to jurisdictions to adopt updated land use regulations to meet Climate-Friendly Area requirements. Staff have offered assistance with code writing, public engagement, and market feasibility studies to local governments. ODOT is providing further assistance to complete the required multi-modal gap analysis and highway impacts summary.

- **Regional Scenario Planning Grants (OAR 660-044-0015)**

This work will provide grant funding to reimburse local staff time for their participation in work tasks identified in their regional scenario planning work plans with ODOT's consultants. This work is occurring over the next two years for jurisdictions in the Salem-Keizer and Central Lane metropolitan areas.

- **Equitable Engagement Toolbox (OAR 660-012-0130)**

This work will be done in conjunction with other agency work on equitable engagement and result in guidance, templates, and tools for local governments to implement equitable engagement requirements in OAR 660-012-0130 and 660-012-0135.

- **Enhanced Engagement (OAR 660-012-0130)**

This work will provide grants to cities who are updating their transportation system plans in the near term to perform enhanced community engagement. Deliverables from cities would include hiring staff to specialize in engagement, mini-contracts with representatives, co-creating curriculum on transportation issues, disability consultants to improve disability engagements, and design charettes.

- **Parking Management Jump Start Guide (OAR 660-012-0400)**

This work will develop a parking management program jump start guide for communities that have identified a need for on-street parking management to address the impacts of spillover parking, where developments have more parking demand than met by off-street supply. This guide will help communities understand the costs and benefits of various parking management tools, as well as identify and implement parking management program elements they deem appropriate.

### ***Open Grants***

Cities and counties in the CFEC program will have an opportunity to apply for funding for tasks directly required by rule or work that achieves the overall intent of the program. The application process will start during fall 2023, with work starting in early-to-mid-2024. Successful applicants will have the choice to receive a grant or receive direct services from consultants selected through a DLCD procurement process.

#### Eligible Projects:

- Code audits and code amendments
- Parking reform and management
- Market feasibility studies
- Equitable engagement
- Transportation system planning
- Staff time reimbursements
- Disability consultants
- Other similar work



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### **Charge to the Department and the Rulemaking Advisory Committee for Amendments to the Climate-Friendly and Equitable Communities rules by the Land Conservation and Development Commission**



**April 2023**

#### **Summary**

This charge from the Land Conservation and Development Commission is intended to provide guidance to the department and the Rulemaking Advisory Committee (RAC) for amendments to the Climate-Friendly and Equitable Communities rules. LCDC initiates this rulemaking activity, guides it, and will ultimately decide what rules to adopt. The rules are meant to implement climate pollution reduction actions to comply with Oregon's climate pollution reduction targets.

The commission expects that the rulemaking process will take seven months from initiation to adoption.

#### **Rulemaking Scope**

The rulemaking is expected to focus on amendments to the Transportation Planning Rules ("TPR"), Oregon Administrative Rules ("OAR") chapter 660, division 12. The scope of this rulemaking activity is narrow, and includes two categories of amendments:

1. Minor clarifications and corrections as listed in this charge; and
2. Review of temporary amendments adopted by the commission in April 2023.

The department and rulemaking advisory committee may propose other minor changes as necessary to make the rules work effectively or changes recommended by legal counsel.

#### **Desired Outcomes**

The commission charges the department and the Rulemaking Advisory Committee with recommending amendments to rules that will advance these outcomes:

1. Continue to confirm and advance the outcomes of the Climate-Friendly and Equitable Communities Rulemaking;
2. Continue to work toward ensuring underserved populations guide decision making processes that are built to accommodate them;
3. Continue to clarify rules that can be successfully implemented by local governments and the state; and
4. Continue to help meet Oregon's climate pollution reduction goals, specifically the division 44 climate pollution reduction targets and Statewide Transportation Strategy targets.

### Expected Clarifications and Corrections

The following is a list of minor clarifications and corrections expected to be addressed as part of this rulemaking process. Proposed amendments may include the listed rules or other rules as needed to meet the objective of the listed issue. All listed rules are within the TPR (OAR chapter 660, division 12).

<b>Item</b>	<b>Clarification or Correction</b>	<b>Affected Rule or Rules</b>
1	Define multi-unit housing consistently.	0005, 0300, 0630
2	Add definitions of performance standards and performance measures	0005
3	Clarify provisions for TSP requirements related to UGB expansions during the interim period.	0012, 0350
4	Modify effective dates of some rules to line up with a major TSP update.	0012, 0210, 0215
5	Clarify how the horizon year may be determined. Clearly allow flexibility for coordinated horizon years with the Metro RTP.	0100(3)(b), 0140(5)(c)
6	Clarify requirements for counties; remove overly broad language.	0110(3)
7	Clarify in the rule when each type of equity analysis should be performed.	0135
8	Clarify language of functional classification for each mode. This provision may need to be repeated or referenced elsewhere in the rules.	0155(4)
9	Clarify intent, remove confusing language.	0180(2)
10	Fix numbering.	0215
11	Clarify how rule 0215 works in the Portland metropolitan area.	0215, 0140
12	Clarify confusing language, particularly concerning comprehensive plan and land use regulation amendments.	0325
13	Amend to use consistent terminology.	0400 through 0450
14	Clarify to allow counties to use this provision.	0405(4)(a)(A)
15	Clarify carpool and vanpool requirements only apply to large parking lots	0405(1)(a)
16	Clarify underused parking policies are for both on and off-street parking.	0405(2)

<b>Item</b>	<b>Clarification or Correction</b>	<b>Affected Rule or Rules</b>
17	Clarify language with differing references and “multiunit” terms.	0415
18	More specifically identify the referenced map.	0415(1), 0435
19	Clarify unbundled parking requirements would apply to new leases.	0425, 0435
20	Add exemptions for townhomes and rowhomes for consistency across these rules.	0435(3), 0445(1)(a)(A)
21	Clarify how requirements for parking along transit work together.	0440(3)
22	Allow annual code adjustment based on transit frequency instead of constant adjustment.	0440(3)
23	Clarify language on historic buildings.	0445(1)(b)(H)
24	Clarify that “all” schools means K-12 schools, not preschools.	0505(1), 0605(1)
25	Clarify the definition of “right-of-way” to exclude right of way used for utilities or other non-transportation purposes.	0510(3)(c)
26	Clarify how jurisdictions are expected to align TSPs with plans developed or adopted by a transit service provider.	0700(1)(d)
27	Clarify to differentiate between TSP requirements and project development.	0810(5)
28	Clarify terminology, use “public involvement strategy” consistently in rule.	0830(5)(a)
29	Clarify how this rule functions in the Portland Metro area.	0910



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## Summary of Written Testimony Received after the Hearing on July 28, 2023

October 6, 2023



### A. Topics addressed by multiple commenters

The staff report has additional details about these topics and how they are addressed in the recommended amendments.

Topics	Overall support	Align with OHNA	0005 Bicycle facilities definition	0210 Modelling VMT	0315 - 0320 Minimum densities	0350 UGB	0430 - 0445 Parking	0630 Bicycle parking	0830 Vehicle capacity projects
Exhibit 09: Sightline Institute								X	
Exhibit 10: Oregon Climate Action Coalition	X	X	X	X	X			X	X
Exhibit 11: Wilsonville	X			X					
Exhibit 12: Eugene	X								
Exhibit 13: Tigard	X								
Exhibit 14: Cornelius & Hillsboro	X	X	X	X			X		X
Exhibit 15: League of Oregon Cities	X	X							
Exhibit 16: Springfield	X				X	X	X		
Exhibits 17 & 18: Oregon Realtors		X		X	X	X		X	X
Exhibit 19: Washington County	X			X					X
Exhibits 20 & 21: Portland	X								

OHNA = Oregon Housing Needs Assessment

VMT = Vehicle miles travelled

UGB = Urban growth boundary

## B. Topics addressed by individual commenters

Testimony	Topic	Recommendation
Exhibit 10: Oregon Climate Action Coalition	0012 Alternate dates	The rule amendments adopted in April allow cities and counties to propose alternate dates at any time. The recommended amendments make minor conforming changes. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0100(3) Base year	The recommended amendments to 0140(5) provide the flexibility that the commenter suggested in the Portland metropolitan area.
Exhibit 14: Cornelius & Hillsboro	0215(2) Performance measures	The suggested change is not necessary as provisions for jurisdictions with adopted scenario plans are in the adopted rules at OAR 660-012-0905(1) and OAR 660-012-0910.
Exhibit 14: Cornelius & Hillsboro	0405(4)(e) Tree planting	The recommended amendments already remove the requirement for cities and counties to ensure ongoing compliance with tree maintenance. This was included in the June 30 draft. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0505(1) & 0605(2) Public schools	The recommended amendments already narrow the scope of schools included in the requirement for a detailed pedestrian inventory. This comment suggests limiting the scope further to exclude religious and other private schools. Student safety is important regardless of the type of school they attend. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0610(4) Bicycle facility design exceptions	The recommended amendments provide considerable flexibility within the requirement to “plan and design bicycle facilities considering the context.” No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0630(2) & (5) Bicycle parking in CFA’s and centers	The recommended amendments provide considerable flexibility for locating bicycle parking. Climate-friendly areas and Metro Region 2040 Centers will generally have higher than average bicycle mode share, so it would be counter-productive to reduce bicycle parking in these areas. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0810(2) Street width	The recommended amendments provide flexibility for cities and counties to determine where a narrow street would be inappropriate. No further changes recommended in response to this comment.
Exhibit 14: Cornelius & Hillsboro	0810(4) Local access priority arterials	The recommended amendments provide flexibility for cities and counties to classify streets. No further changes recommended in response to this comment.
Exhibit 16: Springfield	0180(2)(b) Unconstrained project list	The recommended amendments incorporate the suggestion to remove a phrase that could be confusing.

Summary of Written Testimony Received after the Hearing July 28, 2023

Page 3 of 3

Testimony	Topic	Recommendation
Exhibit 16: Springfield	0315(2)(a) potential square footage	The recommended amendments clarify which local regulations must be considered when estimating building capacity. The comment expresses a concern that the rule could still be unclear in some situations, but does not suggest clarifying language. No further changes recommended in response to this comment.
Exhibit 19: Washington County	0180 Financially constrained list	Updates to 0140(5) provide additional flexibility for planning horizon years in the Portland metropolitan area. Changes to the local financially-constrained list may or may not be needed in coordination with a regional plan update.
Exhibit 19: Washington County	0330 Ambiguous and subjective terms	The recommended amendments use general terms to give flexibility to cities and counties to make decisions appropriate to local conditions. The department can provide guidance to help cities and counties find one way to comply with the rule while preserving the flexibility for other cities and counties to find their own way to comply. No further changes recommended in response to this comment.
Exhibit 19: Washington County	0810 Ambiguous and subjective terms	The recommended amendments use general terms to give flexibility to cities and counties to make decisions appropriate to local conditions. The department can collaborate with the Oregon Department of Transportation to provide guidance to help cities and counties find one way to comply with the rule while preserving the flexibility for other cities and counties to find their own way to comply. No further changes recommended in response to this comment.
Exhibits 20 & 21: Portland	0005(31) Parking spaces	The recommended amendments incorporate the suggestion to add “fleet vehicles” to the list of parking areas that are exempt from the definition.
Exhibits 20 & 21: Portland	0610 Parallel bike facilities	The recommended amendments increase the flexibility in response to discussion at advisory committee meetings about situations (for example couplets) where the parallel facility would be more than one block away but would still provide a safe, low stress, direct, and comfortable experience. Cities and counties have the ability to set a more specific standard for their own bicycle network. No further changes recommended in response to this comment.





# Increasing Housing Production and Transportation Choices

The Climate-Friendly and Equitable Communities and Oregon Housing Needs Analysis Programs Expand Transportation and Housing Options

## Integrated Planning for Oregon's Current and Future Needs

Oregonians deserve housing they can afford, quality transportation choices to meet their daily needs, and a healthy climate that supports generations to come.

Consistent with Oregon's approach of integrated, comprehensive planning, the Climate-Friendly and Equitable Communities (CFEC) and Oregon Housing Needs Analysis (OHNA) programs work together to facilitate housing and transportation choice.

As the Department of Land Conservation and Development (DLCD) implements Governor Kotek's housing executive orders, staff are working with communities across the state to develop solutions to help facilitate the construction of the 36,000 new housing units per year Oregonians need while meeting our climate goals. DLCD's housing, transportation, and climate teams work together to ensure our programs result in housing production, transportation choice, and more equitable communities.



## Creating Climate-Friendly Areas with Affordable Housing and Transportation Choices

The Climate-Friendly and Equitable Communities or CFEC program builds on years of local planning and investment. The program directs fifteen communities in Oregon's metropolitan areas to identify and allow walkable areas with significant housing capacity, and update zoning where needed. In these "climate-friendly areas," Oregonians should have a range of transportation choices and be able meet most of their daily needs without having to drive long distances.

Climate-friendly areas create bonus local housing capacity ready for the market to fill. To boost housing production in areas with transportation choice, local governments will allow housing choice in these areas, from single-unit housing to traditional starter housing including duplexes, triplexes, and townhomes, and apartments. As cities update their zoning codes, many are increasing housing capacity in other areas as well, to allow for additional housing production and choice.

For the purposes of proposed urban growth boundary expansions, the additional housing units allowed in climate-friendly areas do not count as housing capacity unless the market is actually building them. Cities will continue to be able to facilitate timely urban growth area expansions in response to housing need. In one example of policy alignment, climate-friendly areas qualify as one of the efficiency measures required for urban growth boundary (UGB) expansions. Cities implementing updated climate and housing programs will have a speedier path to future UGB expansions. CFEC staff are engaged in the OHNA process to ensure the programs are aligned on this policy point.

**The Climate-Friendly and Equitable Communities and Oregon Housing Needs Analysis programs work together to expand housing options for Oregonians.**

## Removing Barriers; Increasing Housing Production, Affordability, and Choice

The CFEC program works to remove barriers to producing housing. These modernization strategies enable developers to build more housing with more units.

**Reducing costly parking mandates.** One of the most powerful ways CFEC is helping get needed housing built is by reducing parking mandates. Nearly one-third of households are a single person, living alone. One of every seven Oregon renter households don't own any cars. Requiring off-street parking increases the cost of multifamily housing by 10-20 percent and reduces housing supply.

The CFEC program means builders can provide the amount of parking appropriate for each unique development. In just the past few months, several previously stalled housing developments are moving forward under CFEC's parking reforms, in Grants Pass, Beaverton, Eugene, and Troutdale.

**Allowing more housing units.** The CFEC program increases the number and types of housing units allowed in climate-friendly areas and removes obstacles for development in walkable, mixed-use areas.

**Reducing the need for expensive transportation infrastructure, such as road expansions.** Updated planning rules allow local governments to reduce the burden and cost of transportation analysis and overbuilding of the transportation system.

**Helping Oregonians afford housing.** Housing and transportation are the top two expenses in most households' budgets. CFEC aims to reduce transportation costs, thereby increasing budget available and expanding housing options.

## Funding Studies to Discover Housing Opportunities

Market studies of climate-friendly areas are an eligible use of the 2023 legislature's \$3 million investment in the CFEC program. Cities may request market studies, and the department will provide them as resources allow. Market studies will allow local governments to evaluate the near-term feasibility of different levels of development in climate-friendly areas and other mixed-use zones. Recent program changes make it easier for local governments to adopt land use regulations that are more compatible with the scale of existing developed areas.

## Moving Forward

The CFEC, OHNA, and other modernization programs are part of ongoing efforts by local governments, the Oregon legislature, and state agencies, boards, and commissions to boost housing production and make sure all Oregonians have a place to call home. These programs work to allow and facilitate the creation of market-rate and affordable housing options in neighborhoods where people have a range of transportation choices to get where they live, work, and play.

## Contact and More Information

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Climate-Friendly and Equitable Communities Program

<https://www.oregon.gov/lcd/cl/pages/cfec.aspx>

Oregon Housing Needs Analysis and Other Housing Programs

<https://www.oregon.gov/LCD/Housing/Pages/index.aspx>



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**Rule-by-Rule Summary of Proposed Changes to  
 the Transportation Planning Rules  
 (Oregon Administrative Rules Chapter 660, Division 12)**



October 19, 2023

This document includes a summary of proposed changes to the adopted rules in chapter 660, division 12. The changes include those that were temporarily adopted in April 2023.

<b>Rule</b>	<b>Proposed Changes</b>
660-012-0000: Purpose	No changes proposed.
660-012-0005: Definitions	<ul style="list-style-type: none"> <li>• Addresses charge items 1 and 2.</li> <li>• Incorporates temporary rule changes.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0010: Transportation Planning	No changes proposed.
660-012-0011: Applicable Rules	No changes proposed.
660-012-0012: Effective Dates and Transition	<ul style="list-style-type: none"> <li>• Addresses charge items 3, 4, and 18.</li> <li>• Incorporates temporary rule changes.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0015: Preparation and Coordination of Transportation System Plans	No changes proposed.
660-012-0020: Elements of Transportation System Plans	No changes proposed.
660-012-0025: Complying with the Goals in Preparing Transportation System Plans; Refinement Plans	No changes proposed.
660-012-0030: Determination of Transportation Needs	No changes proposed.
660-012-0035: Evaluation and Selection of Transportation System Alternatives	No changes proposed.
660-012-0040: Transportation Financing Program	No changes proposed.
660-012-0045: Implementation of the Transportation System Plan	No changes proposed.

Rule-by-Rule Summary of Proposed Changes to the Transportation Planning Rules

October 19, 2023

Page 2 of 5

Rule	Proposed Changes
660-012-0050: Transportation Project Development	No changes proposed.
660-012-0055: Timing of Adoption and Update of Transportation System Plans; Exemptions	No changes proposed.
660-012-0060: Plan and Land Use Regulation Amendments	No changes proposed.
660-012-0065: Transportation Improvements on Rural Lands	No changes proposed.
660-012-0070: Exceptions for Transportation Improvements on Rural Land	No changes proposed.
660-012-0100: Transportation System Plans in Metropolitan Areas	<ul style="list-style-type: none"> <li>• Minor changes for clarity.</li> </ul>
660-012-0105: Transportation System Plan Updates	No changes proposed.
660-012-0110: Transportation System Planning Area	<ul style="list-style-type: none"> <li>• Addresses charge items 5 and 6.</li> </ul>
660-012-0115: Funding Projections	No changes proposed.
660-012-0120: Transportation System Planning Engagement	No changes proposed.
660-012-0125: Underserved Populations	No changes proposed.
660-012-0130: Decision-Making with Underserved Populations	No changes proposed.
660-012-0135: Equity Analysis	<ul style="list-style-type: none"> <li>• Addresses charge item 7.</li> </ul>
660-012-0140: Transportation System Planning in the Portland Metropolitan Area	<ul style="list-style-type: none"> <li>• Addresses charge item 5.</li> </ul>
660-012-0145: Transportation Options Planning	No changes proposed.
660-012-0150: Transportation System Inventories	No changes proposed.
660-012-0155: Prioritization Framework	<ul style="list-style-type: none"> <li>• Addresses charge item 8.</li> </ul>
660-012-0160: Reducing Vehicle Miles Traveled	No changes proposed.
660-012-0170: Unconstrained Project List	No changes proposed.

Rule-by-Rule Summary of Proposed Changes to the Transportation Planning Rules

October 19, 2023

Page 3 of 5

Rule	Proposed Changes
660-012-0180: Financially-Constrained Project List	<ul style="list-style-type: none"> <li>Addresses charge item 9.</li> </ul>
660-012-0190: Transportation System Refinement Plans	No changes proposed.
660-012-0200: Temporary Projects	No changes proposed.
660-012-0210: Transportation Modeling and Analysis	<ul style="list-style-type: none"> <li>Change to postpone effective date of the rule to allow future revisions.</li> </ul>
660-012-0215: Transportation Performance Standards	<ul style="list-style-type: none"> <li>Addresses charge items 10 and 11.</li> </ul>
660-012-0300: Coordinated Land Use and Transportation System Planning	No changes proposed.
660-012-0310: Climate-Friendly Areas	<ul style="list-style-type: none"> <li>Minor change to rule title.</li> </ul>
660-012-0315: Designation of Climate-Friendly Areas	<ul style="list-style-type: none"> <li>Incorporates temporary rule changes.</li> <li>Minor change to rule title.</li> </ul>
660-012-0320: Land Use Requirements in Climate-Friendly Areas	<ul style="list-style-type: none"> <li>Addresses charge item 1.</li> <li>Incorporates temporary rule changes.</li> <li>Changes for clarity and in response to advisory committee feedback.</li> <li>Minor change to rule title.</li> </ul>
660-012-0325: Transportation Review in Climate Friendly Areas	<ul style="list-style-type: none"> <li>Addresses charge item 12.</li> <li>Changes for clarity and in response to advisory committee feedback.</li> <li>Minor change to rule title.</li> </ul>
660-012-0330: Land Use Requirements	<ul style="list-style-type: none"> <li>Incorporates temporary rule changes.</li> </ul>
660-012-0340: Land Use Assumptions	No changes proposed.
660-012-0350: Urban Growth Boundary Expansions	No changes proposed.
660-012-0360: Key Destinations	No changes proposed.
660-012-0400: Parking Management	No changes proposed.
660-012-0405: Parking Regulation Improvements	<ul style="list-style-type: none"> <li>Addresses charge items 14, 15, and 16.</li> <li>Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0410: Electric Vehicle Charging	<ul style="list-style-type: none"> <li>Minor change for clarity.</li> </ul>

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660-012-0415: Parking Maximums and Evaluation in More Populous Communities	<ul style="list-style-type: none"> <li>• Addresses charge items 17 and 18.</li> <li>• Incorporates temporary rule changes.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0420: Exemption for Communities without Parking Mandates	No changes proposed.
660-012-0425: Reducing the Burden of Parking Mandates	<ul style="list-style-type: none"> <li>• Incorporates temporary rule changes.</li> <li>• Changes for clarity.</li> </ul>
660-012-0430: Reduction of Parking Mandates for Development Types	<ul style="list-style-type: none"> <li>• Addresses charge item 13.</li> </ul>
660-012-0435: Parking Reform in Climate Friendly Areas	<ul style="list-style-type: none"> <li>• Addresses charge items 18 and 20.</li> <li>• Incorporates temporary rule changes.</li> </ul>
660-012-0440: Parking Reform Near Transit Corridors	<ul style="list-style-type: none"> <li>• Addresses charge items 21 and 22.</li> </ul>
660-012-0445: Parking Management Alternative Approaches	<ul style="list-style-type: none"> <li>• Addresses charge items 17, 19, and 23.</li> <li>• Incorporates temporary rule changes.</li> </ul>
660-012-0450: Parking Management in More Populous Communities	No changes proposed.
660-012-0500: Pedestrian System Planning	No changes proposed.
660-012-0505: Pedestrian System Inventory	<ul style="list-style-type: none"> <li>• Addresses charge item 24.</li> </ul>
660-012-0510: Pedestrian System Requirements	<ul style="list-style-type: none"> <li>• Addresses charge items 8 and 25.</li> </ul>
660-012-0520: Pedestrian System Projects	No changes proposed.
660-012-0600: Bicycle System Planning	No changes proposed.
660-012-0605: Bicycle System Inventory	<ul style="list-style-type: none"> <li>• Addresses charge item 24.</li> </ul>
660-012-0610: Bicycle System Requirements	<ul style="list-style-type: none"> <li>• Addresses charge item 8.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0620: Bicycle System Projects	No changes proposed.
660-012-0630: Bicycle Parking	<ul style="list-style-type: none"> <li>• <b>Options for Commission</b></li> <li>• Addresses charge item 17.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0700: Public Transportation System Planning	<ul style="list-style-type: none"> <li>• Addresses charge item 26.</li> <li>• Changes for clarity.</li> </ul>

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Rule	Proposed Changes
660-012-0705: Public Transportation System Inventory	No changes proposed.
660-012-0710: Public Transportation System Requirements	No changes proposed.
660-012-0720: Public Transportation System Projects	No changes proposed.
660-012-0800: Street and Highway System Planning	No changes proposed.
660-012-0805: Street and Highway System Inventory	No changes proposed.
660-012-0810: Street and Highway System Requirements	<ul style="list-style-type: none"> <li>• Addresses charge item 27.</li> </ul>
660-012-0820: Street and Highway Projects	No changes proposed.
660-012-0830: Enhanced Review of Select Roadway Projects	<ul style="list-style-type: none"> <li>• Addresses charge item 28.</li> <li>• Incorporates temporary rule changes.</li> <li>• Changes for clarity and in response to advisory committee feedback.</li> </ul>
660-012-0900: Reporting	No changes proposed.
660-012-0905: Land Use and Transportation Performance Measures	<ul style="list-style-type: none"> <li>• Minor changes for clarity.</li> </ul>
660-012-0910: Land Use and Transportation Performance Targets	<ul style="list-style-type: none"> <li>• Addresses charge item 29.</li> </ul>
660-012-0915: Review of Reports	No changes proposed.
660-012-0920: Compliance Hearings	No changes proposed.