

# Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



## MEETING 11

**TO:** Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members  
**FROM:** Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff  
**SUBJECT:** **RAC 11 Item 1: Meeting 11 Packet Cover Memo**  
**DATE:** January 11, 2022

Thank you for your participation in this rulemaking effort. This is the final scheduled advisory committee meeting. Each of you has been critical to the development of these rules which will help shape the future of our state for decades to come. This cover memo includes:

- A **meeting overview**, including a summary of key items in this packet;
- A summary of **changes to the draft rules** since the last draft in December, including renumbered rules; and
- A description of the **impact statements** the advisory committee will review.

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## Meeting Overview

At this meeting, we will discuss:

- Draft rules
- The impact statements required as part of rulemaking.

The draft advisory committee meeting agenda is included in this packet as **item 2**.

This packet includes draft rules for all parts of the proposed rulemaking. These drafts have not yet been completely reviewed by legal counsel. Earlier drafts of these rules have been released in previous meetings. Some parts have been updated based on feedback from the advisory committee, work groups, practitioner meetings, state agencies, other stakeholders, and legal counsel.

Staff will continue to revise these rules in response to feedback received. Updated drafts may be provided at each stage of the remaining process:

- Staff will provide an updated draft to the Department of Justice for complete legal review in early February.
- Staff will provide an updated draft to the Secretary of State in late February for [publication](#) on March 1.
- The commission will hold a hearing on the rules at their March 31-April 1 meeting.
- The commission will hold a final hearing and is expected to adopt the rules at their May 19-20 meeting.

For more information on the rulemaking schedule, please see packet **item 3**.

Other items in this packet include:

- **Item 4:** The [Key Questions Worksheet](#) is both a worksheet for you as well as a feedback guide for staff. You may find it useful to make notes during the meeting. After the meeting, we will send you a survey based on these questions for you to provide additional written feedback. We encourage all advisory committee members and alternates to provide feedback in this way. Your written comments continue to be very helpful.
- **Item 5:** The [Work Group and Practitioner Meeting Summaries](#) includes a short summary of fourteen meetings held in December 2021. These include work group meetings, which were focused on a specific rule topic, and open to advisory committee members as well as others; and practitioner meetings, which were geographically focused on the state's metropolitan areas, and open to land use and transportation professionals at agencies in each area.
- **Item 6:** [Implementation of Climate Friendly Area Requirements](#) provides examples of how a hypothetical local government would utilize provisions in the draft rules to determine the area needed within a climate friendly area, and to expand or designate a new climate friendly area in conjunction with an urban growth boundary expansion.

The following items in the packet include a full set of the updated draft rules, and a summary of all the draft rules. These are the entire set of rules staff expects to present to the commission for adoption in the spring, following additional revisions.

- **Item 7:** The Summary of Draft Rules provides a rule-by-rule summary of each part of the updated draft rules in item 8 (Division 12), item 9 (Division 8), and item 10 (Division 44). The summaries in this draft note **in bold** if there have been changes from the December draft. **We suggest that you may find this document easier to read first.** The document may help you find the specific parts of the draft rules which may be of interest.
- **Item 8:** The Draft Transportation Planning Rules (Division 12) are the most recent drafts of updated and new rules for transportation and land use planning. The summary box above each rule includes a note if there have been changes from the December draft.
- **Item 9:** The Draft Housing Rules (Division 8) are the most recent drafts of updated rules for housing planning. These changes are related to requirements for climate friendly areas.
- **Item 10:** The Draft Metropolitan Greenhouse Gas Reduction Rules (Division 44) are the most recent drafts of updated rules for metropolitan scenario planning.

### Changes to Draft Rules

Staff have made many changes to the draft rules based on feedback received from advisory committee members and other stakeholders. Substantive changes from the December draft are noted **in bold** in the summary of draft rules document (item 7), and in the explanation boxes ahead of each draft rule. Some rules have also been renumbered, as noted in the table below and in the explanation box for each renumbered rule.

December Draft Rule Number	Updated Rule Number	Rule Title
0102	0140	Transportation System Planning in the Portland Metropolitan Area
0115	0120	Public Engagement
0120	0125	Underserved Populations
0125	0130	Decision-Making with Underserved Populations
0130	0135	Equity Analysis
0140	0190	Transportation System Refinement Plans
0145	0200	Temporary Projects
0155	0210	Transportation Modeling and Analysis
0170	0215	Transportation Performance Standards
0180	0155	Prioritization Framework
0200	0170	Unconstrained Project List
0205	0115	Funding Projections
0210	0180	Financially-Constrained Project List
0750	0145	Transportation Options Planning

## Impact Statements

As part of the rulemaking process, the department is required to develop a set of impact statements that detail the impact of the proposed rules. The department has contracted with an outside firm to develop these statements. Staff expects the impact statements will be available and distributed to the advisory committee on January 18.

The advisory committee must review the impact statements and may provide comments to the department. However, please be aware that these impact statements have very specific requirements under the law.

- The agency’s rulemaking must include a **statement of fiscal impact** (ORS 183.335(2)(b)(E)). Preparation of the fiscal impact statement requires an economic analysis but does not require the agency to conduct original research. The fiscal impact statement must identify and state the agency’s estimate of the economic effect of the rules on businesses, with an emphasis on small businesses. The statement must also include an estimate of the economic impact of the rules on state agencies, units of local government, and the public. Fiscal impact statements need address only the impact of the proposed rule change from the current status quo, rather than the overall fiscal impact of the entire rule.
- The Department of Land Conservation and Development is an agency that must include a **housing cost impact statement** as part of the statement of fiscal impact with adopting, amending, or repealing rules (ORS 183.335(2)(b)(E)). The housing cost impact statement is an estimate of the effect of the proposed rule on the cost of developing a 6,000 square foot parcel and constructing a 1,200 square foot detached single-family dwelling on that parcel (ORS 183.534).
- And new to rules adopted beginning this year, the department must also include a **racial equity impact statement**. House Bill 2993 (2021), Section 2 requires agencies to include a “statement identifying how adoption of the rule will affect racial equity in the state”. As this is new to the state, the department is working with the Department of Justice to ensure that our impact statement is consistent with the requirements in the law.

## Conclusion

As always, there will be a livestream of this RAC meeting on the [DLCD YouTube channel](#). A recording of the meeting will be available for later viewing as well.

Please remember that the [project website](#) has many related materials available. You can find the packet from RAC Meeting 9 ([Part 1](#), [Part 2](#)) there, as well as a [video recording](#) of the last meeting and prior meetings. Do not hesitate to email or call our staff with any questions.

Finally, if you have any questions on the materials in this packet or anything else about the rulemaking process, please contact us via phone or email at [DLCD.CFEC@dlcd.oregon.gov](mailto:DLCD.CFEC@dlcd.oregon.gov). Emails to this address go to several staff on our project team, including those listed below.

On behalf of DLCD and the Land Conservation and Development Commission, we are thankful for your effective participation in this important initiative.

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**Climate Friendly and Equitable Communities  
Rulemaking Advisory Committee (RAC)  
Meeting 11  
January 20, 2022; 9:00 am – 1:00 pm**



**DRAFT AGENDA**

Time	Topic	Who
8:45 – 9:00	<i>Arrive and Settle In</i>	RAC members
9:00 – 9:10	<b>Welcome, Opening Remarks, and Review Agenda</b>	Stuart Warren, LCDC Commissioner Sylvia Ciborowski, Meeting Facilitator
9:10 – 9:50	<b>Rule Updates Overview and Discussion – Climate Friendly Areas (Divisions 8 and 12)</b>	Kevin Young, DLCD Staff
9:50 – 10:10	<b>Rule Updates Overview and Discussion - Metropolitan Greenhouse Gas Reduction Targets (Division 44)</b>	Cody Meyer, DLCD Staff
10:10– 10:25	<b>Break</b>	
10:25 – 11:05	<b>Rule Updates Overview and Discussion – Reform Parking Management and Support Electric Vehicle Charging (Division 12)</b>	Evan Manvel, DLCD Staff
11:05 – 11:45	<b>Rule Updates Overview and Discussion – Transportation System Planning (Division 12)</b>	Bill Holmstrom, DLCD Staff
11:45– noon	<b>Break</b>	
Noon – 12:30	<b>Review of Fiscal Impact Statement, Housing Impact Statement, and Racial Equity Impact Statement</b>	Kevin Young Casaria Taylor, DLCD Staff
12:30 – 1:00	<b>Thank You, Next Steps, and Wrap Up</b>	Sylvia Ciborowski Robin McArthur, LCDC Commissioner

This meeting will be available for livestreaming, and later available for viewing on the [DLCD YouTube channel](#). A link to this stream and a recording of the meeting will also be posted on the [rulemaking web page](#).

Public comments may be submitted to the Rulemaking Advisory Committee by sending them to [DLCD.CFEC@dlcd.oregon.gov](mailto:DLCD.CFEC@dlcd.oregon.gov). Comments received at least five working days before the meeting will be distributed to committee members prior to the meeting. Comments also will be shared with members of the Land Conservation and Development Commission.

# Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



## MEETING 11

**TO:** Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members  
**FROM:** Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff  
**SUBJECT:** **RAC 11 Item 3: Rulemaking Schedule**  
**DATE:** January 11, 2022

The schedule below is an updated summary of remaining activities in the Climate-Friendly and Equitable Communities Rulemaking, including activities of the Rulemaking Advisory Committee (RAC) and the Land Conservation and Development Commission (LCDC).

Date	RAC	LCDC
January 20, 2022	<b>RAC 11</b> <ul style="list-style-type: none"> <li>Final rule review</li> <li>Impact Statement review</li> </ul>	
February 3 and 4, 2022		<ul style="list-style-type: none"> <li>Review draft rules, discuss key policy questions</li> </ul> Requested Input: <ul style="list-style-type: none"> <li>Discussion of key policy questions</li> </ul>
February – March 2022	<b>Staff Work</b> <ul style="list-style-type: none"> <li>Rules prepared per Secretary of State requirements               <ul style="list-style-type: none"> <li>February 7 – Draft rules to Department of Justice for legal review</li> <li>February 21 – Draft rules to Rules Coordinator</li> <li>March 1 – Draft rules published by Secretary of State</li> </ul> </li> </ul>	
March 31, April 1, 2022		<ul style="list-style-type: none"> <li><b>First public hearing</b> to consider the draft administrative rules</li> </ul> Requested Input: <ul style="list-style-type: none"> <li>Identification of any necessary corrections or amendments</li> </ul>
May 19 and 20, 2022		<ul style="list-style-type: none"> <li><b>Final public hearing</b></li> <li>Adoption</li> </ul>

# Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



## MEETING 11

**TO:** Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members  
**FROM:** Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff  
**SUBJECT:** **RAC 11 Item 4: Key Questions Worksheet**  
**DATE:** January 11, 2022

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To meet our ambitious timeline and schedule, meetings of the advisory committee will need to be a space for robust conversation and discussion about agenda items. To facilitate this type of discussion, we have pulled specific topics, questions, and decision points from the meeting packet into this central discussion worksheet document. The intent of this document is to mirror the flow of the discussion and agenda items. You may use the document to collect your thoughts, comments, questions, and concerns on specific points.

As you review the meeting packet contents prior to our meeting on **January 20, 2022, from 9:00 am – 1:00 pm**, please use this worksheet to take down notes or to formulate your questions for the project team. We will send committee members and alternates a link to a fillable version of this discussion worksheet to collect additional questions or comments.

### **RAC Meeting Discussion Items: Updated Draft Rules**

1. The advisory committee will review an updated draft of the rules at this meeting. Although we are getting close to the end of the rulemaking process, there are still opportunities to make some revisions to the draft rules. Which one element of the rules do you think needs the most attention between now and when the commission hearings begin? If possible, please provide a specific suggestion for how the rules should be amended.

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2. Do you support the optional work program approach in the draft rules, which permits cities to set deadlines that work for them, while completing everything, including a Transportation System Plan update, over the next three years? If not, do you have adjustments to the idea you could support?

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**RAC Meeting Discussion Items: Impact Statement Review**

3. The advisory committee will review required draft impact statements at the meeting. Do you have any suggestions for how to improve the draft impact statements?

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**Other Comments**

4. Do you have general thoughts on how this rulemaking process has gone, particularly the advisory committee meetings? Staff are aware this has been a heavy, complex rulemaking with many moving factors. How might we improve advisory committee processes in the future?

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5. Do you have any remaining concerns or suggestions regarding other draft rules or other aspects of the rulemaking and implementation effort?

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***Thank You!***

# Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

## MEETING 11



**TO:** Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members  
**FROM:** Kevin Young and Bill Holmstrom, DLCD Rulemaking Lead Staff  
Ryan Marquardt, Land Use and Transportation Planner  
**SUBJECT:** **RAC 11 Item 5: Work Group and Practitioner Meeting Summaries**  
**DATE:** January 11, 2022

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This memo includes a short summary of fourteen meetings held in December 2021. These include **work group meetings**, which were focused on a specific rule topic, and open to advisory committee members as well as others; and **practitioner meetings**, which were geographically focused on the state's metropolitan areas, and open to land use and transportation professionals at agencies in each area.

Video is available on the department's [YouTube channel](#) of each meeting, except the Portland metropolitan area practitioner meeting, which is available on the [Metro website](#).

### Work Group Meetings

- Parking – December 8<sup>th</sup>, 9-11am
- Transportation System Planning #1 – December 8<sup>th</sup>, 11-12pm
- Transportation Modal Planning #1 – December 10<sup>th</sup>, 11-12pm
- Climate Friendly Areas #1 – December 10<sup>th</sup>, 11-12pm
- Transportation Performance Standards – December 14<sup>th</sup>, 11-12pm
- Climate Friendly Areas #2 – December 27<sup>th</sup>, 1-3 pm
- Transportation System Planning #2 – December 28<sup>th</sup>, 1-3 pm
- Transportation Modal Planning #2 – December 29<sup>th</sup>, 9-11 am

### Practitioner Meetings

- Salem/Keizer – December 1<sup>st</sup>, 4-6 pm
- Bend – December 2<sup>nd</sup>, 2-4 pm
- Southern Oregon - December 6<sup>th</sup>, 1-3 pm
- Central Lane – December 7<sup>th</sup>, 1-3 pm
- Metro MTAC/TPAC – December 15<sup>th</sup>, 9:30-noon
- Albany and Corvallis – December 16<sup>th</sup>, 10 -noon

## Parking

**December 8<sup>th</sup> ; 9-11 am – [Video](#)**

### Meeting Summary:

- Concern about the cost of compliance with EV standards
- Include parking maximums for commercial and industrial uses

- Request for further clarification on parking districts, metering, and unbundling
- Flexibility to require parking for certain uses based on context and public safety

## Transportation System Planning #1

December 8<sup>th</sup>; 11 am – 12 pm – [Video](#)

**Attendees:** Julie Warncke, James McCauley, Emma Newman, Karl MacNair, Sasha Vartanian, Becky Taylor, Rob Inerfeld, Steve Kelly, Joseph Auth, Wade Elliot, Bob Cortright, Sara Wright, Brian Worley

### Meeting Summary:

- Request to allow project tiers for project prioritization; flexibility is important for implementation
- Urgent changes are needed to address climate change; suggestion to require TSPs to comply with new rules within 2 years
- Concern that development projects involving a project on the illustrative list not trigger a TSP amendment

## Transportation Modal Planning #1

December 10<sup>th</sup>; 11 am – 12 pm – [Video](#)

**Attendees:** Julie Warncke, James McCauley, Emma Newman, Karl MacNair, Sasha Vartanian, Becky Taylor, Rob Inerfeld, Steve Kelly, Joseph Auth, Wade Elliot, Bob Cortright, Sara Wright, Brian Worley

### Meeting Summary:

- Concern from practitioners that rules are too prescriptive; may lead to implementation difficulty
- Transportation advocates favor requirements that push local jurisdictions since existing transportation system isn't working for all users
- Rules should have reasonable exemptions where a pedestrian or bicycle improvement isn't practicable
- Proposed bicycle parking rules are too prescriptive and not reasonable
- Bicycle facility rules do not go far enough in creating safe and comfortable routes
- Further discussion needed on proposed restrictions to new travel lanes in street & highway rules

## Climate Friendly Areas #1

December 10<sup>th</sup>; 11 am – 12 pm – [Video](#)

### Meeting Summary:

- CFAs need to create ownership opportunities
- Need to protect against displacement of underserved populations
- Allow attached single family as a housing type
- Request for clarification of 30% rule – just of projected housing need, or 30% all existing housing + future housing projection
- How is the minimum density standard applied – whole CFA boundary, or for each new residential building

## Transportation Performance Standards

December 14<sup>th</sup>; 11 am – 12 pm – [Video](#)

### Meeting Summary:

- Compliance timelines are aggressive. Suggestion that compliance timelines be based on availability of resources from DLCDC and ODOT
- Consider requiring only 1 performance standard instead of 2 if the CFEC goals are still being advanced
- VMT is a preferred performance measure used by many practitioners. Drawbacks are that it is not easily evaluated for small areas and not understood by the public as easily as LOS
- General request for support from the state and clarification about the applicability of rules

## Climate Friendly Areas #2

December 27<sup>th</sup>, 1 -3 pm – [Video](#)

**Attendees:** Al Johnson, Alissa Hansen, Ariel Nelson, Bill Graupp, Bob Cortright; Brock Nation; Damian Syrnyk; Eunice Kim; Jonathan Harker; Mary Kyle McCurdy; Matt Brinkley; Molly Markarian; Oriana Magnera; Sandy Belson; Ted Reid; Jana Jarvis; Barbara Fryer

### Meeting Summary:

- Discussed how CFAs interact with Housing Needs Analysis, Goal 10, and urban growth boundary expansions
- CFA adoption process – first stage is to ensure that designation process is on the right track, allow for earlier input; considering allowing flexibility to CFA boundary standards; CFA standards will probably need refinement at some point after adoption
- Discussion of land use development standards minimizing front and street side setbacks and front door placement for residential development may need refinement; street networks within CFA should have small/walkable blocks; low car districts are intended to be an allowance type of development, not something that is mandated
- A variety of housing types should be allowed in CFAs, not just focused on multifamily
- CFA regulations are conceptually difficult to communicate

## Transportation System Planning #2

December 28<sup>th</sup>, 1 – 3 pm – [Video](#)

**Attendees:** Paige West, Julie Warncke; Peter Hurley; Mallorie Roberts; Brian Worley; Joseph Auth; Mary Kyle McCurdy; Bob Cortright; Jana Jarvis; Brian Martin; Sara Wright; Shandell Clark; Ted Zuk

### Meeting Summary:

- Questions about what projects need to be included on illustrative list; limitations on ability to impose development requirements if projects aren't in a TSP; many development-related improvements (intersection controls; turn lanes) are determined at the time of development review, not possible to put in a TSP list
- Projects that reduce VMT should be exempt from having to be included on a TSP list; projects on financially constrained lists should have a net VMT reduction
- Modeling – concern about need to modify models to satisfy new TPR; Portland and Metro are working on models that estimate latent and induced demand for RTP and TSP updates

- Transportation programs and policies are needed to reach VMT and GHG reduction targets, can't reach targets just using projects on TSP lists; transit funding is an important component
- TSP compliance – discussion of deadlines for compliance; what is the level of urgency and what resources will be available to do the update work

## Transportation Modal Planning #2

December 29<sup>th</sup>, 9-11 am – [Video](#)

**Attendees:** Julie Warncke (Salem), Joseph Auth (Hillsboro), Sara Wright (Oregon Environmental Council), LeeAnn O'Neill (Bend Bikes), Jana Jarvis, Mallorie Roberts; Mary Kyle McCurdy, Elisa Cheng, Ariel Nelson

### Meeting Summary:

- Freight –may not be appropriate for all roads to serve all users; try to eliminate modal user conflicts along key freight routes; recognize that freight is not synonymous with large trucks
- Requests for clarification about pedestrian requirements such as 'enhanced' tree canopy mean, and planning for versus a requirement to build enhanced pedestrian crossings
- Every user needs to be able to get anywhere. Bicycle and pedestrian considerations are important to correct historic disinvestment in these modes
- Discussion of what constitutes a "capacity increasing project" and ability to keep projects in TSP that are used for development conditions of approval

## Salem-Keizer Practitioners

December 1<sup>st</sup>; 4-6 pm – [Video](#)

**Attendees:** Julie Warncke, Eunice Kim, Lisa Ogilvie, Shane Witham, Brandon Reich, Vic Lippert, Ray Jackson, Mike Jaffee, Kim Sapunar, Karen, Steven Dickie, Janelle S.

### Meeting Summary:

- Questions about new rules and how they relate to planned 2022 Salem TSP update
- Will probably repeal parking mandates since alternate path involves a large workload
- Concern about capacity increasing facility and requirements and having safety projects trigger further review

## Bend Practitioners

December 2<sup>nd</sup>; 2-4 pm – [Video](#)

**Attendees:** Damian Syrnyk, Elizabeth Oshel, Russell Grayson, Mary Alice Winters, Andrea Napoli, Brian Rankin, Peter Russell, Ryan Oster, Tyler Deke

### Meeting Summary:

- Need updates to planning tools and transportation inventories
- Plans rely on transit availability, but local governments have little control over this mode
- Overlapping deadlines and interrelated nature of requirements for Goal 9, Goal 10, and Goal 12
- Local planning workload has been very high
- Concern that new TPR requirements could be a disincentive to update TSP that was recently adopted

- Uncertainty about new TPR rules and their impact on a recent bond passed to fund specific TSP projects

## Southern Oregon Practitioners

December 6<sup>th</sup>; 1-3 pm – [Video](#)

**Attendees:** Ryan MacLaren (RVCOG), Mike Kuntz (Jackson County), Stephanie Holtey (Central Point), Matt Brinkley (Medford), Shandell Clark (Jackson County), Carla Angeli Palandino (Medford), Steve Lambert (Jackson County), Derek Severson (Ashland), Charles Bennett (Jackson County), Brandon Goldman (Ashland), Ted Zuk (Jackson County), Wade Elliott (Grants Pass), Greg Holmes (1kF), Joe Slaughter (Phoenix), Mike Baker (ODOT), Sam Engel (health?), Lisa Cornutt (ODOT), James Black (Josephine County), Mike Upston (Eagle Point), Karl Welzenbach (RVCOG), Susan Seereiter (Grants Pass)

### Meeting Summary:

- Connection between HCA and CFA
- Questions about transportation models and VMT targets being based on incomplete data
- Concern about the cost of compliance with EV standards
- Residential density in CFAs needs to be allowed to develop incrementally

## Central Lane Practitioners

December 7<sup>th</sup>; 1-3 pm – [Video](#)

**Attendees:** Emma Newman, Heather O'Donnell, Jenifer Willer, Rob Inerfeld, Kristina Kraaz, Michael Liebler, Terri Harding, Molly Markarian, Sasha Vartanian, Amber Bell, Sandy Belson

### Meeting Summary:

- Concern about “planning fatigue” with CFEC and recent city efforts
- Few available tools to look at multimodal impacts
- Concern about rule deadlines; requests alternative path to meet objectives
- HNA/HCA and 30% rule for CFAs needs clarification

## Metro (MTAC/TPAC) Practitioners

December 15<sup>th</sup>; 9:30 am – 12 pm – [Video on Metro Website](#)

### Meeting Summary:

- Concern that new rules build from and not contradict existing good coordination in Metro
- Rules should support green infrastructure
- Not all in Metro are well-served by transit
- Be aware of consequences of parking pricing in denser areas and how land uses there compete with development in less dense areas
- More clarification on how these rules apply relative to the Metro RTP (to be updated in 2023)
- Regionally constrained project list may create inconsistency with how a project is addressed in RTP, County, and local TSP
- Concern that EV and CFA will have effect of increasing housing prices
- More specificity on what compliance and reporting will be handled by Metro vs. what is expected for each jurisdiction

## Albany and Corvallis Practitioners

December 16<sup>th</sup>; 10 am – 12 pm – [Video](#)

**Attendees:** Anne Catlin, Albany; Matt Straite, Millersburg; Greg Verret, Benton County; Jeff Blaine, Corvallis; Darren Nichols, Benton County; Jason Yaich, Corvallis; Alyssa Boles, Linn County; Nick Meltzer, OCWCOG; Catherine Rohan, AAMPO; Ron Irish, Albany

### Meeting Summary:

- Clarify 30% rule – future housing need or future + existing dwellings
- Clarification on how the residential density standard for CFAs is implemented
- Can UGB expansions that don't meet existing rules be allowed if newly added area is all designated as a CFA?
- Question about how potential withholding of transportation funding will be used for rules enforcement

# Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



## MEETING 11

**TO:** Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members  
**FROM:** Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff  
**SUBJECT:** **RAC 11 Item 6: Implementation of Climate Friendly Area Requirements**  
**DATE:** January 11, 2022

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This memo has been prepared to demonstrate how a local government would comply with some of the key requirements for climate friendly areas, including how to calculate the land area needed for a climate friendly area, and how climate friendly areas would be designated in conjunction with an urban growth boundary expansion based on a need for additional residential land.

### **1. How does a city determine the amount of land needed to be included in climate-friendly areas?**

The city needs to determine how much land is needed to accommodate 30% of the total housing units needed to serve the current and anticipated population over a 20-year planning period.

**Working from the most recent adopted and acknowledged Housing Needs Analysis, the city has identified a city-wide need for 15,000 total dwelling units to serve the current and projected population over the next 20-years.**

The city needs to designate sufficient land in Climate Friendly Area(s) to accommodate at least 30% of the 20-year supply of total needed housing units (both existing units and those to be built in the future). That number is 30% of 15,000, which equals 4,500 units. To figure out the needed land area, the city employs the methodology outlined in 660-012-0315(2). Per 660-012-0315(2), cities must analyze the allowable building height, setback, open space, on-site parking requirements, and other code provisions that regulate the bulk, scale, and form of development to determine the total buildable floor area, and therefore the maximum residential capacity, in the entire CFA.

Step 1 – 660-012-0315(2)(a) and (b)

For example, if the zoning within the CFA allows buildings up to 85 feet in height, with no setback, open space, on-site parking, or other code requirements that would reduce the potential space that may be occupied by a building (sometimes referred to as the “building

envelope”), a one acre (43,560 square foot) site would allow for a development seven stories tall, for a total building envelope of:

$$7 \text{ floors} \times 43,560 \text{ square feet} = 304,920 \text{ square feet}$$

Step 2 – 660-012-0315(2)(d)

Section -0315(2)(d) assumes 30% of the buildable envelope, on average, would be occupied by residential development. This accounts for other a number of considerations:

- Not all development within climate friendly areas will be residential. Other uses will include offices, retail, public services, etc.
- Even within a 100% residential building, not all interior space will contain dwellings. Some building space is necessary for amenity spaces, hallways, stairwells, elevators, etc.
- Not every site will be developed to the full potential height or building footprint allowed by the development code.
- Not all existing developed sites will be developed more intensively or redevelop within the timeline needed to meet climate pollution reduction goals (30% of all housing by 2035).

So in this example, the maximum buildable residential square feet is multiplied by 30%:

$$304,920 \text{ square feet} \times 30\% = 91,476 \text{ square feet}$$

This is the average buildable residential area on the hypothetical one-acre development site.

Step 3 – 660-012-0315(2)(e)

To determine the number of dwelling units that could be accommodated within this calculated area, the average buildable residential area, 91,476, is divided by the average size of an apartment unit, which is 900 square feet. The potential residential units within the hypothetical one-acre development site are as follows:

$$91,476 \text{ square feet} / 900 \text{ square feet} = \text{approximately } 102 \text{ units}$$

Based on these calculations, the city would then determine the land area needed to accommodate 4,500 dwelling units at a rate of 102 units/net acre. The net developable acres necessary to accommodate 30% of the 20-year needed housing units are as follows:

$$4,500 \text{ units} / 102 \text{ units} = \text{approximately } 44 \text{ net acres}$$

This scenario has been simplified for clarity. Here are some additional considerations:

- Development code requirements, such as building setbacks, open space, height step-downs, and on-site parking would need to be factored into the determination of potential building envelopes and may necessitate block-by-block calculations.

- This example does not include calculation of the height bonus provisions from 0315(2)(c).
- The calculations would be made notwithstanding the specifics of actual development in climate friendly areas.
- CFAs may be contiguous or dispersed throughout a city.
- Where cities apply more than one set of development standards within CFAs, the city would need to complete a separate calculation for each set of development standards.

**2. How does a city expand the urban growth boundary to accommodate a residential land need, and address the associated requirements for Climate Friendly Areas?**

The city follows the existing UGB expansion process while designating additional lands for climate-friendly areas.

**The city completes a Housing Needs Analysis identifying a need for 50 additional acres for low density residential development and 25 acres for medium density residential development. Based on the table below, the total housing need is 775 units and the land need is 75 acres.**

**Identified Housing and Residential Land Needs**

	<b>Needed Housing Units</b>	<b>Average Density</b>	<b>Land Needs</b>
<b>Low Density Residential</b>	<b>400 units</b>	<b>8 units/acre</b>	<b>400/8 = 50 acres</b>
<b>Medium Density Residential</b>	<b>375 units</b>	<b>15 units/acre</b>	<b>375/15 = 25 acres</b>
<b>Totals</b>	<b>775 units</b>		<b>75 acres</b>

The city begins the process to expand the urban growth boundary, identifying lands best suited for needed residential development consistent with applicable rules and statutes. Concurrent with that process, the city begins the process of identifying additional areas to be zoned as climate friendly area(s), using the methodology in Example 1.

As provided in 660-008-0010(3), if a city is proposing to expand a UGB, *additional* climate friendly area(s) are to be designated and must be sized such that the climate friendly area would allow for development of half of the needed residential units identified in the HNA. In this scenario, that number would be half of 775, or 388 units.

As described in OAR 660-012-0315(2) and outlined in Example 1 above, the additional CFA(s) would be determined by the calculated number of units that could be provided per net acre (102 units/net acre), based on the average buildable residential area calculations. Therefore, the additional area that would need to be zoned as a climate friendly area would be:

$$388 \text{ dwelling units} / 102 \text{ units per acre} = 3.8 \text{ net acres.}$$

Based on this calculation, the city would then need to redesignate a 3.8-acre area within the city as an expansion of an existing climate friendly area (or, if large enough, designate a new climate friendly area).

If housing needs within medium density residential zones could be accommodated in climate friendly areas, at densities consistent with CFA standards, then some of the medium density residential need may be accounted for in the additional CFA areas, based on the average achieved residential densities in existing CFAs. For the purpose of meeting identified housing needs consistent with Goal 10, the land area needed must be based on the average achieved residential densities in CFAs, not on the average buildable residential area within CFAs illustrated in Example 1<sup>1</sup>.

For example, if residential development in CFAs had been lackluster, producing an average of 10 units/acre within the last several years, then the additional CFA area would decrease the additional land need, as follows: 3.8 net acres at 10 units per acre, would reduce medium density residential land needs by 38 dwelling units (10 X 3.8). This would reduce the overall housing need for medium density residential development from 375 units to 338 dwelling units, reducing the medium density residential land need for UGB expansion from 25 acres to 22.5 acres:

$$338/15 \text{ units acre} = 22.5 \text{ acres.}$$

Alternatively, if housing needs within medium density residential zones could not be accommodated in climate friendly areas because housing types or density requirements were not consistent, then the city would identify and designate 75 acres of expanded UGB areas to meet the identified low and medium density residential needs, while redesignating a 3.8-acre area within the city as an expansion of an existing climate friendly area (or, if large enough, a new climate friendly area).

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<sup>1</sup> This is a necessary change to the draft rules to ensure that CFA designation does not impede a city's ability to provide sufficient buildable lands within the urban growth boundary, consistent with the requirements of Goal 10 and ORS 197.296. ORS 197.296 provides, in part: "(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity pursuant to subsection (3)(a) of this section must be based on data relating to land within the urban growth boundary that has been collected since the last review under subsection (2)(a)(B) of this section. The data shall include:

- (A) The number, density and average mix of housing types of urban residential development that have actually occurred;
- (B) Trends in density and average mix of housing types of urban residential development;
- (C) Market factors that may substantially impact future urban residential development; and
- (D) The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section."

# Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

## MEETING 11



**TO:** Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members  
**FROM:** Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff  
**SUBJECT:** **Item 7: Summary of Amendments to Rules**  
**DATE:** January 11, 2022

This document includes summaries of each rule that staff is proposing to amend or add as part of the Climate-Friendly and Equitable Communities rulemaking.

Summary of Amendments to Housing Rules (Division 8) ..... 1  
 Summary of Amendments to Transportation Planning Rules (Division 12) ..... 2  
 Summary of Amendments to the Metropolitan Greenhouse Gas Reduction Target Rules (Division 44) ..... 20

<b>Summary of Amendments to Housing Rules (Division 8)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-008-0010	Allocation of Buildable Land	<p>This is an existing rule that provides for how cities are to determine the amount of buildable land necessary to accommodate anticipated planning needs over a future planning period, which is typically 20 years. The amended language adds a new requirement for cities over 10,000 population within metropolitan areas to maintain climate friendly areas sufficient to accommodate at least 30% of their housing needs as they grow. Additionally, Section (3) requires the same cities to designate additional climate friendly areas after June 30, 2027, if expanding their urban growth boundaries to accommodate a residential land need.</p> <p><b>Changes made since the December 6, 2021, version include extensive reorganization and revision to OAR 660-008-0010. These changes better clarify the distinction between how local governments are to determine climate friendly area needs based on average buildable residential area, and how local governments are to continue to plan to meet all residential needs consistent with the requirements of Statewide Planning Goal 10 (Housing) and ORS 197.296(5).</b></p>

<b>Summary of Amendments to Housing Rules (Division 8)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-008-0050	Housing Production Strategy Report Structure	<p>This is an existing rule that provides for how cities are to prepare Housing Production Strategy Reports one year after their required update to their Housing Capacity Analyses. Amended language in Section (4)(a) establishes requirements to promote the production of affordable housing, mitigate or avoid the displacement of members of state and federal classes, and remove barriers and increase housing choices for these populations in climate friendly areas, or within Region 2040 Centers within the Portland Metro region.</p> <p><b>A change made since the December 6, 2021, version adds actions taken to promote the production of housing accessible to persons with disabilities to the required analysis of actions taken to achieve Fair and Equitable Housing Outcomes in OAR 660-008-0050(4).</b></p>

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
Changes to Existing Rules		<p>The existing rules will mostly remain the same, with some changes as noted below:</p> <ul style="list-style-type: none"> <li>0000: Updates to reflect changes across the division.</li> <li>0005: Updates to reflect changes across the division.</li> <li>0015: Changes to remove requirements specific to metropolitan areas.</li> <li>0016: This rule only applies in metropolitan areas and will be deleted.</li> <li>0035: Changes to remove requirements specific to metropolitan areas.</li> <li>0045: Changes to remove requirements specific to metropolitan areas.</li> <li>0060: Updates to reflect changes across the division.</li> </ul> <p>We do not propose any alterations to the remaining existing rules in the Transportation Planning Rules.</p>

Summary of Amendments to Transportation Planning Rules (Division 12)		
Number	Rule Title	Rule Summary
660-012-0000	Purpose	<p>The purpose provides an overview of the commission’s reasons for adopting the division, including how the division implements the statewide planning goals. A clear purpose statement is useful for everyone who uses the rules; including the public, local governments, and the courts.</p> <p>We propose to adjust the purpose to focus on the challenges of today and the future. The updated purpose also focuses in areas where Oregon is most deficient. Oregon is falling short on transportation safety (with traffic deaths trending higher and four times that of leading countries, and twice that of Canada), so the purpose re-ups the emphasis on safety. As the roadway network is relatively complete for cars, we focus on ensuring quality options for other modes. This purpose highlights climate pollution, and Oregon’s need to meet our goals to reduce that pollution. Oregon’s transportation system has inequitably impacted key underserved populations, and decision making has centered the voices of the privileged at the expense of those populations.</p> <p>This purpose acknowledges those problems and focuses on remedies. The purpose retains key coordination and planning elements.</p> <p>There have been no substantive changes from the December draft amended rule.</p>
660-012-0005	Definitions	<p>Every division of rules has a list of definitions. We will keep the list of definitions in the existing division, with changes and additions, as necessary. These definitions apply to the existing rules which will continue to apply outside of metropolitan areas, as well as new rules for cities and counties inside of metropolitan areas.</p> <p><b>Since the December draft rules, the rule now includes definitions of "accessible dwelling unit," "accessibility," "area, gross," "area, net," "bicycle boulevard," "Level 1 electric vehicle charging," "parking benefit district," "people with disabilities," and "separated or protected bicycle facilities." Definitions of "Direct current fast charger," "major transit stop," "parking mandates," and "transportation needs" have been updated. The definition of "pedestrian facility" was previously called "pedestrian connection."</b></p>
660-012-0015	Preparation and Coordination of Transportation Systems Plans	<p>We propose to alter this existing rule. The existing rule gives overarching direction to local governments in how to prepare and coordinate development of local and regional transportation system plans. We propose to delete some parts of this rule pertaining only to metropolitan areas. This rule will apply to local governments outside of metropolitan areas. New rules will direct how local governments in metropolitan areas prepare and coordinate development of local transportation system plans.</p> <p>There have been no substantive changes from the December draft amended rule.</p>

Summary of Amendments to Transportation Planning Rules (Division 12)		
Number	Rule Title	Rule Summary
660-012-0016	Coordination with Federally-Required Transportation Plans in Metropolitan Areas	<p>Staff proposes to delete this rule. The rule directs local governments to coordinate local transportation planning with regional transportation plans (RTPs) required to be completed by Metropolitan Planning Organizations (MPOs) under federal law. In practice, this coordination process has not worked well.</p> <p>We expect to use some of the elements in this rule in our updated rules in order to encourage regional planning efforts. Updated local transportation planning requirements in metropolitan areas will require advanced local actions, including the development of financially-constrained local plans, that will inform federally-required RTPs. In the Portland Metropolitan Area, many of these regional planning requirements will be retained. Additionally, metropolitan areas will be required to undertake regional scenario planning, which is required in the Metropolitan Greenhouse Gas Reduction Rules (OAR Chapter 660, Division 44).</p> <p>There have been no substantive changes from the December draft amended rule.</p>
660-012-0035	Evaluation and Selection of Transportation System Alternatives	<p>We propose to alter this existing rule. The existing rule directs how local governments evaluate and select transportation alternatives. We propose to delete some parts of this rule pertaining only to local governments in metropolitan areas. New rules in OAR 660-012-0165 will direct how local governments in metropolitan areas will evaluate and select transportation alternatives.</p> <p>There have been no substantive changes from the December draft amended rule.</p>
660-012-0045	Implementation of the Transportation System	<p>We propose to alter this existing rule. The existing rule directs how local governments are to implement the local transportation system plan. We propose to delete one section of this rule pertaining only to metropolitan areas. New rules, applicable within metropolitan areas, will replace and update the requirements within this section.</p> <p><b>Since the December draft amended rule, there have been small changes in this existing rule to ensure accessibility is considered.</b></p>
660-012-0060	Plan and Land Use Regulation Amendments	<p>This rule guides cities and counties when they change the acknowledged comprehensive plan after adoption of a transportation system plan. The rule provides for consideration of transportation system needs in response to the proposed changes.</p> <p>Substantive changes to this rule are outside of the scope of the Climate-Friendly and Equitable Communities Rulemaking.</p> <p>This rule will continue to apply statewide, both inside and outside metropolitan areas. We are proposing some minor changes to reflect changes in how performance standards work within metropolitan areas.</p> <p>There have been no substantive changes from the December draft amended rule.</p>

Summary of Amendments to Transportation Planning Rules (Division 12)		
Number	Rule Title	Rule Summary
New Rules 0011-0012: Applicability and Effective Dates		These rules are intended to help implement the new rules numbered 0100 and above, which will apply to urban areas inside metropolitan areas. The existing rules will continue to apply to areas outside of urban areas in metropolitan areas. These rules help make it clear what rules apply to which jurisdictions, and when those rules apply.
660-012-0011	Applicable Rules	<p>This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-0100 and above. Local governments in other parts of the state will continue to use the existing rules, although cities outside metropolitan areas may opt into using the updated rules if they wish.</p> <p>We are working with Metro and will be consulting with potentially affected local governments to determine how rules may apply in the Portland Metropolitan Area.</p> <p>The following rules will continue to apply statewide, even in metropolitan areas:</p> <ul style="list-style-type: none"> <li>OAR 660-012-0000, Purpose</li> <li>OAR 660-012-0005, Definitions</li> <li>OAR 660-012-0010, Transportation Planning</li> <li>OAR 660-012-0060, Plan and Land Use Regulation Amendments</li> <li>OAR 660-012-0065, Transportation Improvements on Rural Lands</li> <li>OAR 660-012-0070, Exceptions for Transportation Improvements on Rural Land</li> </ul> <p>The latter two rules only apply to rural lands statewide.</p> <p><b>Since the December draft, this rule has changed to clarify that OAR 660-012-0050 will continue to apply statewide.</b></p>
660-012-0012	Effective Dates	<p>This rule lists the effective dates of some provisions of the Transportation Planning Rules. Most provisions will take effect shortly after the commission adopts the rule amendments, but the implementation of some provisions will be phased in over time.</p> <p><b>Since the December draft, this rule has been changed to include an option for local governments to submit a proposed work program to meet the short-term implementation requirements of this division. Some effective dates have been clarified or changed, mainly to line up implementation dates with transportation system plan updates.</b></p>

Summary of Amendments to Transportation Planning Rules (Division 12)		
Number	Rule Title	Rule Summary
New Rules 0100-0210: General Provisions		<p>This part of the Transportation Planning Rules will contain general provisions for how cities and counties in metropolitan areas conduct coordinated land use and transportation planning. These include updated rules for how cities and counties undertake transportation system plans within urban areas. There are significant changes and clarifications in how this process works, including how cities and counties ensure equitable participation in decision-making, and how plans are amended and updated over time.</p> <p>These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.</p>
660-012-0100	Transportation System Plans in Metropolitan Areas	<p>This rule provides the starting point for how cities in metropolitan areas will be required to adopt, amend, and implement local transportation system plans in urban areas. The rule lists all the required elements of a transportation system plan. The rule also provides for how cities will determine the base and horizon years of a local transportation system plan.</p> <p><b>Since the December draft, this rule added two new sections: section (8), which was in the rule previously numbered OAR 660-012-0165, and section (9), which states the existing requirement for Metro to adopt a regional transportation system plan as provided in OAR 660-012-0140.</b></p>
660-012-0102	Transportation System Planning in the Portland Metropolitan Area	<p>This rule describes how cities update their transportation system plans. The rule provides for either a major or minor update to plans. The existing rules were written when most places did not even have a transportation system plan, so there is little guidance about how they are to be kept up to date. The purpose of this rule is to clarify that process and make it simpler to adopt smaller updates in between larger updates.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0105	Transportation System Plan Updates	<p>This rule sets out requirements for the geographic scope of transportation system plans. The default assumption is that cities will plan for the entire urban area within the Urban Growth Boundary, including unincorporated areas. The rule includes provisions if counties opt to handle the planning within urban unincorporated areas.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0110	Transportation System Planning Area	<p>This rule sets out requirements for the geographic scope of transportation system plans. The default assumption is that cities will plan for the entire urban area within the Urban Growth Boundary, including unincorporated areas. The rule includes provisions if counties opt to handle the planning within urban unincorporated areas.</p> <p>No substantive changes have been made to this rule since the December draft.</p>

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-012-0115	Funding Projections	<p>This rule describes how cities develop funding projections in the transportation system plan. Funding projections include a list of funding sources that are expected to fund transportation facilities and services, and the amount of funding available for transportation projects over the planning period.</p> <p><b>Since the December draft, this rule has been renamed from “Transportation System Funding Plan.” The term “financial plan” has been changed to “funding projections,” but the requirements are the same. Renumbered from OAR 660-012-0205.</b></p>
660-012-0120	Transportation System Planning Engagement	<p>This rule directs how cities must engage the public, and specifically underserved populations, in the development and approval of transportation system plans.</p> <p><b>Since the December draft this rule has been renumbered from OAR 660-012-0115.</b></p>
660-012-0125	Underserved Populations	<p>Oregon has a long history of discrimination throughout our laws, budgets, and planning processes and decisions. The Climate-Friendly and Equitable Communities Rules Advisory Committee has helped identify underserved populations to consider in this rulemaking, expanding on a list from the Governor’s office. To rectify harms done in the past and in current practice, communities must prioritize these populations in decision-making processes and outcomes.</p> <p>This rule sets out a Definition of underserved populations for use in transportation and land use planning consistent with the Equitable Outcomes Statement developed by the Rules Advisory Committee. The rule also requires cities and counties to identify areas with concentrations of underserved populations; and to identify and engage with recognized tribes with ancestral lands in the area of the city or county.</p> <p><b>Since the December draft, this rule has been renumbered from OAR 660-012-0120.</b></p>
660-012-0130	Decision-Making with Underserved Populations	<p>This rule directs how local governments center underserved populations in decision-making. The rule requires local governments to implement an involvement program with a range of activities to ensure equitable participation in decision-making and work toward equitable outcomes. The rule requires cities and counties to regularly assess and report on progress.</p> <p><b>Since the December draft, this rule has been renumbered from OAR 660-012-0125.</b></p>
660-012-0135	Equity Analysis	<p>This rule gives cities and counties direction on how to complete an equity analysis. An equity analysis is required for a variety of actions throughout the division. The purpose of an equity analysis is to identify impacts of proposed projects and policies and potentially inequitable consequences or burdens on impacted communities.</p> <p><b>Since the December draft, this rule has added a step to assess, document, and acknowledge current and past racism. There have been some other small changes. The rule has been renumbered from 660-012-0130.</b></p>

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-012-0140	Transportation System Planning in the Portland Metropolitan Area	<p>This rule describes how transportation system planning works in the Portland Metropolitan Area, including local planning by cities and counties, and regional planning by Metro. Many of the regional planning requirements are from existing rules in OAR 660-012-0016.</p> <p>This rule has a temporary rule number and will be renumbered in a future draft.</p> <p><b>Since the December draft, this draft rule has changed to be clearer about how Metro may propose requirements in the regional framework plan to the commission in lieu of requirements in this division. This rule has been renumbered from OAR 660-012-0102.</b></p>
660-012-0145	Transportation Options Planning	<p>This rule describes how cities develop a transportation options element of their transportation system plan. The rule requires cities and counties to coordinate closely with transportation options providers, public transportation providers, and other cities and counties to identify existing programs, services, and projects; as well as future needs.</p> <p><b>Since the December draft, this draft rule has been renumbered from OAR 660-012-0750.</b></p>
660-012-0150	Transportation System Inventories	<p>This rule includes general requirements for inventories of existing facilities and services in transportation system plans. The specific requirements for each mode of transportation are in separate rules, as noted in this rule. There are basic levels of inventories required, and larger cities will be required to do more advanced inventories.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0155	Prioritization Framework	<p>This rule sets the context for prioritizing projects in local transportation system plans; and how cities, counties, Metro, and state agencies make decisions about investments in the transportation system. The prioritization framework places an emphasis on reducing pollution, increasing equitable outcomes, safety, and accessibility.</p> <p><b>This rule has been renumbered from OAR 660-012-0180.</b></p>
660-012-0160	Reducing Vehicle Miles Traveled	<p>This rule requires cities and counties to use vehicle miles travelled as a proxy for greenhouse gas pollution for cities and counties that do not yet have an approved regional scenario plan. The rule applies when adopting a TSP and requires the city or county to adopt a TSP that is projected to reduce vehicle miles travelled. Vehicle miles traveled per capita is defined as any light duty vehicle trip originating from either a city or metropolitan region.</p> <p><b>Since the December draft, this rule changed to remove references to the 2005 base year.</b></p>

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-012-0170	Unconstrained Project List	<p>This rule describes how cities and counties take the combined list of projects developed in the modal elements of the transportation system plan, develop multimodal projects, and produce a combined project list. The rule requires cities and counties to use the combined project list to develop an unconstrained project list. The Unconstrained project list must include a set of projects that would meet targets for reductions in per capita vehicle miles traveled.</p> <p><b>Since the December draft, this rule has been renamed to use the term “unconstrained project list” rather than “illustrative project list.” This change in terminology has been updated throughout the draft rules. The rule has been changed to be clear that projects may be prioritized into tiers rather than individually. In draft rule OAR 660-012-0012, a provision has been added which permits cities with existing bond-funded projects to include that as a prioritization factor in this rule. This rule has been renumbered from OAR 660-012-0200.</b></p>
660-012-0180	Financially-Constrained Project list	<p>This rule gives cities and counties a method to develop a financially-constrained project list. Projects on the financially-constrained project list are the planned projects to be considered for further project development, funding, and construction. The financially-constrained list of projects in the local transportation system plan will inform the federally required regional transportation plan. The financially-constrained list will also be the only projects that may be assumed as “reasonably likely” when considering if an amendment to a comprehensive plan or land use regulation has a “significant effect” on the transportation system.</p> <p>The financially-constrained list must result in equitable outcomes, demonstrate a reduction in per-capita Vehicle Miles Traveled, and support meeting targets set against a range of performance measures.</p> <p><b>Since the December draft, this rule has changed to be clearer about the role of the financially-constrained project list. The rule is now clearer that the project list needs to demonstrate that the plan is on track to meet the climate targets in Division 44. The rule now permits projects from the unconstrained list to advance with development in some cases. The rule has changed to be less prescriptive about how the project list is constricted. This rule has been renumbered from OAR 660-012-0210.</b></p>
660-012-0190	Transportation System Refinement Plans	<p>This rule provides cities and counties with the opportunity to defer some decisions that would otherwise be made in a transportation system plan to a later refinement planning process. This rule is largely based on existing language within the Transportation Planning Rules, in OAR 660-012-0025.</p> <p><b>Since the December draft, a provision prohibiting deferral of a decisions to a refinement plan in a climate friendly area has been removed. This rule has been renumbered from OAR 660-012-0140.</b></p>
660-012-0200	Temporary Projects	<p>This rule makes clear that certain temporary or pilot projects need not be included in the transportation system plan to be implemented. These are expected to be short-term trials or temporary fixes in advance of a plan update.</p> <p><b>Since the December draft, this rule has been renumbered from OAR 660-012-0145.</b></p>

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-012-0210	Transportation Modeling and Analysis	<p>This rule sets requirements for how cities and counties use transportation modeling and analysis to make land use decisions.</p> <p><b>Since the December draft the reference to induced and latent demand has been removed from this rule. The impact of induced and latent demand on the transportation system is accounted for through the financially-constrained and constrained project lists vehicle miles traveled per capita reduction requirements in draft rule OAR 660-012-0160. This rule has been renumbered from OAR 660-012-0155.</b></p>
660-012-0215	Transportation Performance Standards	<p>This rule provides a framework for how decisions are made using transportation performance standards. These include decisions made about transportation system planning, reviewing comprehensive plan and land use regulation amendments, and in the local review of development proposals.</p> <p>Currently many, but not all, decisions have relied heavily on performance standards related to motor vehicle congestion. This rule ensures that decisions take all modes and a wider variety of values into account. These values include equity, reducing climate pollution, safety, accessibility, reliability, and mobility.</p> <p><b>Since the December draft, this rule has changed to be clearer about how adopted standards apply to review of transportation impacts as part of development review. The rule has also been renumbered from OAR 660-012-0170.</b></p>
New Rules 0300-0360: Coordinated Land Use and Transportation Planning		<p>The Transportation Planning Rules are, at their heart, a guide for local governments to make coordinated plans for both land use and their transportation system. This part of the Transportation Planning Rules focus on land use requirements, including requirements for climate friendly areas.</p> <p>These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.</p>
660-012-0300	Coordinated Land Use and Transportation System Planning	<p>This rule contains general provisions for cities and counties within metropolitan areas in how they accomplish coordinated land use and transportation planning.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0310	Climate-Friendly Areas	<p>This rule describes the requirements for the designation of climate friendly areas. The rule sets out some basic standards for which areas should and should not be considered for designation as a climate friendly area.</p> <p><b>Since the December draft, this rule has been reorganized to detail the locational requirements for climate friendly areas in section (1). Exceptions have been added to the minimum dimensional standards, and further clarification has been added regarding county areas that are, and are not, subject to this rule. Lastly, an addition to Section (4) clarifies that the commission may act if Metro or cities and counties within Metro fail to comply with applicable requirements.</b></p>

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-012-0315	Designation of Climate-Friendly Areas	<p>This rule describes the process to be followed for cities and counties to study potential climate friendly areas, including consideration for, and mitigation of, potential inequitable impacts that might result from CFA designation, such as the displacement of underserved populations. The rule also describes requirements for the adoption of zoning regulations and comprehensive plan amendments for climate friendly areas.</p> <p><b>Since the December draft, this rule has provided more clarity regarding how a local government is to calculate the area needed within climate friendly areas to accommodate at least 30% of current and future housing needs. The rule also clarifies that the local government is to provide a study of potential climate friendly areas by June 30, 2023. The rule details the required elements of the study and adds a new section (5) to address the process for department and public review and comment on the study.</b></p>
660-012-0320	Land Use Requirements in Climate-Friendly Areas	<p>This rule describes development codes and other land use requirements cities and counties must adopt for climate friendly areas. The rule includes a set of basic requirements that must apply to all CFAs and then provides a prescriptive set of regulations that may be adopted, or allows a local government to demonstrate that existing or proposed development standards will result in equal or better results than the prescriptive standards.</p> <p><b>Since the December draft, this rule has added attached single family dwellings as a permitted housing type and now gives flexibility to local governments to allow other housing types that would meet the required densities. Revisions also clarify that abutting high density residential or employment areas may be counted as CFA areas without need for zoning changes.</b></p> <p><b>Revisions have added a 350-foot block length maximum, with clarification regarding redevelopment thresholds; prohibit the use of maximum density limitations in CFAs; and clarify that minimum density requirements would not apply to residential development in a mixed-use building if the building has a floor area ratio of at least 2.0. Also, the prescriptive standards for cities above 100,000 are now the same as those for cities between 50,000 and 100,000.</b></p> <p><b>Lastly, larger cities are allowed to utilize the less intensive CFA standards for all but one of their CFAs, to allow more context sensitive location of CFAs. The tradeoff will be that more CFA areas would need to be designated to meet the 30% housing target.</b></p>
660-012-0325	Transportation Review in Climate Friendly Areas	<p>This rule describes how local governments review changes to comprehensive plans and land use regulations in climate friendly areas. The rule requires an interim multimodal plan when the climate friendly area is implemented.</p> <p><b>Since the December draft, this rule has been slightly changed to clarify which land use decisions use the provisions of this rule.</b></p>

Summary of Amendments to Transportation Planning Rules (Division 12)		
Number	Rule Title	Rule Summary
660-012-0330	Land Use Requirements	<p>These land use requirements apply to cities and counties within metropolitan areas and have to do with how land use interacts with the transportation system. Many of these requirements are in the existing rule OAR 660-012-0045, particularly requirements having to do with pedestrian access, site design requirements, and the requirements in section (7) of the rule. However, this rule extends and adds to the existing requirements. These requirements apply across the urban area and are in addition to the climate friendly area specific requirements in those areas.</p> <p>The rule requires local governments to provide for pedestrian-friendly and connected neighborhoods; for commercial and mixed-use districts to be oriented towards pedestrians and transit, to place limits on auto-oriented land uses; some additional requirements for larger cities; and to have protections for existing and future transportation facilities.</p> <p><b>Since the December draft, this rule has been changed to give local governments more flexibility in how neighborhoods are designed to be accessible and efficient. The rule further clarifies provisions for auto-related land uses.</b></p>
660-012-0340	Land Use Assumptions	<p>This rule describes how cities and counties make assumptions about the future development of the urban area, for purposes of transportation planning. These assumptions are based on the required population forecasts, existing comprehensive plans and land use regulations, and other provisions in the Transportation Planning Rules. These assumptions are used to help make coordinated land use and transportation plans.</p> <p><b>Since the December draft, this rule has changed to be clear that both employment and housing assumptions must be made for development in climate friendly areas, and that future land use assumptions must be updated when designating climate friendly areas.</b></p>
660-012-0350	Urban Growth Boundary Expansions	<p>This rule includes requirements for local jurisdictions to ensure they are being consistent with coordinated transportation planning requirements when proposing to expand an urban growth boundary. The rules provide for requirements prior to undertaking an urban growth boundary expansion, and requirements as part of the process of expanding the urban growth boundary.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0360	Key Destinations	<p>This rule lists key destinations for use in coordinated transportation and land use planning. These are important places for all people to be able to access to meet daily needs and participate in society.</p> <p>No substantive changes have been made to this rule since the December draft.</p>

Summary of Amendments to Transportation Planning Rules (Division 12)		
Number	Rule Title	Rule Summary
New Rules 0400-0450: Parking		<p>This part of the Transportation Planning Rules relates to how cities and counties address and manage parking. The rules follow current best practice and move cities and counties away from one-size-fits-all mandates for developers to build a large amount of costly and land-intensive off-street parking, towards more targeted management strategy. This approach provides more deference to builders and property owners to provide parking for the diversity of development types as the market dictates.</p> <p>These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.</p>
660-012-0400	Parking Management	<p>This rule directs jurisdictions to implement climate-friendly and equitable parking reform rules by improving parking codes and removing mandated parking associated with development or providing alternative climate-friendly measures.</p> <p><b>Since the December draft, this language has been revised to clarify application to Metro-area cities and counties, along with a provision in Rule 0140(7) for Metro to develop alternative approaches.</b></p>
660-012-0405	Parking Regulation Improvements	<p>This rule works to give priority parking to those carpooling or vanpooling. It aims to encourage the conversion of parking lots to higher uses, and to encourage shared parking.</p> <p>It also aims to reduce the negative externalized impacts of large parking lots such as heat island effects and reduced walkability. It works to make large parking lots more pedestrian-friendly, and to address some of the heat island effects through tree canopy. It aims to mitigate the climate impacts of driving and parking through either increased clean energy or increased tree canopy.</p> <p><b>Since the December draft, staff have split out the transit-oriented development exemption in section (1) and clarified it applies to areas served by frequent transit. Staff have also moved the requirements for large parking lots to provide solar or tree canopy down to ¼ acre lots and higher, from 1 acre, after reviewing various codes and finding tree planting provisions for smaller parking lots.</b></p>
660-012-0410	Electric Vehicle Charging	<p>This rule works to encourage new buildings to be EV-capable, to install electrical capacity and conduit. Buildings would be ready to have wiring and charging stations added as demand calls for. As buildings are 80-100 year structures, and Oregon is aiming to have 90% of new vehicles be EVs by 2035, it is critical to install charging infrastructure as buildings are built.</p> <p>The rule focuses on electrical capacity and conduit, and allows some Level 1 charging capacity in residential buildings, which can be functional for many uses and saves money.</p> <p><b>Since the December draft, the rule language has been revised to allow less capacity and conduit for developments and redevelopments with higher charging levels that can more quickly charge cars, and definitions for direct current fast chargers and Level 1 charging have been added into definitions in rule 0005.</b></p>

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-012-0415	Parking Maximums and Evaluation in More Populous Communities	<p>This rule calls for parking maximums in areas where car-dominant development would undermine pedestrian-friendliness and other goals.</p> <p>It also calls on Oregon’s most populous three cities to manage on-street parking to ensure availability, to explore options to building new parking garages, and to ensure new parking garages can have active uses on the ground floor.</p> <p><b>Since the December draft, this rule has expanded detailed requirements for parking maximums, based on input from the parking reform work group. Provisions applying this in the Metro region have also been added, along with Rule 0140(7) that allows Metro to provide an alternate approach. The rule has clarified the maximums must apply in climate-friendly areas and along transit corridors.</b></p>
660-012-0420	Exemption for Communities without Parking Mandates	<p>This clarifies the remainder of the 0400 parking series of rules apply only to those communities choosing to continue to mandate parking.</p> <p><b>Since the December draft, section (2) has been added to clarify application.</b></p>
660-012-0425	Reducing the Burden of Parking Mandates	<p>This rule allows builders to meet parking mandates by a variety of approaches, including taking action to reduce climate pollution.</p> <p><b>Since the December draft a reduction in mandates for providing housing units accessible to people with mobility disabilities has been added.</b></p>
660-012-0430	Reduction of Parking Mandates for Development Types	<p>This rule reduces parking mandates for housing, following the trend in planning practice and previous Commission rulemaking on traditional missing middle housing types. The rule works to reduce regulatory burdens for developing certain types of needed development, such as childcare facilities.</p> <p><b>Since the December draft, language has been adjusted to be clear city or county action is not required for the changes to take effect.</b></p>
660-012-0435	Parking Reform in Climate Friendly Areas	<p>This rule encourages parking reform in climate-friendly areas, which tend to have lower demand for parking, and are targeted for more pedestrian-friendly development patterns.</p> <p><b>Since the December draft, the term “meter” has been generalized to “paid.” A definition of parking benefit districts has been added in draft rule OAR 660-012-0005. The application of the rule in the Portland Metro area has been proposed, along with a provision for Metro alternative approaches in Rule 0140(7).</b></p>

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-012-0440	Parking Reform near Transit Corridors	<p>This rule encourages parking reform near transit corridors and stops, where parking demand tends to be lower, and are areas targeted for more pedestrian-friendly development patterns.</p> <p><b>Since the December draft, small clarifications have been made to sections (1) and (2)(b), to note measurements are to the parcel or lot, and the transit frequency is about scheduled frequency.</b></p>
660-012-0445	Parking Management Alternative Approaches	<p>For those communities not repealing parking mandates, this rule provides two options for improved parking management: a fair parking policy approach, or a reduced regulation approach.</p> <p><b>Since the December draft, “taverns” have been added and the parking maximums provision under the reduced regulation option has been clarified. Noting some hurdles in determining vacancy, (1)(b)(E) has an additional provision allowing application as is done in Detroit, MI.</b></p>
660-012-0450	Parking Management in More Populous Communities	<p>The rule aims to ensure populous communities better understand and manage their existing on-street parking supply before requiring new parking.</p> <p><b>Since the December draft, (1)(a) has been shortened and “equivalent amounts” has been added to ensure quarterly permits averaging the rates stated count towards the total.</b></p>
New Rules 0500-0520: Pedestrian System		<p>This part of the Transportation Planning Rules relates to planning for the pedestrian system. The pedestrian system is intended to serve people walking, as well as people using mobility devices or other vehicles that operate at a pedestrian speed and scale. Larger and faster vehicles are served through the bicycle system.</p> <p>These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.</p>
660-012-0500	Pedestrian System Planning	<p>This rule is the umbrella rule that describes how cities must plan for their pedestrian transportation system. Cities and counties must plan for a pedestrian system that provides safe and comfortable access for most trips under one mile.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0505	Pedestrian System Inventory	<p>This rule describes how cities must inventory their pedestrian system.</p> <p><b>Since the December draft, this rule has been changed to require reports of incidents in injuries and deaths to people walking or using a mobility device to go back at least 5 years rather than 10 years.</b></p>

Summary of Amendments to Transportation Planning Rules (Division 12)		
Number	Rule Title	Rule Summary
660-012-0510	Pedestrian System Requirements	<p>This rule provides the minimum requirements for the planned pedestrian system. Cities may choose to exceed the standards in this rule.</p> <p><b>Since the December draft, some parts of this rule have been changed to remove references to specific street classifications, to be clearer about requirements for pedestrian facilities, pedestrian areas, and enhanced crossings, and to provide more flexibility for pedestrian facilities on one side of the street in some locations.</b></p>
660-012-0520	Pedestrian System Projects	<p>This rule guides cities in determining the list of pedestrian system projects.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
New Rules 0600-0630: Bicycle System		<p>This part of the Transportation Planning Rules relates to planning for a safe, accessible, and connected bicycle system. The bicycle system is intended to serve people riding bicycles, as well as people using other types of vehicles that operate at a bicycle speed and scale. These rules also include updated requirements for bicycle parking.</p> <p>These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.</p>
660-012-0600	Bicycle System Planning	<p>This rule, and subsequent rules, describe how cities must plan for a safe, accessible, and connected bicycle network that serves a variety of users. The rule requires a bicycle system element that provides for a substantial portion of short urban trips under 3 miles to be by bicycle.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0605	Bicycle System Inventory	<p>This rule describes how cities must inventory their bicycle system. The rule requires an inventory of bicycle facilities in key areas, including multi-use paths.</p> <p><b>Since the December draft, this rule has been changed to require reports of incidents in injuries and deaths to people on bicycles to go back at least 5 years rather than 10 years.</b></p>
660-012-0610	Bicycle System Requirements	<p>This rule includes the minimum requirements for the bicycle system. We expect to build a bicycle system that meets a substantial portion of local travel needs under three miles. Updated requirements ensure cities and counties will plan for higher levels of separation beyond a standard bike lane for people riding bicycles on higher speed and volume roadways. These facilities have been shown to be necessary to allow the widest range of people to safely ride bikes within communities. The rules require the development of connected network of safe bicycle facilities.</p> <p><b>Since the December draft, this rule has been substantially changed. The rule provides additional flexibility to local governments in how they design a connected bicycle network. The connected network must be safe, low stress, direct, and comfortable for people of all ages and abilities.</b></p>

Summary of Amendments to Transportation Planning Rules (Division 12)		
Number	Rule Title	Rule Summary
660-012-0620	Bicycle System Projects	This rule guides cities in determining the list of bicycle system projects.  No substantive changes have been made to this rule since the December draft.
660-012-0630	Bicycle Parking	This rule includes updated requirements for bicycle parking. Existing statewide requirements require bicycle parking for commercial and multi-family land uses. This rule expands this to require covered and secure parking for some uses where longer-term parking is expected, and short-term parking at retail uses, transit facilities, and other key destinations. The rule requires that long-term parking include provisions for electric charging and to accommodate a range of devices beyond bicycles.  <b>Since the December draft, the term “covered and secure” has been removed from a few sections. Section (3) of this draft has been changed to be less specific about the requirement for proximity to a retail entrance. Section (7) of this rule has been changed to clarify that the bicycle parking requirement only relates to off-street motor vehicle parking spaces when those parking spaces are mandated.</b>
New Rules 0700-0750: Public Transportation System		This part of the Transportation Planning Rules relates to planning for the public transportation system. The public transportation system is intended to serve people riding transit within urban areas, as well as travel within regions or between cities.  These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.
660-012-0700	Public Transportation System Planning	This rule and subsequent rules describe how cities must plan for their public transportation system.  No substantive changes have been made to this rule since the December draft.
660-012-0705	Public Transportation System Inventory	This rule describes how cities must inventory their public transportation system.  No substantive changes have been made to this rule since the December draft.
660-012-0710	Public Transportation System Requirements	This rule includes the minimum requirements for safe, connected, and accessible public transportation system facilities.  <b>Since the December draft, this rule has changed to no longer require small cities under 10,000 in population to plan for priority transit corridors.</b>
660-012-0720	Public Transportation System Projects	This rule guides cities in determining the list of public transportation projects.  No substantive changes have been made to this rule since the December draft.
New Rules 0800-0830: Streets and Highways System		This part of the Transportation Planning Rules relates to planning for the street and highway system. The rules consider that the street and highway system is mostly fully built out. Future planning must assume a reduction in the amount of driving people do, in favor of increased travel in other modes.  These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-012-0800	Urban Street and Highway System Planning	This rule, and subsequent rules, describes how cities must plan for their street and highway transportation system. No substantive changes have been made to this rule since the December draft.
660-012-0805	Urban Street and Highway System Inventory	This rule describes how cities must inventory their street and highway system. <b>Since the December draft, the rule has changed the number of years reported incidents of serious injuries and deaths of people related to vehicular crashes from 10 years to 5 years.</b>
660-012-0810	Street and Highway System Requirements	This rule includes the minimum requirements for the street and highway system. The rules require: narrow and slow local streets; identifying arterials that are more focused on mobility, and those more focused on access, and treating them differently; and a minimal number of general-purpose travel lanes due to an expected decline in driving, and to accommodate the growth of other modes. <b>Since the December draft, some minor changes have been made to requirements on freeway planning to be clear that local governments must make certain considerations in the local transportation system plan, but are not responsible for planning freeways.</b>
660-012-0820	Street and Highway System Projects	This rule guides cities in determining the list of street and highway system projects. No substantive changes have been made to this rule since the December draft.
660-012-0830	Authorization of Facilities That Increase Driving and Capacity	This rule provides for an additional level of review of transportation facilities that could increase climate pollution. The rule is intended to ensure that additional alternatives are reviewed before investments are made in transportation facilities that are not consistent with the state’s climate goals. The authorization of a facility provided in this rule is only to allow a proposed facility to be put into the local transportation system plan, it does not replace any other requirements. The process is intended to provide time for local governments to identify, review, assess, and potentially implement alternatives to the proposed facility. The goal is to avoid implementation of as many of these facilities as possible, limiting them only to those that are truly necessary to meet the transportation needs of the state and community. <b>Since the December draft, changes have been made to this rule to expand the types of proposed projects that would not be required to be authorized under this rule. The rule also clarifies expectations on public involvement and the level of analysis required.</b>

<b>Summary of Amendments to Transportation Planning Rules (Division 12)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
New Rules 0900-0915: Monitoring and Reporting		<p>This part of the Transportation Planning Rules relates to how cities and counties will regularly report progress through compilation of submission of regular reports to the department. Annual reports will include a narrative of progress made over the past year, with more substantial reports required every four to five years.</p> <p>These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.</p>
660-012-0900	Monitoring and Reporting	<p>This rule requires cities and counties to submit a report to the department annually. Most years the report will be a minor report, with an update of activities. However, every four or five years a major report must also include additional information on how the city and region are performing across a range of performance measures.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0905	Orders Approving a Report	<p>This rule provides a process for receipt, review, and approval of submitted reports. The rule gives the director of DLCDD the opportunity to review a report for completeness, then either approve the report or refer it to the commission. There is an appeal process for approved reports to the commission. The commission may either approve or remand a report that was referred or appealed to the commission.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0910	Land Use and Transportation Performance Measures	<p>This rule requires reporting on local action performance measures to demonstrate that the actions necessary to achieve the greenhouse gas reduction targets are being implemented. transportation system plans are required to include policies and projects that will meet the local target for each performance measure.</p> <p>No substantive changes have been made to this rule since the December draft.</p>
660-012-0915	Land Use and Transportation Performance Targets	<p>This rule requires cities and counties to set performance targets for the implementation of actions necessary to achieve the greenhouse gas reduction targets. If a city or county has an approved regional, they will set performance targets included in that plan. If a city or county does not have an approved regional plan, they will set performance targets in a major update to their transportation systems plan or a major report, whichever comes first. Performance targets must be set at levels that are reasonably likely to achieve the greenhouse gas reduction targets and the Statewide Transportation Strategy targets.</p> <p>No substantive changes have been made to this rule since the December draft.</p>

<b>Summary of Amendments to the Metropolitan Greenhouse Gas Reduction Target Rules (Division 44)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-044-0000	Purpose	This is a new purpose statement to entirely replace the existing purpose statement.
660-044-0005	Definitions	Major additions to the definitions include the RAC's Equitable Outcomes to help operationalize the statement in this division.
660-015-0015	Applicability – Compliance Schedule	<p>This is a new rule that expands the scenario planning requirements to cities and counties beyond the Portland metropolitan area. The rule provides compliance dates for the cities and counties in the Eugene-Springfield metropolitan area that conducted regional scenario planning in 2011-2015 to adopt and implement that work. The <a href="#">preferred scenario</a> which resulted from that work will be used as the foundation for meeting the new requirements in this section.</p> <p>This rule also provides compliance dates in the Salem-Keizer metropolitan area that has not yet undertaken scenario planning as described in this division.</p> <p>This section allows for other regions to voluntarily opt into the regional scenario planning program and provides a process for how the commission could require scenario planning in the Albany, Bend, Corvallis, Grants Pass, and Rogue Valley metropolitan areas in the future.</p>
660-044-0020	Greenhouse Gas Emissions Reduction Target for the Portland Metropolitan Area	Minor amendment to an existing rule extending horizon year to incorporate any planning work that goes beyond 2050.
660-044-0025	Greenhouse Gas Emissions Reduction Targets for Other Metropolitan Areas	This is an existing rule with a change that makes the targets mandatory. Minor amendment extends horizon year to incorporate any planning work that goes beyond 2050.
660-044-0030	Methods for Estimating Greenhouse Gas Emissions and Emissions Reductions	<p>This is an existing rule that provides the methods by which local governments apply the greenhouse gas targets to the scenario planning process.</p> <p><u>New rule</u> has been added that clarifies the use vehicle miles traveled to align with the planning requirements in the Transportation Planning Rules (Division 12) rule 660-012-0160.</p>
660-044-0035	Review and Evaluation of Greenhouse Gas Reduction Targets	This is an existing rule that provides for how the department review and evaluate the greenhouse gas targets in this division.
660-044-0040	Preferred Scenario in the Portland Metropolitan Area	This is an existing rule that provides guidance for Metro as they select a scenario. The Metro region has already selected and adopted a preferred scenario by way of their Climate Smart Communities program. This change is to support any future amendments needed to the plan.
660-044-0045	Regional Plans to Implement the Preferred Scenario in the Portland Metropolitan Area	This is an existing rule that provides guidance for how the preferred scenario is implemented in the Metro region. Metro has moved beyond the adoption phase and is in the implementation phase.

<b>Summary of Amendments to the Metropolitan Greenhouse Gas Reduction Target Rules (Division 44)</b>		
<b>Number</b>	<b>Rule Title</b>	<b>Rule Summary</b>
660-044-0050	Commission Review of Regional Plans in the Portland Metropolitan Area	This is an existing rule that provides guidance for commission review of the implementation or the preferred scenario in regional plans. The amendments extend commission review to amendment of the regional plan.
660-044-0055	Adoption of Local Plans to Implement the Preferred Scenario in the Portland Metropolitan Area	This is an existing rule that specifies a process for local governments in Metro to implement the preferred scenario.
660-044-0060	Monitoring and Reporting in the Portland Metropolitan Area	This is an existing rule that specifies a process for monitoring and reporting implementation of the preferred scenario in the Metro region.
660-044-0100	Scenario Planning Work Programs	This is a new rule that describes the process for scenario planning in cities and counties beyond the Portland Metro region. A work program is the first step in the process. The work program provides the basic framework for conducting the greenhouse gas reduction scenario planning.
660-044-0110	Land use and Transportation Scenario Plan Contents	This new rule lists the elements of a scenario plan. The core element is a <u>preferred scenario</u> that would meet the pollution reduction targets. The <u>scenario plan</u> includes additional elements to implement the preferred scenario, to track progress and to report on the planning process.  The rule specifies how cities and counties will report and monitor plan implementation, actions taken, and on equitable outcomes.
660-044-0120	Commission Review of a Land Use and Transportation Scenario Plan	This new rule describes the review process for scenario plans in cities and counties beyond the Portland metropolitan area. Before the formal review, state and local staff will collaborate on the plan and resolve most questions. If there are no remaining issues, the cities and counties will formally submit the plan and the DLCDC Director will approve it. If there are unresolved questions, the process goes to the commission for a public hearing and decision.
660-044-0130	Local Amendments to Implement Approved Land use and Transportation Scenario Plan	This new rule describes the process for local governments outside of the Portland Metro area to individually implement the regional scenario plan they jointly developed.

# Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

## MEETING 10



**TO:** Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members  
**FROM:** Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff  
**SUBJECT:** **RAC 10 Item 10: Draft Transportation Planning Rules (Division 12)**  
**DATE:** January 11, 2022

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### Summary

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

The Transportation Planning Rules guide local governments as they make coordinated land use and transportation plans. The proposed amendments are intended to update Oregon's land use and transportation planning systems at the state, regional, and local levels to meet the state's goals for climate and equity.

To meet our goals, urgent and aggressive action is needed. We must do things differently than we have in the past, or risk unacceptable outcomes. Our existing plans have resulted in a transportation system that serves motor vehicle traffic very well, with a complete network providing convenient and reliable access to anyone who has the ability and means to own and operate a car. However, in comparison to the investments in the automotive system, investments in the pedestrian, cycling, and transit networks have been left behind. As a result, these networks are often incomplete, unsafe, and disconnected.

The results of these decisions mean that:

- Our transportation system inflicts barriers on many people, including people with disabilities, people with lower incomes, people of color, women, and the young and old;
- Our transportation system generates high levels of pollution, including pollution affecting the earth's climate, as well as other air, soil, water, and noise pollution; and
- Our transportation system is costly to families as well as government.

The proposed amendments are intended to counter these systemic issues by placing an emphasis on building neighborhoods where it is not necessary to own and operate a motor vehicle to fully participate in community life. This includes access to work, shopping, school, medical facilities, parks, and other locations and services that people use every day.

The end goal is to transform Oregon’s communities to be safe, equitable, sociable, and pleasant places where driving is not required, and the amount of driving is reduced. The proposed rule amendments will do this by:

- Requiring cities and counties to create more places where it is easy to walk or use a mobility device, and mixed-use development is allowed and encouraged;
- Prioritizing investments in high-quality, connected, and safe pedestrian, bicycle, and transit networks;
- Right-sizing parking requirements; and
- Changing the methods of planning for transportation, including which standards are used to determine success or failure.

### About This Document

- This document is organized with proposed changes to existing rules first, followed by new proposed rules.
- Where we are making changes to **existing rules**, we use ~~strikethrough~~ and underline for deleted and new text. Where the entire rule is new, we just have the text.
- The rules have been divided into several parts, this is just for ease of reading and not part of the rules.
- The summary box at the top of each rule helps to explain it. It is not part of the rules, but just to help readers understand what is in each rule.
- The summary box above each rule also notes if there have been substantive changes from the last draft distributed in December. If there have been changes, these are described and highlighted in **bold text**.

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1 **Updated Rules**

2 **Changes to Existing Rules**

3 The existing rules will mostly remain the same, with some changes as noted below:

4       0000: Updates to reflect changes across the division.

5       0005: Updates to reflect changes across the division.

6       0015: Changes to remove requirements specific to metropolitan areas.

7       0016: This rule only applies in metropolitan areas and is proposed to be deleted.

8       0035: Changes to remove requirements specific to metropolitan areas.

9       0045: Changes to remove requirements specific to metropolitan areas.

10       0060: Updates to reflect changes across the division.

11 We do not propose any alterations to the remaining existing rules in the Transportation Planning Rules.

12 Changes from the text of existing rules are noted with underline under added text, and ~~strikeouts~~

13 ~~through deleted text~~.

1 **0000: Purpose**

2 The purpose provides an overview of the commission’s reasons for adopting the division, including how  
3 the division implements the statewide planning goals. A clear purpose statement is useful for everyone  
4 who uses the rules; including the public, local governments, and the courts.

5 We propose to adjust the purpose to focus on the challenges of today and the future. The updated  
6 purpose also focuses in areas where Oregon is most deficient. Oregon is falling short on transportation  
7 safety (with traffic deaths trending higher and four times that of leading countries, and twice that of  
8 Canada), so the purpose re-ups the emphasis on safety. As the roadway network is relatively complete  
9 for cars, we focus on ensuring quality options for other modes. This purpose highlights climate pollution,  
10 and Oregon’s need to meet our goals to reduce that pollution. Oregon’s transportation system has  
11 inequitably impacted key underserved populations, and decision making has centered the voices of the  
12 privileged at the expense of those populations.

13 This purpose acknowledges those problems and focuses on remedies. The purpose retains key  
14 coordination and planning elements.

15 There have been no substantive changes from the December draft amended rule.

16 (1) This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage  
17 a safe, convenient, and economic transportation system. This division also implements provisions  
18 of other statewide planning goals related to transportation planning in order to plan and develop  
19 transportation facilities and services in close coordination with urban and rural development. The  
20 purpose of this division is to direct transportation planning in coordination with land use planning  
21 to:

22 (a) Provide for safe transportation for all Oregonians;

23 (b) Promote the development of transportation systems adequate to serve statewide, regional  
24 and local transportation needs and the mobility and access needs of those who cannot  
25 drive and other underserved populations;

26 (c) Provide for affordable, accessible and convenient transit, pedestrian, and bicycle access  
27 and circulation, with improved connectivity to destinations people want to reach, such as  
28 education facilities, work places, services, shopping, places of worship, parks, open  
29 spaces, and community centers;

30 (d) Ensure Oregon meets its statutory and executive goals to reduce climate pollution by  
31 reducing pollution from transportation;

32 (e) Recognize and remedy impacts of past practices such as redlining, displacement,  
33 exclusionary zoning, inaccessible design, and roadway and other public infrastructure  
34 siting that harmed underserved populations;

35 (f) Engage those populations in decision-making and prioritize investments serving those  
36 communities;

37 (g) Facilitate the safe flow of freight and other goods and services within regions and  
38 throughout the state through a variety of modes including road, air, rail and marine  
39 transportation;

40 (h) Protect existing and planned transportation facilities, corridors and sites for their  
41 identified functions;

- 1           (i) Provide for the construction and implementation of transportation facilities,  
2           improvements and services necessary to support acknowledged comprehensive plans;
- 3           (j) Identify how transportation facilities are provided on rural lands consistent with the  
4           goals;
- 5           (k) Protect and restore safe passage for fish and wildlife, flood waters, and other natural,  
6           system functions at roadway crossings of waterbodies and other native habitat corridors;
- 7           (l) Ensure coordination among affected local governments and transportation service  
8           providers and consistency between state, regional and local transportation plans; and
- 9           (m) Ensure changes to comprehensive plans are supported by adequate planned transportation  
10          facilities for all modes.

11   (+)   This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage  
12   a safe, convenient and economic transportation system. This division also implements provisions  
13   of other statewide planning goals related to transportation planning in order to plan and develop  
14   transportation facilities and services in close coordination with urban and rural development. The  
15   purpose of this division is to direct transportation planning in coordination with land use planning  
16   to:

- 17          (a) ~~Promote the development of transportation systems adequate to serve statewide, regional~~  
18          ~~and local transportation needs and the mobility needs of the transportation disadvantaged;~~
- 19          (b) ~~Encourage and support the availability of a variety of transportation choices for moving~~  
20          ~~people that balance vehicular use with other transportation modes, including walking,~~  
21          ~~bicycling and transit in order to avoid principal reliance upon any one mode of~~  
22          ~~transportation;~~
- 23          (c) ~~Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and~~  
24          ~~circulation;~~
- 25          (d) ~~Facilitate the safe, efficient and economic flow of freight and other goods and services~~  
26          ~~within regions and throughout the state through a variety of modes including road, air,~~  
27          ~~rail and marine transportation;~~
- 28          (e) ~~Protect existing and planned transportation facilities, corridors and sites for their~~  
29          ~~identified functions;~~
- 30          (f) ~~Provide for the construction and implementation of transportation facilities,~~  
31          ~~improvements and services necessary to support acknowledged comprehensive plans;~~
- 32          (g) ~~Identify how transportation facilities are provided on rural lands consistent with the~~  
33          ~~goals;~~
- 34          (h) ~~Ensure coordination among affected local governments and transportation service~~  
35          ~~providers and consistency between state, regional and local transportation plans; and~~
- 36          (i) ~~Ensure that changes to comprehensive plans are supported by adequate planned~~  
37          ~~transportation facilities.~~

38   (2)   In meeting the purposes described in section (1), coordinated land use and transportation plans  
39   should ensure the transportation system supports a pattern of travel and land use in urban areas  
40   that will avoid common air pollution, climate pollution, inequity, wasteful spending, traffic and  
41   livability problems ~~faced by other large urban areas of the country~~, through measures designed to  
42   increase transportation options ~~choices~~ and make more efficient use of the existing transportation  
43   system.

44   (3)   The extent of planning required by this division and the outcome of individual transportation  
45   plans will vary depending on community size, needs and circumstances. Generally, larger and  
46   faster growing communities and regions will need to prepare more comprehensive and detailed  
47   plans, while smaller communities and rural areas will have more general plans. For all  
48   communities, the mix of planned transportation facilities and services should be sufficient to

1 ensure economic, sustainable and environmentally sound mobility and accessibility for all  
2 Oregonians. Coordinating land use and transportation planning will also complement efforts to  
3 meet other state and local objectives, including containing urban development, reducing the cost  
4 of public services, protecting farm and forest land, reducing air, water and noise pollution,  
5 conserving energy and reducing climate pollution emissions of greenhouse gases that contribute  
6 to global climate change.

7 (a) In all urban areas, coordinated land use and transportation plans are intended to provide  
8 safe transportation convenient vehicular circulation and to enhance, promote and  
9 facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected  
10 network of streets, sidewalks, paths, and trails, and supporting improvements for ~~all~~  
11 travel non-driving travel modes.

12 (b) In urban areas ~~that contain~~ with a population greater than 25,000 persons, coordinated  
13 land use and transportation plans are intended to improve livability and accessibility by  
14 promoting the provision of transit service and more efficient performance of existing  
15 transportation facilities through transportation system management and demand  
16 management measures.

17 (c) Within metropolitan areas, coordinated land use and transportation plans are intended to  
18 improve livability and accessibility by promoting changes in the transportation system  
19 and land use patterns. A key outcome of this effort is a reduction in dependence reliance  
20 on single occupant automobile use, particularly during peak periods. To accomplish this  
21 outcome, this division promotes increased planning for alternative non-driving modes  
22 and street connectivity and encourages land use patterns throughout urban areas that  
23 make it more convenient for people to walk, bicycle, use transit, use automobile travel  
24 more efficiently, and drive less to meet their daily needs. The result of applying these  
25 portions of the division will vary within metropolitan areas. Some parts of urban areas,  
26 such as downtowns, pedestrian districts, transit-oriented developments, climate friendly  
27 areas, areas along priority transit corridors, and other mixed-use, pedestrian-friendly  
28 centers, will be highly convenient for a variety of modes, including walking, bicycling  
29 and transit, while others will be more auto-oriented while still providing for safe and  
30 convenient ~~and include more modest measures to accommodate~~ access and circulation by  
31 other modes. In all instances, infrastructure shall be designed and constructed to ensure  
32 safety and convenience for all Oregonians.

33 (4) This division sets requirements for coordination among affected levels of government and  
34 transportation service providers for preparation, adoption, refinement, implementation and  
35 amendment of transportation system plans. Transportation system plans adopted pursuant to this  
36 division fulfill the requirements for public facilities required under ORS 197.712(2)(e), Goal 11  
37 and chapter 660, division 11, as they relate to transportation facilities. The rules in this division  
38 are not intended to make local government determinations “land use decisions” under ORS  
39 197.015(10). The rules recognize, however, that under existing statutory and case law, many  
40 determinations relating to the adoption and implementation of transportation plans will be land  
41 use decisions.

1 **0005: Definitions**

2 Every division of rules has a list of definitions. We will keep the list of definitions in the existing division,  
3 with changes and additions, as necessary. These definitions apply to the existing rules which will  
4 continue to apply outside of metropolitan areas, as well as new rules for cities and counties inside of  
5 metropolitan areas.

6 Changes in section numbering are not marked in this rule.

7 **Since the December draft rules, the rule now includes definitions of "accessible dwelling unit,"**  
8 **"accessibility," "area, gross," "area, net," "bicycle boulevard," "Level 1 electric vehicle charging,"**  
9 **"parking benefit district," "people with disabilities," and "separated or protected bicycle facilities."**  
10 **Definitions of "Direct current fast charger," "major transit stop," "parking mandates," and**  
11 **"transportation needs" have been updated. The definition of "pedestrian facility" was previously**  
12 **called "pedestrian connection."**

- 13 (1) "Access Management" means measures regulating access to streets, roads and highways from  
14 public roads and private driveways. Measures may include but are not limited to restrictions on  
15 the siting of interchanges, restrictions on the type and amount of access to roadways, and use of  
16 physical controls, such as signals and channelization including raised medians, to reduce impacts  
17 of approach road traffic on the main facility.
- 18 (2) "Accessible dwelling unit" means a dwelling unit constructed to accommodate persons with  
19 disabilities, in compliance with the Americans with Disabilities Act and applicable construction  
20 requirements in adopted building codes.
- 21 (3) "Accessibility" means:
- 22 (1) In the context of people with disabilities, measures to ensure equal access to goods,  
23 products, and services, both in the built environment, and processes such as  
24 communication.
- 25 (2) In the context of transportation, the ability to reach destinations in a safe, convenient, and  
26 comfortable way.
- 27 (4) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between  
28 streets or from a street to a building or other destination such as a school, park, or transit stop.  
29 Accessways generally include a walkway and additional land on either side of the walkway, often  
30 in the form of an easement or right-of-way, to provide clearance and separation between the  
31 walkway and adjacent uses. Accessways through parking lots are generally physically separated  
32 from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include  
33 landscaping, trees and lighting. Where accessways cross driveways, they are generally raised,  
34 paved or marked in a manner which provides convenient access for pedestrians.
- 35 (5) "Affected Local Government" means a city, county or metropolitan service district that is directly  
36 impacted by a proposed transportation facility or improvement.
- 37 (6) "Approach Road" means a legally constructed, public or private connection that provides  
38 vehicular access either to or from or to and from a highway and an adjoining property.
- 39 (7) "Area, gross" means the total area of an area considered for development or redevelopment.
- 40 (8) "Area, net" means the total area of an area considered for development or redevelopment, minus  
41 proposed or existing public street rights of way, public parks and open space areas, areas with  
42 protected natural features, and any other areas permanently precluded from development due to  
43 development constraints, easements, or similar legal instruments.

- 1 (9) "At or near a major transit stop: "At" means a parcel or ownership which is adjacent to or  
2 includes a major transit stop generally including portions of such parcels or ownerships that are  
3 within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300  
4 feet of a major transit stop. The term "generally" is intended to allow local governments through  
5 their plans and ordinances to adopt more specific definitions of these terms considering local  
6 needs and circumstances consistent with the overall objective and requirement to provide  
7 convenient pedestrian access to transit.
- 8 (10) "Bicycle boulevard" means bicycle facilities on streets with low motorized traffic volumes and  
9 speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs,  
10 markings, and other measures such as traffic diverters to discourage through trips by motor  
11 vehicles and create safe, convenient bicycle crossings of busy streets.
- 12 (11) "Climate Friendly Area" means an urban mixed-use area containing, or planned to contain, a  
13 mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or  
14 planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to  
15 provide frequent and convenient connections to key destinations within the city and region. To  
16 maximize community benefits these areas typically do not contain or require large parking lots,  
17 and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other  
18 amenities to visitors, residents, and employees. Climate friendly areas will reduce the reliance on  
19 single-occupant motor vehicle trips for residents, workers, and visitors by providing more  
20 proximate destinations within climate friendly areas, improved connectivity to key destinations  
21 elsewhere in the community, and enhanced alternative transportation options.
- 22 (12) "Commercial parking lot" means a location without a primary use on the lot or parcel where  
23 parking spaces are rented or leased to individual drivers. It does not include shared parking  
24 arrangements.
- 25 (13) "Committed transportation facilities" means those proposed transportation facilities and  
26 improvements which are consistent with the acknowledged comprehensive plan and have  
27 approved funding for construction in a public facilities plan or the Six-Year Highway or  
28 Transportation Improvement Program.
- 29 (14) "Demand management" means actions which are designed to change travel behavior in order to  
30 improve performance of transportation facilities and to reduce need for additional road capacity.  
31 Methods may include, but are not limited to, the use of alternative modes, ride-sharing and  
32 vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid  
33 parking.
- 34 (15) "Direct current fast charger" means a device or facility for delivering electricity to motor vehicles  
35 that offers means for remotely managing charging levels, is rated 50 kW power rating or higher  
36 per charger, and offers at least one SAE CCS-1 connector to plug into electric vehicles.
- 37 (16) "Freeway" means a limited-access highway with access points exclusively from interchanges  
38 with other streets and highways. Freeways may provide very limited access for rural land uses in  
39 rural areas where no other access is available.
- 40 (17) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal  
41 measured on the crossroad away from the mainline.
- 42 (18) "Level 1 electric vehicle charging" means a device or facility for delivering electricity to motor  
43 vehicles that operates on at least a 20 ampere breaker on a 125 volt AC circuit.
- 44 (19) "Level 2 electric vehicle charging station" means a device or facility for delivering electricity to  
45 motor vehicles that operates on at least a 40 ampere breaker on a 208/240 volt AC circuit.

- 1 (20) "Local streets" means streets that are functionally classified as local streets to serve primarily  
2 local access to property and circulation within neighborhoods or specific areas. Local streets do  
3 not include streets functionally classified as collector or arterials.
- 4 (21) "Local Street Standards" include but are not limited to standards for right-of-way, pavement  
5 width, travel lanes, parking lanes, curb turning radius, and accessways.
- 6 (22) "Major" means, in general, those facilities or developments which, considering the size of the  
7 urban or rural area and the range of size, capacity or service level of similar facilities or  
8 developments in the area, are either larger than average, serve more than neighborhood needs or  
9 have significant land use or traffic impacts on more than the immediate neighborhood:
- 10 (a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation  
11 facilities means those facilities which are most important to the functioning of the system  
12 or which provide a high level, volume or frequency of service;
- 13 (b) "Major" as it modifies industrial, institutional and retail development means such  
14 developments which are larger than average, serve more than neighborhood needs or  
15 which have traffic impacts on more than the immediate neighborhood;
- 16 (c) Application of the term "major" will vary from area to area depending upon the scale of  
17 transportation improvements, transit facilities and development which occur in the area.  
18 A facility considered to be major in a smaller or less densely developed area may,  
19 because of the relative significance and impact of the facility or development, not be  
20 considered a major facility in a larger or more densely developed area with larger or more  
21 intense development or facilities.
- 22 (23) "Major transit stop" means:
- 23 ~~(a)~~ ~~Existing~~ existing and planned transit stations, including light rail stations and other transit  
24 transfer stations, except for temporary facilities; Other planned stops designated as major  
25 transit stops in a transportation system plan and existing stops which:
- 26 ~~(A)~~ (a) Have or are planned for an above average frequency of scheduled, fixed-route  
27 service when compared to region wide service. In urban areas of 1,000,000 or  
28 more population major transit stops are generally located along routes that have  
29 or are planned for 20 minute service during the peak hour; and
- 30 ~~(B)~~ (b) Are located in a transit oriented development or within 1/4 mile of an area  
31 planned and zoned for:
- 32 ~~(i)~~ (A) Medium or high density residential development; or
- 33 ~~(ii)~~ (B) Intensive commercial or institutional uses within 1/4 mile of land  
34 uses in paragraph (A) subsection (i); or
- 35 ~~(iii)~~ (C) Uses likely to generate a relatively high level of transit ridership.
- 36 (24) "Metropolitan area" means the local governments that are responsible for adopting local or  
37 regional transportation system plans within a metropolitan planning organization (MPO)  
38 boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.
- 39 (25) "Metropolitan Planning Organization (MPO)" means an organization located within the State of  
40 Oregon and designated by the Governor to coordinate transportation planning in an urbanized  
41 area of the state including such designations made subsequent to the adoption of this rule. The  
42 Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the  
43 purposes of this division.

- 1 (26) "Minor transportation improvements" include, but are not limited to, signalization, addition of  
2 turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets,  
3 transportation system management measures, modification of existing interchange facilities  
4 within public right of way and design modifications located within an approved corridor. Minor  
5 transportation improvements may or may not be listed as planned projects in a TSP where the  
6 improvement is otherwise consistent with the TSP. Minor transportation improvements do not  
7 include new interchanges; new approach roads within the influence area of an interchange; new  
8 intersections on limited access roadways, highways or expressways; new collector or arterial  
9 streets, road realignments or addition of travel lanes.
- 10 (27) "ODOT" means the Oregon Department of Transportation.
- 11 (28) "Parking benefit district" means a designated area where some of the revenues from parking fees  
12 or permits in the designated area are dedicated to public improvements in the area.
- 13 (29) "Parking mandates" means requirements to include a minimum number of off-street parking  
14 spaces as a condition of development or redevelopment, or a fee-in-lieu of providing parking for  
15 residential development.
- 16 (30) "Parking maximums" means limits on the number of off-street parking spaces that can be  
17 included in a development.
- 18 (31) "Parking spaces" means on and off street spaces designated for automobile parking ~~in areas~~  
19 ~~planned for industrial, commercial, institutional or public uses. The following are not considered~~  
20 ~~parking spaces for the purposes of OAR 660-012-0045(5)(c): park and ride lots, handicapped~~  
21 ~~parking, and parking spaces for carpools and vanpools., other than parking spaces reserved for~~  
22 carpools, vanpools, or accessible parking for people with disabilities.
- 23 (32) "Pedestrian ~~connection~~ facility" means a continuous, unobstructed, reasonably direct route  
24 between two points that is intended and suitable for pedestrian use. Pedestrian facilities  
25 ~~connections~~ include but are not limited to sidewalks, walkways, accessways, stairways and  
26 pedestrian bridges. On developed parcels, pedestrian facilities ~~connections~~ are generally hard  
27 surfaced. In parks and natural areas, pedestrian facilities ~~connections~~ may be soft-surfaced  
28 pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities  
29 ~~connections~~ may also include rights of way or easements for future pedestrian improvements.
- 30 (33) "Pedestrian district" means a comprehensive plan designation or implementing land use  
31 regulations, such as an overlay zone, that establish requirements to provide a safe and convenient  
32 pedestrian environment in an area planned for a mix of uses likely to support a relatively high  
33 level of pedestrian activity. Such areas include but are not limited to:
- 34 (a) Lands planned for a mix of commercial or institutional uses near lands planned for  
35 medium to high density housing; or
- 36 (b) Areas with a concentration of employment and retail activity; and
- 37 (c) Which have or could develop a network of streets and accessways which provide  
38 convenient pedestrian circulation.
- 39 (34) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop  
40 which provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete,  
41 pavers, bricks or similar material and include seating, pedestrian scale lighting and similar  
42 pedestrian improvements. Low walls or planters and landscaping are usually provided to create a  
43 semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle  
44 maneuvering areas. Plazas are generally located at a transit stop, building entrance or an

- 1 intersection and connect directly to adjacent sidewalks, walkways, transit stops and buildings. A  
2 plaza including 150-250 square feet would be considered "small."
- 3 (35) "Pedestrian scale" means site and building design elements that are dimensionally less than those  
4 intended to accommodate automobile traffic, flow and buffering. Examples include ornamental  
5 lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a  
6 variety of planting and landscaping materials; arcades or awnings that reduce the height of walls;  
7 and signage and signpost details that can only be perceived from a short distance.
- 8 (36) "People with disabilities" means people who have long-term physical, mental, intellectual or  
9 sensory impairments which in interaction with various barriers may hinder their full and effective  
10 participation in society on an equal basis with others.
- 11 (37) "Planning Period" means the twenty-year period beginning with the date of adoption of a TSP to  
12 meet the requirements of this rule.
- 13 (38) "Preliminary Design" means an engineering design which specifies in detail the location and  
14 alignment of a planned transportation facility or improvement.
- 15 (39) "Priority Transit Corridor" means a corridor which has a high existing or planned level of transit  
16 service relative to other transit service in the community, including service frequency and span of  
17 service. The corridor may be described as a series of stations when served by high-capacity transit  
18 services with widely spaced stations.
- 19 (40) "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line  
20 or a route that does not involve a significant amount of out-of-direction travel for likely users.
- 21 (41) "Refinement Plan" means an amendment to the transportation system plan, which resolves, at a  
22 systems level, determinations on function, mode or general location which were deferred during  
23 transportation system planning because detailed information needed to make those determinations  
24 could not reasonably be obtained during that process.
- 25 (42) "Regional Transportation Plan" or "RTP" means the long-range transportation plan prepared and  
26 adopted by a metropolitan planning organization for a metropolitan area as provided for in federal  
27 law.
- 28 (43) "Roads" means streets, roads, and highways.
- 29 (44) "Rural community" means areas defined as resort communities and rural communities in  
30 accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need  
31 only meet the definitions contained in the Unincorporated Communities Rule although the area  
32 may not have been designated as an unincorporated community in accordance with OAR 660-  
33 022-0020.
- 34 (45) "Separated or protected bicycle facilities" means bicycle facilities that are physically separated or  
35 protected from motorized traffic by barriers that prevent intrusion into the bicycle facility.  
36 Physical protection may include parked motor vehicles. Separated or protected bicycle facilities  
37 may be unidirectional or two-way. Separated or protected bicycle facilities minimize conflicting  
38 traffic at intersections and other vehicular accesses to the street or highway.
- 39 (46) "Shared parking" means parking spaces used to meet the parking mandates for two or more uses,  
40 structures, or parcels of land, to the extent that the owners or operators show the overall demand  
41 for parking spaces can be met by the shared parking.
- 42 (47) "Transit-Oriented Development (TOD)" means a mix of residential, retail and office uses and a  
43 supporting network of roads, bicycle and pedestrian ways focused on a major transit stop  
44 designed to support a high level of transit use. The key features of transit oriented development  
45 include:

- 1 (a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian  
2 and bicycle travel from the surrounding area;
- 3 (b) High density of residential development proximate to the transit stop sufficient to support  
4 transit operation and neighborhood commercial uses within the TOD;
- 5 (c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian  
6 access within the TOD and high levels of transit use.
- 7 (48) "Transportation Facilities" means any physical facility that moves or assist in the movement of  
8 people or goods including facilities identified in OAR 660-012-0020 but excluding electricity,  
9 sewage, and water systems.
- 10 (49) "Transportation System Management Measures" means techniques for increasing the efficiency,  
11 safety, capacity, or level of service of a transportation facility without increasing its size.  
12 Examples include, but are not limited to, traffic signal improvements, traffic control devices  
13 including installing medians and parking removal, channelization, access management, ramp  
14 metering, and restriping of high occupancy vehicle (HOV) lanes.
- 15 (50) "Transportation Needs" means estimates of the movement of people and goods consistent with  
16 acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on  
17 projections of future travel demand resulting from a continuation of current trends as modified by  
18 policy objectives, including those expressed in Goal 12 and this rule, and attaining the state's  
19 goals for greenhouse gas emissions reduction, especially those for avoiding principal reliance on  
20 any one mode of transportation.
- 21 (51) "Transportation Needs, Local" means needs for movement of people and goods within  
22 communities and portions of counties and the need to provide access to local destinations.
- 23 (52) "Transportation Needs, Regional" means needs for movement of people and goods between and  
24 through communities and accessibility to regional destinations within a metropolitan area, county  
25 or associated group of counties.
- 26 (53) "Transportation Needs, State" means needs for movement of people and goods between and  
27 through regions of the state and between the state and other states.
- 28 (54) "Transportation Project Development" means implementing the transportation system plan (TSP)  
29 by determining the precise location, alignment, and preliminary design of improvements included  
30 in the TSP based on site-specific engineering and environmental studies.
- 31 (55) "Transportation Service" means a service for moving people and goods, such as intercity bus  
32 service and passenger rail service.
- 33 (56) "Transportation System Plan (TSP)" means a plan for one or more transportation facilities that are  
34 planned, developed, operated and maintained in a coordinated manner to supply continuity of  
35 movement between modes, and within and between geographic and jurisdictional areas.
- 36 (57) "Urban Area" means lands within an urban growth boundary, two or more contiguous urban  
37 growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9).  
38 For the purposes of this division, the area need only meet the definition contained in the  
39 Unincorporated Communities Rule although the area may not have been designated as an  
40 unincorporated community in accordance with 660-022-0020.
- 41 (58) "Unbundled parking" means a requirement that parking spaces for each unit in a development be  
42 leased or sold separately from the unit itself. That requirement must include requirements for the  
43 parking space(s) to be rented or sold at market rates for comparable local off-street parking, and  
44 for the renter of the unit to be able to opt out of renting or buying the parking space(s);

- 1 (59) "Urban Fringe" means:
- 2 (a) Areas outside the urban growth boundary that are within 5 miles of the urban growth
- 3 boundary of an MPO area; and
- 4 (b) Areas outside the urban growth boundary within 2 miles of the urban growth boundary of
- 5 an urban area containing a population greater than 25,000.
- 6 (60) "Vehicle Miles of Travel (VMT)" means automobile vehicle miles of travel. Automobiles, for
- 7 purposes of this definition, include automobiles, light trucks, and other similar vehicles used for
- 8 movement of people. The definition does not include buses, heavy trucks and trips that involve
- 9 commercial movement of goods. VMT includes trips with an origin and a destination within the
- 10 MPO boundary and excludes pass through trips (i.e., trips with a beginning and end point outside
- 11 of the MPO) and external trips (i.e., trips with a beginning or end point outside of the MPO
- 12 boundary). VMT is estimated prospectively through the use of metropolitan area transportation
- 13 models.
- 14 (61) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including
- 15 sidewalks and surfaced portions of accessways.

16 **0015: Preparation and Coordination of Transportation System Plans**

17 We propose to alter this existing rule. The existing rule gives overarching direction to local governments

18 in how to prepare and coordinate development of local and regional transportation system plans. We

19 propose to delete some parts of this rule pertaining only to metropolitan areas. This rule will apply to

20 local governments outside of metropolitan areas. New rules will direct how local governments in

21 metropolitan areas prepare and coordinate development of local transportation system plans.

22 There have been no substantive changes from the December draft amended rule.

- 23 (1) ODOT shall prepare, adopt and amend a state TSP in accordance with ORS 184.618, its program
- 24 for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-
- 25 0035, 660-012-0050, 660-012-0065 and 660-012-0070. The state TSP shall identify a system of
- 26 transportation facilities and services adequate to meet identified state transportation needs:
- 27 (a) The state TSP shall include the state transportation policy plan, modal systems plans, and
- 28 transportation facility plans as set forth in OAR chapter 731, division 15;
- 29 (b) State transportation project plans shall be compatible with acknowledged comprehensive
- 30 plans as provided for in OAR chapter 731, division 15. Disagreements between ODOT
- 31 and affected local governments shall be resolved in the manner established in that
- 32 division.
- 33 (2) ~~MPOs and counties~~ Counties shall prepare and amend regional TSPs in compliance with this
- 34 division. ~~MPOs shall prepare regional TSPs for facilities of regional significance within their~~
- 35 ~~jurisdiction.~~ Counties shall prepare regional TSPs for all other areas and facilities:
- 36 (a) Regional TSPs shall establish a system of transportation facilities and services adequate
- 37 to meet identified regional transportation needs and shall be consistent with adopted
- 38 elements of the state TSP;
- 39 (b) Where elements of the state TSP have not been adopted, the ~~MPO or~~ county shall
- 40 coordinate the preparation of the regional TSP with ODOT to assure that state
- 41 transportation needs are accommodated;

- 1 (c) ~~Regional TSPs prepared by MPOs other than metropolitan service districts shall be~~  
2 ~~adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan~~  
3 ~~service districts shall adopt a regional TSP for areas within their jurisdiction;~~
- 4 (d) (c) Regional TSPs prepared by counties shall be adopted by the county.
- 5 (3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning  
6 jurisdiction in compliance with this division:
- 7 (a) Local TSPs shall establish a system of transportation facilities and services adequate to  
8 meet identified local transportation needs and shall be consistent with regional TSPs and  
9 adopted elements of the state TSP;
- 10 (b) Where the regional TSP or elements of the state TSP have not been adopted, the city or  
11 county shall coordinate the preparation of the local TSP with the regional transportation  
12 planning body and ODOT to assure that regional and state transportation needs are  
13 accommodated.
- 14 (4) Cities and counties shall adopt regional and local TSPs required by this division as part of their  
15 comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be  
16 adopted as a supporting document to the comprehensive plan.
- 17 (5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local  
18 governments, special districts, and private providers of transportation services.
- 19 (6) Mass transit, transportation, airport and port districts shall participate in the development of TSPs  
20 for those transportation facilities and services they provide. These districts shall prepare and  
21 adopt plans for transportation facilities and services they provide. Such plans shall be consistent  
22 with and adequate to carry out relevant portions of applicable regional and local TSPs.  
23 Cooperative agreements executed under ORS 197.185(2) shall include the requirement that mass  
24 transit, transportation, airport and port districts adopt a plan consistent with the requirements of  
25 this section.
- 26 (7) Where conflicts are identified between proposed regional TSPs and acknowledged  
27 comprehensive plans, representatives of affected local governments shall meet to discuss means  
28 to resolve the conflicts. These may include:
- 29 (a) Changing the draft TSP to eliminate the conflicts; or  
30 (b) Amending acknowledged comprehensive plan provision to eliminate the conflicts;
- 31 ~~(e) For MPOs which are not metropolitan service districts, if conflicts persist between~~  
32 ~~regional TSPs and acknowledged comprehensive plans after efforts to achieve~~  
33 ~~compatibility, an affected local government may petition the Commission to resolve the~~  
34 ~~dispute.~~

1 **0016: Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas**

2 Staff proposes to delete this rule. The rule directs local governments to coordinate local transportation  
3 planning with regional transportation plans (RTPs) required to be completed by Metropolitan Planning  
4 Organizations (MPOs) under federal law. In practice, this coordination process has not worked well.

5 We expect to use some of the elements in this rule in our updated rules in order to encourage regional  
6 planning efforts. Updated local transportation planning requirements in metropolitan areas will require  
7 advanced local actions, including the development of financially-constrained local plans, that will inform  
8 federally-required RTPs. In the Portland Metropolitan Area, many of these regional planning  
9 requirements will be retained. Additionally, metropolitan areas will be required to undertake regional  
10 scenario planning, which is required in the Metropolitan Greenhouse Gas Reduction Rules (OAR Chapter  
11 660, Division 44).

12 There have been no substantive changes from the December draft amended rule.

13 ~~(1) In metropolitan areas, local governments shall prepare, adopt, amend and update transportation  
14 system plans required by this division in coordination with regional transportation plans (RTPs)  
15 prepared by MPOs required by federal law. Insofar as possible, regional transportation system  
16 plans for metropolitan areas shall be accomplished through a single coordinated process that  
17 complies with the applicable requirements of federal law and this division. Nothing in this rule is  
18 intended to make adoption or amendment of a regional transportation plan by a metropolitan  
19 planning organization a land use decision under Oregon law.~~

20 ~~(2) When an MPO adopts or amends a regional transportation plan that relates to compliance with  
21 this division, the affected local governments shall review the adopted plan or amendment and  
22 either:~~

23 ~~(a) Make a finding that the proposed regional transportation plan amendment or update is  
24 consistent with the applicable provisions of adopted regional and local transportation  
25 system plan and comprehensive plan and compliant with applicable provisions of this  
26 division; or~~

27 ~~(b) Adopt amendments to the relevant regional or local transportation system plan that make  
28 the regional transportation plan and the applicable transportation system plans consistent  
29 with one another and compliant with applicable provisions of this division. Necessary  
30 plan amendments or updates shall be prepared and adopted in coordination with the  
31 federally required plan update or amendment. Such amendments shall be initiated no  
32 later than 30 days from the adoption of the RTP amendment or update and shall be  
33 adopted no later than one year from the adoption of the RTP amendment or update or  
34 according to a work plan approved by the commission. A plan amendment is "initiated"  
35 for purposes of this subsection where the affected local government files a post-  
36 acknowledgement plan amendment notice with the department as provided in OAR  
37 chapter 660, division 18.~~

38 ~~(c) In the Portland Metropolitan area, compliance with this section shall be accomplished by  
39 Metro through adoption of required findings or an amendment to the regional  
40 transportation system plan.~~

41 ~~(3) Adoption or amendment of a regional transportation plan relates to compliance with this division  
42 for purposes of section (2) if it does one or more of the following:~~

43 ~~(a) Changes plan policies;~~

- 1           (b) — Adds or deletes a project from the list of planned transportation facilities, services or  
2           improvements or from the financially constrained project list required by federal law;
- 3           (c) — Modifies the general location of a planned transportation facility or improvement;
- 4           (d) — Changes the functional classification of a transportation facility; or
- 5           (e) — Changes the planning period or adopts or modifies the population or employment forecast  
6           or allocation upon which the plan is based.
- 7   (4) — The following amendments to a regional transportation plan do not relate to compliance with this  
8   division for purposes of section (2):
- 9           (a) — Adoption of an air quality conformity determination;
- 10          (b) — Changes to a federal revenue projection;
- 11          (c) — Changes to estimated cost of a planned transportation project; or
- 12          (d) — Deletion of a project from the list of planned projects where the project has been  
13          constructed or completed.
- 14   (5) — Adoption or amendment of a regional transportation plan that extends the planning period beyond  
15   that specified in the applicable acknowledged comprehensive plan or regional transportation  
16   system plan is consistent with the requirements of this rule where the following conditions are  
17   met:
- 18          (a) — The future year population forecast is consistent with those issued or adopted under ORS  
19          195.033 or 195.036;
- 20          (b) — Land needed to accommodate future urban density population and employment and other  
21          urban uses is identified in a manner consistent with Goal 14 and relevant rules;
- 22          (c) — Urban density population and employment are allocated to designated centers and other  
23          identified areas to provide for implementation of the metropolitan area's integrated land  
24          use and transportation plan or strategy; and
- 25          (d) — Urban density population and employment or other urban uses are allocated to areas  
26          outside of an acknowledged urban growth boundary only where:
- 27                  (A) — The allocation is done in conjunction with consideration by local governments of  
28                  possible urban growth boundary amendments consistent with Goal 14 and  
29                  relevant rules, and
- 30                  (B) — The RTP clearly identifies the proposed UGB amendments and any related  
31                  projects as illustrative and subject to further review and approval by the affected  
32                  local governments.

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

2 We propose to alter this existing rule. The existing rule directs how local governments evaluate and  
3 select transportation alternatives. We propose to delete some parts of this rule pertaining only to local  
4 governments in metropolitan areas. New rules in OAR 660-012-0165 will direct how local governments  
5 in metropolitan areas will evaluate and select transportation alternatives.

6 There have been no substantive changes from the December draft amended rule.

- 7 (1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can  
8 reasonably be expected to meet the identified transportation needs in a safe manner and at a  
9 reasonable cost with available technology. The following shall be evaluated as components of  
10 system alternatives:
- 11 (a) Improvements to existing facilities or services;
  - 12 (b) New facilities and services, including different modes or combinations of modes that  
13 could reasonably meet identified transportation needs;
  - 14 (c) Transportation system management measures;
  - 15 (d) Demand management measures; and
  - 16 (e) A no-build system alternative required by the National Environmental Policy Act of 1969  
17 or other laws.

18 ~~(2) Local governments in MPO areas of larger than 1,000,000 population shall, and other~~  
19 ~~governments may also, evaluate alternative land use designations, densities, and design standards~~  
20 ~~to meet local and regional transportation needs. Local governments preparing such a strategy~~  
21 ~~shall consider:~~

- 22 ~~(a) Increasing residential densities and establishing minimum residential densities within one~~  
23 ~~quarter mile of transit lines, major regional employment areas, and major regional retail~~  
24 ~~shopping areas;~~
- 25 ~~(b) Increasing allowed densities in new commercial office and retail developments in~~  
26 ~~designated community centers;~~
- 27 ~~(c) Designating lands for neighborhood shopping centers within convenient walking and~~  
28 ~~eyeling distance of residential areas; and~~
- 29 ~~(d) Designating land uses to provide a better balance between jobs and housing considering:~~
  - 30 ~~(A) The total number of jobs and total of number of housing units expected in the~~  
31 ~~area or subarea;~~
  - 32 ~~(B) The availability of affordable housing in the area or subarea; and~~
  - 33 ~~(C) Provision of housing opportunities in close proximity to employment areas.~~

34 ~~(3)~~(2) The following standards shall be used to evaluate and select alternatives:

- 35 (a) The transportation system shall support urban and rural development by providing types  
36 and levels of transportation facilities and services appropriate to serve the land uses  
37 identified in the acknowledged comprehensive plan;

- 1 (b) The transportation system shall be consistent with state and federal standards for  
 2 protection of air, land and water quality including the State Implementation Plan under  
 3 the Federal Clean Air Act and the State Water Quality Management Plan;
- 4 (c) The transportation system shall minimize adverse economic, social, environmental and  
 5 energy consequences;
- 6 (d) The transportation system shall minimize conflicts and facilitate connections between  
 7 modes of transportation; and
- 8 (e) The transportation system shall avoid principal reliance on any one mode of  
 9 transportation by increasing transportation choices to reduce principal reliance on the  
 10 automobile. ~~In MPO areas this shall be accomplished by selecting transportation~~  
 11 ~~alternatives which meet the requirements in section (4) of this rule.~~

12 ~~(4) In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for~~  
 13 ~~increasing transportation choices and reducing reliance on the automobile. Adopted standards are~~  
 14 ~~intended as means of measuring progress of metropolitan areas towards developing and~~  
 15 ~~implementing transportation systems and land use plans that increase transportation choices and~~  
 16 ~~reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish~~  
 17 ~~reduced reliance by changing land use patterns and transportation systems so that walking,~~  
 18 ~~cycling, and use of transit are highly convenient and so that, on balance, people need to and are~~  
 19 ~~likely to drive less than they do today.~~

20 ~~(5) MPO areas shall adopt standards to demonstrate progress towards increasing transportation~~  
 21 ~~choices and reducing automobile reliance as provided for in this rule:~~

22 ~~(a) The commission shall approve standards by order upon demonstration by the~~  
 23 ~~metropolitan area that:~~

24 ~~(A) Achieving the standard will result in a reduction in reliance on automobiles;~~

25 ~~(B) Achieving the standard will accomplish a significant increase in the availability~~  
 26 ~~or convenience of alternative modes of transportation;~~

27 ~~(C) Achieving the standard is likely to result in a significant increase in the share of~~  
 28 ~~trips made by alternative modes, including walking, bicycling, ridesharing and~~  
 29 ~~transit;~~

30 ~~(D) VMT per capita is unlikely to increase by more than five percent; and~~

31 ~~(E) The standard is measurable and reasonably related to achieving the goal of~~  
 32 ~~increasing transportation choices and reducing reliance on the automobile as~~  
 33 ~~described in OAR 660-012-0000.~~

34 ~~(b) In reviewing proposed standards for compliance with subsection (a), the commission~~  
 35 ~~shall give credit to regional and local plans, programs, and actions implemented since~~  
 36 ~~1990 that have already contributed to achieving the objectives specified in paragraphs~~  
 37 ~~(A) (E) above;~~

38 ~~(c) If a plan using a standard, approved pursuant to this rule, is expected to result in an~~  
 39 ~~increase in VMT per capita, then the cities and counties in the metropolitan area shall~~  
 40 ~~prepare and adopt an integrated land use and transportation plan including the elements~~  
 41 ~~listed in paragraphs (A) (E) below. Such a plan shall be prepared in coordination with~~  
 42 ~~the MPO and shall be adopted within three years of the approval of the standard.~~

- 1 (A) — Changes to land use plan designations, densities, and design standards listed in  
2 subsections (2)(a)–(d);
- 3 (B) — A transportation demand management plan that includes significant new  
4 transportation demand management measures;
- 5 (C) — A public transit plan that includes a significant expansion in transit service;
- 6 (D) — Policies to review and manage major roadway improvements to ensure that their  
7 effects are consistent with achieving the adopted strategy for reduced reliance on  
8 the automobile, including policies that provide for the following:
- 9 (i) — An assessment of whether improvements would result in development or  
10 travel that is inconsistent with what is expected in the plan;
- 11 (ii) — Consideration of alternative measures to meet transportation needs;
- 12 (iii) — Adoption of measures to limit possible unintended effects on travel and  
13 land use patterns including access management, limitations on  
14 subsequent plan amendments, phasing of improvements, etc.; and
- 15 (iv) — For purposes of this section a "major roadway expansion" includes new  
16 arterial roads or streets and highways, the addition of travel lanes, and  
17 construction of interchanges to a limited access highway
- 18 (E) — Plan and ordinance provisions that meet all other applicable requirements of this  
19 division.
- 20 (d) — Standards may include but are not limited to:
- 21 (A) — Modal share of alternative modes, including walking, bicycling, and transit trips;
- 22 (B) — Vehicle hours of travel per capita;
- 23 (C) — Vehicle trips per capita;
- 24 (D) — Measures of accessibility by alternative modes (i.e. walking, bicycling and  
25 transit); or
- 26 (E) — The Oregon Benchmark for a reduction in peak hour commuting by single  
27 occupant vehicles.
- 28 (e) — Metropolitan areas shall adopt TSP policies to evaluate progress towards achieving the  
29 standard or standards adopted and approved pursuant to this rule. Such evaluation shall  
30 occur at regular intervals corresponding with federally required updates of the regional  
31 transportation plan. This shall include monitoring and reporting of VMT per capita.
- 32 (6) — A metropolitan area may also accomplish compliance with requirements of subsection (3)(e),  
33 sections (4) and (5) by demonstrating to the commission that adopted plans and measures are  
34 likely to achieve a five percent reduction in VMT per capita over the 20-year planning period.  
35 The commission shall consider and act on metropolitan area requests under this section by order.  
36 A metropolitan area that receives approval under this section shall adopt interim benchmarks for  
37 VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the  
38 regional transportation system plan.
- 39 (7) — Regional and local TSPs shall include benchmarks to assure satisfactory progress towards  
40 meeting the approved standard or standards adopted pursuant to this rule at regular intervals over

1 the planning period. MPOs and local governments shall evaluate progress in meeting benchmarks  
2 at each update of the regional transportation plan. Where benchmarks are not met, the relevant  
3 TSP shall be amended to include new or additional efforts adequate to meet the requirements of  
4 this rule.

5 ~~(8)~~ The commission shall, at regular intervals, evaluate the results of efforts to achieve the reduction  
6 in VMT and the effectiveness of approved plans and standards in achieving the objective of  
7 increasing transportation choices and reducing reliance on the automobile.

8 ~~(9)~~(3) Where existing and committed transportation facilities and services have adequate capacity to  
9 support the land uses in the acknowledged comprehensive plan, the local government shall not be  
10 required to evaluate alternatives as provided in this rule.

11 ~~(10)~~(4) Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and  
12 located in an urban fringe may be included in a TSP only if the ~~improvement~~ project identified in  
13 the transportation system plan as described in section ~~(12)~~(6) of this rule, will not significantly  
14 reduce peak hour travel time for the route as determined pursuant to section ~~(11)~~(5) of this rule, or  
15 the jurisdiction determines that the following alternatives can not reasonably satisfy the purpose  
16 of the improvement project:

17 (a) Improvements to transportation facilities and services within the urban growth boundary;

18 (b) Transportation system management measures that do not significantly increase capacity;  
19 or

20 (c) Transportation demand management measures. The jurisdiction needs only to consider  
21 alternatives that are safe and effective, consistent with applicable standards and that can  
22 be implemented at a reasonable cost using available technology.

23 ~~(11)~~(5) An ~~improvement~~ project significantly reduces peak hour travel time when, based on recent data,  
24 the time to travel the route is reduced more than 15 percent during weekday peak hour conditions  
25 over the length of the route located within the urban fringe. For purposes of measuring travel  
26 time, a route shall be identified by the predominant traffic flows in the project area.

27 ~~(12)~~(6) A "transportation improvement project" described in section ~~(10)~~(4) of this rule:

28 (a) Is intended to solve all of the reasonably foreseeable transportation problems within a  
29 general geographic location, within the planning period; and

30 (b) Has utility as an independent transportation project.

1 **0045: Implementation of the Transportation System Plan**

2 We propose to alter this existing rule. The existing rule directs how local governments are to implement  
3 the local transportation system plan. We propose to delete one section of this rule pertaining only to  
4 metropolitan areas. New rules, applicable within metropolitan areas, will replace and update the  
5 requirements within this section.

6 **Since the December draft amended rule, there have been small changes in this existing rule to ensure**  
7 **accessibility is considered.**

- 8 (1) Each local government shall amend its land use regulations to implement the TSP.
- 9 (a) The following transportation facilities, services and improvements need not be subject to  
10 land use regulations except as necessary to implement the TSP and, under ordinary  
11 circumstances do not have a significant impact on land use:
- 12 (A) Operation, maintenance, and repair of existing transportation facilities identified  
13 in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and  
14 major regional pipelines and terminals;
- 15 (B) Dedication of right-of-way, authorization of construction and the construction of  
16 facilities and improvements, where the improvements are consistent with clear  
17 and objective dimensional standards;
- 18 (C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k),  
19 consistent with the provisions of OAR 660-012-0065; and
- 20 (D) Changes in the frequency of transit, rail and airport services.
- 21 (b) To the extent, if any, that a transportation facility, service or improvement concerns the  
22 application of a comprehensive plan provision or land use regulation, it may be allowed  
23 without further land use review if it is permitted outright or if it is subject to standards  
24 that do not require interpretation or the exercise of factual, policy or legal judgment;
- 25 (c) In the event that a transportation facility, service or improvement is determined to have a  
26 significant impact on land use or to concern the application of a comprehensive plan or  
27 land use regulation and to be subject to standards that require interpretation or the  
28 exercise of factual, policy or legal judgment, the local government shall provide a review  
29 and approval process that is consistent with OAR 660-012-0050. To facilitate  
30 implementation of the TSP, each local government shall amend its land use regulations to  
31 provide for consolidated review of land use decisions required to permit a transportation  
32 project.
- 33 (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with  
34 applicable federal and state requirements, to protect transportation facilities, corridors and sites  
35 for their identified functions. Such regulations shall include:
- 36 (a) Access control measures, for example, driveway and public road spacing, median control  
37 and signal spacing standards, which are consistent with the functional classification of  
38 roads and consistent with limiting development on rural lands to rural uses and densities;
- 39 (b) Standards to protect future operation of roads, transitways and major transit corridors;
- 40 (c) Measures to protect public use airports by controlling land uses within airport noise  
41 corridors and imaginary surfaces, and by limiting physical hazards to air navigation;

- 1 (d) A process for coordinated review of future land use decisions affecting transportation  
2 facilities, corridors or sites;
- 3 (e) A process to apply conditions to development proposals in order to minimize impacts and  
4 protect transportation facilities, corridors or sites;
- 5 (f) Regulations to provide notice to public agencies providing transportation facilities and  
6 services, MPOs, and ODOT of:
- 7 (A) Land use applications that require public hearings;
- 8 (B) Subdivision and partition applications;
- 9 (C) Other applications which affect private access to roads; and
- 10 (D) Other applications within airport noise corridors and imaginary surfaces which  
11 affect airport operations; and
- 12 (g) Regulations assuring that amendments to land use designations, densities, and design  
13 standards are consistent with the functions, capacities and performance standards of  
14 facilities identified in the TSP.
- 15 (3) Local governments shall adopt land use or subdivision regulations for urban areas and rural  
16 communities as set forth below. The purposes of this section are to provide for safe and  
17 convenient pedestrian, bicycle and vehicular circulation consistent with access management  
18 standards and the function of affected streets, to ensure that new development provides on-site  
19 streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in  
20 areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids  
21 wherever possible levels of automobile traffic which might interfere with or discourage  
22 pedestrian or bicycle travel.
- 23 (a) Bicycle parking facilities as part of new multi-family residential developments of four  
24 units or more, new retail, office and institutional developments, and all transit transfer  
25 stations and park-and-ride lots;
- 26 (b) On-site facilities shall be provided which accommodate safe and convenient pedestrian  
27 and bicycle access from within new subdivisions, multi-family developments, planned  
28 developments, shopping centers, and commercial districts to adjacent residential areas  
29 and transit stops, and to neighborhood activity centers within one-half mile of the  
30 development. Single-family residential developments shall generally include streets and  
31 accessways. Pedestrian circulation through parking lots should generally be provided in  
32 the form of accessways.
- 33 (A) "Neighborhood activity centers" includes, but is not limited to, existing or  
34 planned schools, parks, shopping areas, transit stops or employment centers;
- 35 (B) Bikeways shall be required along arterials and major collectors. Sidewalks shall  
36 be required along arterials, collectors and most local streets in urban areas, except  
37 that sidewalks are not required along controlled access roadways, such as  
38 freeways;
- 39 (C) Cul-de-sacs and other dead-end streets may be used as part of a development  
40 plan, consistent with the purposes set forth in this section;
- 41 (D) Local governments shall establish their own standards or criteria for providing  
42 streets and accessways consistent with the purposes of this section. Such

- 1 measures may include but are not limited to: standards for spacing of streets or  
2 accessways; and standards for excessive out-of-direction travel;
- 3 (E) Streets and accessways need not be required where one or more of the following  
4 conditions exist:
- 5 (i) Physical or topographic conditions make a street or accessway  
6 connection impracticable. Such conditions include but are not limited to  
7 freeways, railroads, steep slopes, wetlands or other bodies of water  
8 where a connection could not reasonably be provided;
- 9 (ii) Buildings or other existing development on adjacent lands physically  
10 preclude a connection now or in the future considering the potential for  
11 redevelopment; or
- 12 (iii) Where streets or accessways would violate provisions of leases,  
13 easements, covenants, restrictions or other agreements existing as of May  
14 1, 1995, which preclude a required street or accessway connection.
- 15 (c) Where off-site road improvements are otherwise required as a condition of development  
16 approval, they shall include facilities accommodating convenient pedestrian and bicycle  
17 travel, including bicycle ways along arterials and major collectors;
- 18 (d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian  
19 routes, facilities and improvements which:
- 20 (A) Are reasonably free from hazards, particularly types or levels of automobile  
21 traffic which would interfere with or discourage pedestrian or cycle travel for  
22 short trips;
- 23 (B) Provide an accessible and a reasonably direct route of travel between destinations  
24 such as between a transit stop and a store; and
- 25 (C) Meet travel needs of cyclists and pedestrians considering destination and length  
26 of trip; and considering that the ~~optimum~~ most common trip length of pedestrians  
27 is generally ~~1/4 to~~ under 1/2 mile.
- 28 (e) Internal pedestrian circulation within new office parks and commercial developments  
29 shall be provided through clustering of buildings, construction of accessways, walkways  
30 and similar techniques.
- 31 (4) To support transit in urban areas containing a population greater than 25,000, where the area is  
32 already served by a public transit system or where a determination has been made that a public  
33 transit system is feasible, local governments shall adopt land use and subdivision regulations as  
34 provided in (a)–(g) below:
- 35 (a) Transit routes and transit facilities shall be designed to support transit use through  
36 provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking  
37 restrictions and similar facilities, as appropriate;
- 38 (b) New retail, office and institutional buildings at or near major transit stops shall provide  
39 for convenient pedestrian access to transit through the measures listed in paragraphs (A)  
40 and (B) below.
- 41 (A) Accessible Walkways shall be provided connecting building entrances and streets  
42 adjoining the site;

- 1 (B) ~~Accessible pedestrian connections~~ pedestrian connections facilities connecting to adjoining properties  
2 shall be provided except where such a connection is impracticable as provided  
3 for in OAR 660-012-0045(3)(b)(E). ~~Pedestrian connections facilities~~ shall  
4 connect the on-site circulation system to existing or proposed streets, walkways,  
5 and driveways that abut the property. Where adjacent properties are undeveloped  
6 or have potential for redevelopment, streets, accessways and walkways on site  
7 shall be laid out or stubbed to allow for extension to the adjoining property;
- 8 (C) In addition to paragraphs (A) and (B) above, on sites at major transit stops  
9 provide the following:
- 10 (i) Either locate buildings within 20 feet of the transit stop, a transit street or  
11 an intersecting street or provide a pedestrian plaza at the transit stop or a  
12 street intersection;
- 13 (ii) An accessible and reasonably direct pedestrian connection facility  
14 between the transit stop and building entrances on the site;
- 15 (iii) A transit passenger landing pad accessible to ~~disabled persons~~ people  
16 with disabilities;
- 17 (iv) An easement or dedication for a passenger shelter if requested by the  
18 transit provider; and
- 19 (v) Lighting at the transit stop.
- 20 (c) Local governments may implement (4)(b)(A) and (B) above through the designation of  
21 pedestrian districts and adoption of appropriate implementing measures regulating  
22 development within pedestrian districts. Pedestrian districts must comply with the  
23 requirement of (4)(b)(C) above;
- 24 (d) Designated employee parking areas in new developments shall provide preferential  
25 parking for carpools and vanpools;
- 26 (e) Existing development shall be allowed to redevelop a portion of existing parking areas  
27 for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride  
28 stations, transit-oriented developments, and similar facilities, where appropriate;
- 29 (f) Road systems for new development shall be provided that can be adequately served by  
30 transit, including provision of pedestrian access to existing and identified future transit  
31 routes. This shall include, where appropriate, separate accessways to minimize travel  
32 distances;
- 33 (g) Along existing or planned transit routes, designation of types and densities of land uses  
34 adequate to support transit.
- 35 ~~(5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce~~  
36 ~~reliance on the automobile which:~~
- 37 ~~(a) Allow transit oriented developments (TODs) on lands along transit routes;~~
- 38 ~~(b) Implements a demand management program to meet the measurable standards set in the~~  
39 ~~TSP in response to OAR 660-012-0035(4);~~
- 40 ~~(c) Implements a parking plan which:~~

- 1                   (A) — Achieves a 10 percent reduction in the number of parking spaces per capita in the
- 2                                   MPO area over the planning period. This may be accomplished through a
- 3                                   combination of restrictions on development of new parking spaces and
- 4                                   requirements that existing parking spaces be redeveloped to other uses;
- 5                   (B) — Aids in achieving the measurable standards set in the TSP in response to OAR
- 6                                   660-012-0035(4);
- 7                   (C) — Includes land use and subdivision regulations setting minimum and maximum
- 8                                   parking requirements in appropriate locations, such as downtowns, designated
- 9                                   regional or community centers, and transit-oriented developments; and
- 10                  (D) — Is consistent with demand management programs, transit-oriented development
- 11                                   requirements and planned transit service.
- 12                  (d) — As an alternative to (c) above, local governments in an MPO may instead revise
- 13                                   ordinance requirements for parking as follows:
- 14                   (A) — Reduce minimum off-street parking requirements for all non-residential uses
- 15                                   from 1990 levels;
- 16                   (B) — Allow provision of on-street parking, long-term lease parking, and shared
- 17                                   parking to meet minimum off-street parking requirements;
- 18                   (C) — Establish off-street parking maximums in appropriate locations, such as
- 19                                   downtowns, designated regional or community centers, and transit-oriented
- 20                                   developments;
- 21                   (D) — Exempt structured parking and on-street parking from parking maximums;
- 22                   (E) — Require that parking lots over 3 acres in size provide street-like features along
- 23                                   major driveways (including curbs, sidewalks, and street trees or planting strips);
- 24                                   and
- 25                   (F) — Provide for designation of residential parking districts.
- 26                  (e) — Require all major industrial, institutional, retail and office developments to provide either
- 27                                   a transit stop on site or connection to a transit stop along a transit trunk route when the
- 28                                   transit operator requires such an improvement.

29   ~~(6)~~(5) In developing a bicycle and pedestrian circulation plan as required by OAR 660-012-0020(2)(d),  
 30   local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet  
 31   local travel needs in developed areas. Appropriate improvements should provide for more direct,  
 32   convenient, accessible, and safer bicycle or pedestrian travel within and between residential areas  
 33   and neighborhood activity centers (i.e., schools, shopping, transit stops). Specific measures  
 34   include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing  
 35   walkways between buildings, and providing direct access between adjacent uses.

36   ~~(7)~~(6) Local governments shall establish standards for local streets and accessways that minimize  
 37   pavement width and total right-of-way consistent with the operational needs of the facility. The  
 38   intent of this requirement is that local governments consider and reduce excessive standards for  
 39   local streets and accessways in order to reduce the cost of construction, provide for more efficient  
 40   use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic  
 41   volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Not  
 42   withstanding section (1) or (3) of this rule, local street standards adopted to meet this requirement  
 43   need not be adopted as land use regulations.

1 **0060: Plan and Land Use Regulation Amendments**

2 This rule guides cities and counties when they change the acknowledged comprehensive plan after  
3 adoption of a transportation system plan. The rule provides for consideration of transportation system  
4 needs in response to the proposed changes.

5 Substantive changes to this rule are outside of the scope of the Climate-Friendly and Equitable  
6 Communities Rulemaking.

7 This rule will continue to apply statewide, both inside and outside metropolitan areas. We are proposing  
8 some minor changes to reflect changes in how performance standards work within metropolitan areas.

9 There have been no substantive changes from the December draft amended rule.

- 10 (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use  
11 regulation (including a zoning map) would significantly affect an existing or planned  
12 transportation facility, then the local government must put in place measures as provided in  
13 section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.  
14 A plan or land use regulation amendment significantly affects a transportation facility if it would:
- 15 (a) Change the functional classification of an existing or planned transportation facility  
16 (exclusive of correction of map errors in an adopted plan);
  - 17 (b) Change standards implementing a functional classification system; or
  - 18 (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a  
19 local government is evaluating a performance based on projected levels of motor vehicle  
20 traffic, then the results must be based on projected conditions measured at the end of the  
21 planning period identified in the adopted TSP. As part of evaluating projected conditions,  
22 the amount of traffic projected to be generated within the area of the amendment may be  
23 reduced if the amendment includes an enforceable, ongoing requirement that would  
24 demonstrably limit traffic generation, including, but not limited to, transportation demand  
25 management. This reduction may diminish or completely eliminate the significant effect  
26 of the amendment.
- 27 (A) Types or levels of travel or access that are inconsistent with the functional  
28 classification of an existing or planned transportation facility;
  - 29 (B) Degrade the performance of an existing or planned transportation facility such  
30 that it would not meet the performance standards identified in the TSP or  
31 comprehensive plan; or
  - 32 (C) Degrade the performance of an existing or planned transportation facility that is  
33 otherwise projected to not meet the performance standards identified in the TSP  
34 or comprehensive plan.
- 35 (2) If a local government determines that there would be a significant effect, then the local  
36 government must ensure that allowed land uses are consistent with the ~~identified function,~~  
37 ~~capacity, and~~ performance standards of the facility measured or projected at the end of the  
38 planning period identified in the adopted TSP through one or a combination of the remedies listed  
39 in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of  
40 this section or qualifies for partial mitigation in section (11) of this rule. A local government  
41 using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment  
42 recognizes that additional motor vehicle traffic congestion may result and that other facility

1 providers would not be expected to provide additional capacity for motor vehicles in response to  
2 this congestion.

3 (a) Adopting measures that demonstrate allowed land uses are consistent with the ~~planned~~  
4 ~~function, capacity, and~~ performance standards of the transportation facility.

5 (b) Amending the TSP or comprehensive plan to provide transportation facilities,  
6 improvements or services adequate to support the proposed land uses consistent with the  
7 requirements of this division; ~~s.~~ Such amendments shall include a funding plan or  
8 mechanism consistent with section (4) or include an amendment to the transportation  
9 finance plan so that the facility, improvement, or service will be provided by the end of  
10 the planning period.

11 (c) Amending the TSP to modify the ~~planned function, capacity or~~ performance standards of  
12 the transportation facility.

13 (d) Providing other measures as a condition of development or through a development  
14 agreement or similar funding method, including, but not limited to, transportation system  
15 management measures or minor transportation improvements. Local governments shall,  
16 as part of the amendment, specify when measures or improvements provided pursuant to  
17 this subsection will be provided.

18 (e) Providing improvements that would benefit modes other than the significantly affected  
19 mode, improvements to facilities other than the significantly affected facility, or  
20 improvements at other locations, if:

21 (A) The provider of the significantly affected facility provides a written statement  
22 that the system-wide benefits are sufficient to balance the significant effect, even  
23 though the improvements would not result in consistency for all performance  
24 standards;

25 (B) The providers of facilities being improved at other locations provide written  
26 statements of approval; and

27 (C) The local jurisdictions where facilities are being improved provide written  
28 statements of approval.

29 (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment  
30 that would significantly affect an existing transportation facility without assuring that the allowed  
31 land uses are consistent with the ~~function, capacity and~~ performance standards of the facility  
32 where:

33 (a) In the absence of the amendment, planned transportation facilities, improvements and  
34 services as set forth in section (4) of this rule would not be adequate to achieve  
35 consistency with the ~~identified function, capacity or~~ performance standard for that facility  
36 by the end of the planning period identified in the adopted TSP;

37 (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of  
38 the amendment in a manner that avoids further degradation to the performance of the  
39 facility by the time of the development through one or a combination of transportation  
40 improvements or measures;

41 (c) The amendment does not involve property located in an interchange area as defined in  
42 paragraph (4)(d)(C); and

- 1 (d) For affected state highways, ODOT provides a written statement that the proposed  
2 funding and timing for the identified mitigation improvements or measures are, at a  
3 minimum, sufficient to avoid further degradation to the performance of the affected state  
4 highway. However, if a local government provides the appropriate ODOT regional office  
5 with written notice of a proposed amendment in a manner that provides ODOT  
6 reasonable opportunity to submit a written statement into the record of the local  
7 government proceeding, and ODOT does not provide a written statement, then the local  
8 government may proceed with applying subsections (a) through (c) of this section.
- 9 (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected  
10 transportation facility and service providers and other affected local governments.
- 11 (a) In determining whether an amendment has a significant effect on an existing or planned  
12 transportation facility under subsection (1)(c) of this rule, local governments shall rely on  
13 existing transportation facilities and services and on the planned transportation facilities,  
14 improvements and services set forth in subsections (b) and (c) below.
- 15 (b) Outside of interstate interchange areas, the following are considered planned facilities,  
16 improvements and services:
- 17 (A) Transportation facilities, improvements or services that are funded for  
18 construction or implementation in the Statewide Transportation Improvement  
19 Program or a locally or regionally adopted transportation improvement program  
20 or capital improvement plan or program of a transportation service provider.
- 21 (B) Transportation facilities, improvements or services that are authorized in a local  
22 transportation system plan and for which a funding plan or mechanism is in place  
23 or approved. These include, but are not limited to, transportation facilities,  
24 improvements or services for which: transportation systems development charge  
25 revenues are being collected; a local improvement district or reimbursement  
26 district has been established or will be established prior to development; a  
27 development agreement has been adopted; or conditions of approval to fund the  
28 improvement have been adopted.
- 29 (C) Transportation facilities, improvements or services in a metropolitan planning  
30 organization (MPO) area that are part of the area's federally-approved, financially  
31 constrained regional transportation system plan.
- 32 (D) Improvements to state highways that are included as planned improvements in a  
33 regional or local transportation system plan or comprehensive plan when ODOT  
34 provides a written statement that the improvements are reasonably likely to be  
35 provided by the end of the planning period.
- 36 (E) Improvements to regional and local roads, streets or other transportation facilities  
37 or services that are included as planned improvements in a regional or local  
38 transportation system plan or comprehensive plan when the local government(s)  
39 or transportation service provider(s) responsible for the facility, improvement or  
40 service provides a written statement that the facility, improvement or service is  
41 reasonably likely to be provided by the end of the planning period.
- 42 (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are  
43 considered planned facilities, improvements and services, except where:

- 1 (A) ODOT provides a written statement that the proposed funding and timing of  
2 mitigation measures are sufficient to avoid a significant adverse impact on the  
3 Interstate Highway system, then local governments may also rely on the  
4 improvements identified in paragraphs (b)(D) and (E) of this section; or
- 5 (B) There is an adopted interchange area management plan, then local governments  
6 may also rely on the improvements identified in that plan and which are also  
7 identified in paragraphs (b)(D) and (E) of this section.
- 8 (d) As used in this section and section (3):
- 9 (A) Planned interchange means new interchanges and relocation of existing  
10 interchanges that are authorized in an adopted transportation system plan or  
11 comprehensive plan;
- 12 (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
- 13 (C) Interstate interchange area means:
- 14 (i) Property within one-quarter mile of the ramp terminal intersection of an  
15 existing or planned interchange on an Interstate Highway; or
- 16 (ii) The interchange area as defined in the Interchange Area Management  
17 Plan adopted as an amendment to the Oregon Highway Plan.
- 18 (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D),  
19 (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility  
20 provider, as appropriate, shall be conclusive in determining whether a transportation  
21 facility, improvement or service is a planned transportation facility, improvement or  
22 service. In the absence of a written statement, a local government can only rely upon  
23 planned transportation facilities, improvements and services identified in paragraphs  
24 (b)(A)-(C) to determine whether there is a significant effect that requires application of  
25 the remedies in section (2).
- 26 (5) The presence of a transportation facility or improvement shall not be a basis for an exception to  
27 allow residential, commercial, institutional or industrial development on rural lands under this  
28 division or OAR 660-004-0022 and 660-004-0028.
- 29 (6) ~~If a local government is~~ determining whether proposed land uses would affect or be consistent  
30 with planned transportation facilities as provided in sections (1) and (2), using a performance  
31 standard based on projected levels of motor vehicle traffic, then the local governments shall give  
32 full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-  
33 friendly centers, and neighborhoods as provided in subsections (a)-(d) below;
- 34 (a) Absent adopted local standards or detailed information about the vehicle trip reduction  
35 benefits of mixed-use, pedestrian-friendly development, local governments shall assume  
36 that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will  
37 generate 10% fewer daily and peak hour trips than are specified in available published  
38 estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip  
39 Generation Manual that do not specifically account for the effects of mixed-use,  
40 pedestrian-friendly development. The 10% reduction allowed for by this section shall be  
41 available only if uses which rely solely on auto trips, such as gas stations, car washes,  
42 storage facilities, and motels are prohibited;

- 1 (b) Local governments shall use detailed or local information about the trip reduction  
 2 benefits of mixed-use, pedestrian-friendly development where such information is  
 3 available and presented to the local government. Local governments may, based on such  
 4 information, allow reductions greater than the 10% reduction required in subsection (a)  
 5 above;
- 6 (c) Where a local government assumes or estimates lower vehicle trip generation as provided  
 7 in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or  
 8 approval standards that subsequent development approvals support the development of a  
 9 mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and  
 10 pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3)  
 11 and (4). The provision of on-site bike and pedestrian connectivity and access to transit  
 12 may be accomplished through application of acknowledged ordinance provisions which  
 13 comply with 660-012-0045(3) and (4) or through conditions of approval or findings  
 14 adopted with the plan amendment that assure compliance with these rule requirements at  
 15 the time of development approval; and
- 16 (d) The purpose of this section is to provide an incentive for the designation and  
 17 implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering  
 18 the regulatory barriers to plan amendments which accomplish this type of development.  
 19 The actual trip reduction benefits of mixed-use, pedestrian-friendly development will  
 20 vary from case to case and may be somewhat higher or lower than presumed pursuant to  
 21 subsection (a) above. The Commission concludes that this assumption is warranted given  
 22 general information about the expected effects of mixed-use, pedestrian-friendly  
 23 development and its intent to encourage changes to plans and development patterns.  
 24 Nothing in this section is intended to affect the application of provisions in local plans or  
 25 ordinances which provide for the calculation or assessment of systems development  
 26 charges or in preparing conformity determinations required under the federal Clean Air  
 27 Act.
- 28 (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of  
 29 the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive  
 30 plan, transportation system plan the adoption of a local street plan, access management plan,  
 31 future street plan or other binding local transportation plan to provide for on-site alignment of  
 32 streets or accessways with existing and planned arterial, collector, and local streets surrounding  
 33 the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-  
 34 0045(3):
- 35 (a) The plan or land use regulation amendment results in designation of two or more acres of  
 36 land for commercial use;
- 37 (b) The local government has not adopted a TSP or local street plan which complies with  
 38 OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with  
 39 Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban  
 40 Growth Management Functional Plan; and
- 41 (c) The proposed amendment would significantly affect a transportation facility as provided  
 42 in section (1).
- 43 (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- 44 (a) Any one of the following:
- 45 (A) An existing central business district or downtown;

- 1 (B) An area designated as a central city, regional center, town center or main street in  
2 the Portland Metro 2040 Regional Growth Concept;
- 3 (C) An area designated in an acknowledged comprehensive plan as a transit oriented  
4 development or a pedestrian district; or
- 5 (D) An area designated as a special transportation area as provided for in the Oregon  
6 Highway Plan.
- 7 (b) An area other than those listed in subsection (a) above which includes or is planned to  
8 include the following characteristics:
- 9 (A) A concentration of a variety of land uses in a well-defined area, including the  
10 following:
- 11 (i) Medium to high density residential development (12 or more units per  
12 acre);
- 13 (ii) Offices or office buildings;
- 14 (iii) Retail stores and services;
- 15 (iv) Restaurants; and
- 16 (v) Public open space or private open space which is available for public  
17 use, such as a park or plaza.
- 18 (B) Generally include civic or cultural uses;
- 19 (C) A core commercial area where multi-story buildings are permitted;
- 20 (D) Buildings and building entrances oriented to streets;
- 21 (E) Street connections and crossings that make the center safe and conveniently  
22 accessible from adjacent areas;
- 23 (F) A network of streets and, where appropriate, accessways and major driveways  
24 that make it attractive and highly convenient for people to walk between uses  
25 within the center or neighborhood, including streets and major driveways within  
26 the center with wide sidewalks and other features, including pedestrian-oriented  
27 street crossings, street trees, pedestrian-scale lighting and on-street parking;
- 28 (G) One or more transit stops (in urban areas with fixed route transit service); and
- 29 (H) Limit or do not allow low-intensity or land extensive uses, such as most  
30 industrial uses, automobile sales and services, and drive-through services.
- 31 (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a  
32 zoning map does not significantly affect an existing or planned transportation facility if all of the  
33 following requirements are met.
- 34 (a) The proposed zoning is consistent with the existing comprehensive plan map designation  
35 and the amendment does not change the comprehensive plan map;
- 36 (b) The local government has an acknowledged TSP and the proposed zoning is consistent  
37 with the TSP; and

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

- 1 (A) The potential for operational or safety effects to the interchange area and the  
2 mainline highway, specifically considering:
- 3 (i) Whether the interchange area has a crash rate that is higher than the  
4 statewide crash rate for similar facilities;
- 5 (ii) Whether the interchange area is in the top ten percent of locations  
6 identified by the safety priority index system (SPIS) developed by  
7 ODOT; and
- 8 (iii) Whether existing or potential future traffic queues on the interchange exit  
9 ramps extend onto the mainline highway or the portion of the ramp  
10 needed to safely accommodate deceleration.
- 11 (B) If there are operational or safety effects as described in paragraph (A) of this  
12 subsection, the effects may be addressed by an agreement between the local  
13 government and the facility provider regarding traffic management plans  
14 favoring traffic movements away from the interchange, particularly those  
15 facilitating clearing traffic queues on the interchange exit ramps.
- 16 (d) A local government may designate an MMA by adopting an amendment to the  
17 comprehensive plan or land use regulations to delineate the boundary following an  
18 existing zone, multiple existing zones, an urban renewal area, other existing boundary, or  
19 establishing a new boundary. The designation must be accompanied by findings showing  
20 how the area meets the definition of an MMA. Designation of an MMA is not subject to  
21 the requirements in sections (1) and (2) of this rule.
- 22 (e) A local government may designate an MMA on an area where comprehensive plan map  
23 designations or land use regulations do not meet the definition, if all of the other elements  
24 meet the definition, by concurrently adopting comprehensive plan or land use regulation  
25 amendments necessary to meet the definition. Such amendments are not subject to  
26 performance standards related to motor vehicle traffic congestion, delay or travel time.
- 27 (11) A local government may approve an amendment with partial mitigation as provided in section (2)  
28 of this rule if the amendment complies with subsection (a) of this section, the amendment meets  
29 the balancing test in subsection (b) of this section, and the local government coordinates as  
30 provided in subsection (c) of this section.
- 31 (a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph  
32 (D) of this subsection.
- 33 (A) Create direct benefits in terms of industrial or traded-sector jobs created or  
34 retained by limiting uses to industrial or traded-sector industries.
- 35 (B) Not allow retail uses, except limited retail incidental to industrial or traded sector  
36 development, not to exceed five percent of the net developable area.
- 37 (C) For the purpose of this section:
- 38 (i) “Industrial” means employment activities generating income from the  
39 production, handling or distribution of goods including, but not limited  
40 to, manufacturing, assembly, fabrication, processing, storage, logistics,  
41 warehousing, importation, distribution and transshipment and research  
42 and development.

- 1 (ii) “Traded-sector” means industries in which member firms sell their goods  
 2 or services into markets for which national or international competition  
 3 exists.
- 4 (D) ~~Notwithstanding paragraphs (A) and (B) of this subsection, an amendment  
 5 complies with subsection (a) if all of the following conditions are met:~~
- 6 (i) ~~The amendment is within a city with a population less than 10,000 and  
 7 outside of a Metropolitan Planning Organization.~~
- 8 (ii) ~~The amendment would provide land for “Other Employment Use” or  
 9 “Prime Industrial Land” as those terms are defined in OAR 660-009-  
 10 0005.~~
- 11 (iii) ~~The amendment is located outside of the Willamette Valley as defined in  
 12 ORS 215.010.~~
- 13 (E) ~~The provisions of paragraph (D) of this subsection are repealed on January 1,  
 14 2017.~~
- 15 (b) A local government may accept partial mitigation only if the local government  
 16 determines that the benefits outweigh the negative effects on local transportation facilities  
 17 and the local government receives from the provider of any transportation facility that  
 18 would be significantly affected written concurrence that the benefits outweigh the  
 19 negative effects on their transportation facilities. If the amendment significantly affects a  
 20 state highway, then ODOT must coordinate with the Oregon Business Development  
 21 Department regarding the economic and job creation benefits of the proposed amendment  
 22 as defined in subsection (a) of this section. The requirement to obtain concurrence from a  
 23 provider is satisfied if the local government provides notice as required by subsection (c)  
 24 of this section and the provider does not respond in writing (either concurring or non-  
 25 concurring) within forty-five days.
- 26 (c) A local government that proposes to use this section must coordinate with Oregon  
 27 Business Development Department, Department of Land Conservation and Development,  
 28 area commission on transportation, metropolitan planning organization, and  
 29 transportation providers and local governments directly impacted by the proposal to  
 30 allow opportunities for comments on whether the proposed amendment meets the  
 31 definition of economic development, how it would affect transportation facilities and the  
 32 adequacy of proposed mitigation. Informal consultation is encouraged throughout the  
 33 process starting with pre-application meetings. Coordination has the meaning given in  
 34 ORS 197.015 and Goal 2 and must include notice at least 45 days before the first  
 35 evidentiary hearing. Notice must include the following:
- 36 (A) Proposed amendment.
- 37 (B) Proposed mitigating actions from section (2) of this rule.
- 38 (C) Analysis and projections of the extent to which the proposed amendment in  
 39 combination with proposed mitigating actions would fall short of being  
 40 consistent with the function, capacity, and performance standards of  
 41 transportation facilities.
- 42 (D) Findings showing how the proposed amendment meets the requirements of  
 43 subsection (a) of this section.

- 1 (E) Findings showing that the benefits of the proposed amendment outweigh the  
2 negative effects on transportation facilities.

### 3 **New Rules 0011-0012: Applicability and Effective Dates**

4 These rules are intended to help implement the new rules numbered 0100 and above, which will apply  
5 to urban areas inside metropolitan areas. The existing rules will continue to apply to areas outside of  
6 urban areas in metropolitan areas. These rules help make it clear what rules apply to which jurisdictions,  
7 and when those rules apply.

#### 8 **0011: Applicable Rules**

9 This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-  
10 0100 and above. Local governments in other parts of the state will continue to use the existing rules,  
11 although cities outside metropolitan areas may opt into using the updated rules if they wish.

12 We are working with Metro and will be consulting with potentially affected local governments to  
13 determine how rules may apply in the Portland Metropolitan Area.

14 The following rules will continue to apply statewide, even in metropolitan areas:

15 OAR 660-012-0000, Purpose

16 OAR 660-012-0005, Definitions

17 OAR 660-012-0010, Transportation Planning

18 OAR 660-012-0060, Plan and Land Use Regulation Amendments

19 OAR 660-012-0065, Transportation Improvements on Rural Lands

20 OAR 660-012-0070, Exceptions for Transportation Improvements on Rural Land

21 The latter two rules only apply to rural lands statewide.

22 **Since the December draft, this rule has changed to clarify that OAR 660-012-0050 will continue to**  
23 **apply statewide.**

- 24 (1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-12-  
25 0050, OAR 660-012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide, where  
26 this division is applicable.
- 27 (2) OAR 660-012-0012 and OAR 660-012-0100 through OAR 660-012-0915 apply to the following  
28 local governments:
- 29 (a) Cities within metropolitan areas;
- 30 (b) Portions of counties within Urban Growth Boundaries of cities in metropolitan areas; and
- 31 (c) Metro.
- 32 (3) OAR 660-012-0010 through OAR 660-012-0055 apply to all local governments other than those  
33 listed in section (2) of this rule, where this division is applicable.

- 1 (4) Cities that otherwise would be required to use rules as provided in section (3) of this rule, may  
2 choose to instead adopt a transportation system plan meeting the rules that apply to jurisdictions  
3 as provided in section (2) of this rule. Upon acknowledgement of such a transportation system  
4 plan, the city shall continue to be subject to these rules in all respects.
- 5 (5) All cities are either subject to the rules in section (2) or section (3) of this rule, but not both.
- 6 (6) Counties may have different applicable rules in different parts of the county.

7 **0012: Effective Dates**

8 This rule lists the effective dates of some provisions of the Transportation Planning Rules. Most  
9 provisions will take effect shortly after the commission adopts the rule amendments, but the  
10 implementation of some provisions will be phased in over time.

11 **Since the December draft, this rule has been changed to include an option for local governments to**  
12 **submit a proposed work program to meet the short-term implementation requirements of this**  
13 **division. Some effective dates have been clarified or changed, mainly to line up implementation dates**  
14 **with transportation system plan updates.**

- 15 (1) The rules in this division adopted on [May XX, 2022], and amendments to rules in this division  
16 adopted on that date, are effective [June XX, 2022], except as provided in this rule.
- 17 (2) A city or county adopting, amending, or updating a transportation system plan that is required to  
18 meet the requirements as provided in OAR 660-012-0100 may instead use existing requirements  
19 as provided in OAR 660-012-0015 if the city or county has submitted notice of the proposed  
20 change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later  
21 than December 31, 2022.
- 22 (3) Cities, counties, or Metro may choose to submit a work program to set effective dates or alternate  
23 deadlines for requirements in lieu of the effective dates or deadlines in sections (4) through (9) of  
24 this rule.
  - 25 (a) Cities, counties, or Metro choosing to submit a work program must submit a joint work  
26 program that coordinates the actions of all affected jurisdictions in the metropolitan area.
  - 27 (b) A proposed work program must include the following items:
    - 28 (A) A description of work already underway to begin complying with the new  
29 requirements of this division as soon as possible;
    - 30 (B) Effective dates or deadlines in this rule that would continue to apply;
    - 31 (C) Proposed dates for accomplishing requirements in lieu of effective dates or  
32 deadlines provided in this rule; and
    - 33 (D) A schedule for updating local transportation system plans to comply with new  
34 requirements of this division.
  - 35 (c) A proposed work program must demonstrate early progress toward meeting the updated  
36 requirements of this division, with at least some work implemented by December 31,  
37 2023, and completion of all elements in the work program by June 30, 2025.
  - 38 (d) A work program may not be submitted to the department after December 1, 2022.

- 1 (e) The director shall review the proposed work program to make a recommendation to the  
2 commission as to whether the proposed work program meets the following criteria:
- 3 (A) Achieves equitable outcomes;
- 4 (B) Ensures urgent action;
- 5 (C) Coordinates actions across jurisdictions within the metropolitan area;
- 6 (D) Coordinates with work required as provided in OAR 660-044-0100
- 7 (E) Sequences elements of the work program into a logical progression; and
- 8 (F) Considers availability of funding and other resources to complete the work.
- 9 (f) The commission shall hold a hearing to review the proposed work program and the  
10 director's recommendation. If the commission finds that the proposed work program is  
11 complete and meets the criteria in subsection (e), then the commission shall issue an  
12 order approving the work program; otherwise, the commission shall remand the proposed  
13 work program with specific directions for changes needed. Upon approval by the  
14 commission, the dates in the work program supersede the effective dates or deadlines in  
15 this rule.
- 16 (g) The commission may amend dates in a work program at any time as necessary to achieve  
17 the purposes of this division.
- 18 (4) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation  
19 performance standards take effect upon the date of adoption of a major or minor transportation  
20 system plan update as provided in OAR 660-012-0105.
- 21 (5) Cities and Counties must address the requirements in subsection (a), except Metro and the cities  
22 and counties in the Portland metropolitan area, which must address the requirements in subsection  
23 (b).
- 24 (a) A city or county with a population of more than 5,000 within an urban growth boundary  
25 that is subject to the requirements of OAR 660-012-0310(1) must submit a study of  
26 climate friendly areas as provided in OAR 660-012-0315(4) and (5) by June 30, 2023.  
27 The city or county must adopt land use requirements for climate friendly areas and a  
28 climate friendly comprehensive plan element by June 30, 2024, as provided in OAR 660-  
29 012-0315(6).
- 30 (A) After June 30, 2023, a city or county with a population within an urban growth  
31 boundary exceeding 5,000 shall designate climate friendly areas as provided in  
32 OAR 660-012-0315 within two years of reaching a population exceeding 5,000.
- 33 (B) After June 30, 2023, a city or county with a population exceeding 10,000 within  
34 an urban growth boundary shall designate climate friendly areas as provided in  
35 OAR 660-012-0315 within two years of reaching a population exceeding 10,000.  
36 The city or county shall maintain sufficient lands within climate friendly areas as  
37 their population grows, as provided in OAR 660-012-0315. For cities also subject  
38 to OAR 660-008-0045, compliance with this requirement shall be demonstrated  
39 in each Housing Capacity Analysis following the initial designation of climate  
40 friendly areas. Land use requirements for climate friendly areas shall be  
41 established concurrent or prior to the adoption of the Housing Capacity Analysis  
42 as provided in OAR 660-012-0320. Counties subject to this rule shall coordinate

- 1 with cities to address climate friendly area requirements within an urban growth  
2 boundary.
- 3 (b) Metro shall amend the urban growth management functional plan in conjunction with its  
4 next growth management analysis under ORS 197.296 and no later than December 31,  
5 2024, to require local government adoption of Region 2040 centers and land use  
6 regulations as described in the acknowledged urban growth management functional plan.  
7 Within the Metro urban growth boundary, a county with planning jurisdiction in  
8 unincorporated areas provided with urban water, sanitary sewer, stormwater, and  
9 transportation services; or a city shall comply with the adopted requirements of the urban  
10 growth management functional plan by December 31, 2025.
- 11 (6) Cities and counties must ensure land use regulations meet the requirements of OAR 660-012-  
12 0330 no later than the date of adoption of a major or minor transportation system plan update as  
13 provided in OAR 660-012-0105.
- 14 (7) Cities and counties must adopt comprehensive plan amendments and land use regulations meeting  
15 requirements as provided in OAR 660-012-0400 through OAR 660-012-0450 no later than March  
16 31, 2023, except as provided below. If a city or county has not done so, it may not apply parking  
17 mandates after that date.
- 18 (a) Cities and counties must comply with OAR 660-012-0430 and 660-012-0440 as of July  
19 1, 2022.
- 20 (b) Cities and counties required to adopt parking maximums under OAR 660-012-0415 must  
21 do so when updating their transportation system plan.
- 22 (c) Cities and counties that pass population thresholds in OAR 660-012-0410, OAR 660-  
23 012-0415 or OAR 660-012-0450 must adopt comprehensive plan amendments and land  
24 use regulations meeting requirements within 12 months of passing those population  
25 thresholds.
- 26 (d) If cities and counties adopt an approach in OAR 660-012-0445, policies must take effect  
27 no later than June 30, 2023.
- 28 (8) Cities and counties choosing to report on the share of on-street parking spaces that are priced as  
29 provided in OAR 660-012-0450(1)(B) must:
- 30 (a) Demonstrate at least 5% of on-street parking spaces are priced by September 30, 2023;  
31 and
- 32 (b) Demonstrate at least 10% of on-street parking spaces are priced by September 30, 2025.
- 33 (9) Cities and counties must implement the requirements for electric vehicle charging as provided in  
34 OAR 660-012-0410 by March 31, 2023.
- 35 (10) Cities and counties with voter-approved bond-funded projects where the election occurred before  
36 January 1, 2022 may use approved bond funding as a factor when prioritizing projects in an  
37 unconstrained project list as provided in OAR 660-012-0170(4).
- 38 (11) Requirements as provided in OAR 660-012-0900 are modified as follows:
- 39 (a) The first reporting year for the reporting requirements as provided in OAR 660-012-0900  
40 is 2022, with reports due no later than May 31, 2023.
- 41 (b) Cities and counties otherwise required to complete a major report for the 2022 reporting  
42 year as provided in OAR 660-012-0900 may delay submission of the major report until

1 the 2023 reporting year. A city or county electing to do so must submit a minor report for  
2 the 2022 reporting year and cite this provision in that report.

3 **New Rules 0100-0215: General Provisions**

4 This part of the Transportation Planning Rules will contain general provisions for how cities and counties  
5 in metropolitan areas conduct coordinated land use and transportation planning. These include updated  
6 rules for how cities and counties undertake transportation system plans within urban areas. There are  
7 significant changes and clarifications in how this process works, including how cities and counties ensure  
8 equitable participation in decision-making, and how plans are amended and updated over time.

9 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

10 ***0100: Transportation System Plans in Metropolitan Areas***

11 This rule provides the starting point for how cities in metropolitan areas will be required to adopt,  
12 amend, and implement local transportation system plans in urban areas. The rule lists all the required  
13 elements of a transportation system plan. The rule also provides for how cities will determine the base  
14 and horizon years of a local transportation system plan.

15 **Since the December draft, this rule added two new sections: section (8), which was in the rule  
16 previously numbered OAR 660-012-0165, and section (9), which states the existing requirement for  
17 Metro to adopt a regional transportation system plan as provided in OAR 660-012-0140.**

- 18 (1) Cities shall develop and adopt a transportation system plan. A transportation system plan includes  
19 the following elements:
- 20 (a) The core transportation system plan elements as provided in section (2) of this rule;
  - 21 (b) Funding projections as provided in OAR 660-012-0115;
  - 22 (c) A transportation options element as provided in OAR 660-012-0145;
  - 23 (d) A constrained project list as provided in OAR 660-012-0170;
  - 24 (e) Transportation system inventories as provided in OAR 660-012-0150;
  - 25 (f) A financially-constrained project list as provided in OAR 660-012-0180;
  - 26 (g) A pedestrian system element as provided in OAR 660-012-0500;
  - 27 (h) A bicycle system element as provided in OAR 660-012-0600;
  - 28 (i) A public transportation system element as provided in OAR 660-012-0700; and
  - 29 (j) A street and highway system element as provided in OAR 660-012-0800.
- 30 (2) Transportation system plans must also include the following core elements:
- 31 (a) Major core elements to be updated with major updates to a transportation system plan as  
32 provided in OAR 660-012-0105:
    - 33 (A) The base and planning horizon years for the plan as provided in section (3) of  
34 this rule;
    - 35 (B) The land use assumptions used in development of the transportation system plan,  
36 as developed under OAR 660-012-0340;

- 1 (b) Minor core elements to be updated with major or minor updates to a transportation  
2 system plan as provided in OAR 660-012-0105:
- 3 (A) A list of all components of the plan, and the date of adoption or amendment of  
4 each;
- 5 (B) The policies in the city's comprehensive plan that apply to coordinated land use  
6 and transportation system planning;
- 7 (C) The goals and policies of the transportation system plan;
- 8 (D) Those areas designated by the city with concentrations of underserved  
9 populations as provided in OAR 660-012-0125;
- 10 (E) A record of the engagement, involvement, and decision-making processes used in  
11 development of the plan, as provided in OAR 660-012-0130, and an equity  
12 analysis as provided in OAR 660-012-0135.
- 13 (F) The dates of each report made to the director as provided in OAR 660-012-0900.  
14 These must include all reports made for the planning area, including city and  
15 county reports, if applicable.
- 16 (3) The base and horizon years of transportation system plans shall be determined as follows:
- 17 (a) The base year for a transportation system plan is the present or past year which is used  
18 for the development of plan elements. The base year must be the year of adoption of a  
19 major update to the Transportation System Update, or no earlier than five years prior.
- 20 (b) The horizon year for a transportation system plan is the future year for which the plan  
21 contains potential projects. The horizon year is a minimum of twenty years from the year  
22 of adoption of a major update to the transportation system plan.
- 23 (4) Cities must coordinate the development of transportation system plans with counties,  
24 transportation facility owners, and transportation service providers.
- 25 (5) Cities must develop transportation system plans and amendments to those plans consistent with  
26 the provisions of OAR 660-012-0105 through OAR 660-012-0215.
- 27 (6) Adoption or amendment of a transportation system plan shall constitute the land use decision  
28 regarding the need for transportation facilities, services, and major improvements; and their  
29 function, mode, and general location.
- 30 (7) Findings of compliance with applicable statewide planning goals and acknowledged  
31 comprehensive plan policies and land use regulations shall be developed in conjunction with the  
32 adoption or amendment of the transportation system plan.
- 33 (8) Cities and counties must design transportation system plans to achieve transportation  
34 performance targets as provided in OAR 660-012-0915 for increasing transportation choices,  
35 avoid principal reliance on the automobile, and reducing transportation-related climate pollution.
- 36 (9) Metro must adopt a regional transportation system plan as provided in OAR 660-012-0140.
- 37 (10) Cities and counties in the Portland Metropolitan area must meet the requirements as provided in  
38 OAR 660-012-0140.

1 **0105: Transportation System Plan Updates**

2 This rule describes how cities update their transportation system plans. The rule provides for either a  
3 major or minor update to plans. The existing rules were written when most places did not even have a  
4 transportation system plan, so there is little guidance about how they are to be kept up to date. The  
5 purpose of this rule is to clarify that process and make it simpler to adopt smaller updates in between  
6 larger updates.

7 No substantive changes have been made to this rule since the December draft.

- 8 (1) Cities may adopt a major update to a transportation system plan as provided in section (2), or a  
9 minor update as provided in section (3).
- 10 (2) A major update to a transportation system plan is any update that:
- 11 (a) Includes a change to the horizon year of the plan;
- 12 (b) Any update where the adoption date is fewer than [five] years prior to January 1 of the  
13 planning horizon year of the acknowledged plan; or
- 14 (c) Newly includes a facility authorized as provided in OAR 660-012-0830.
- 15 (3) A city making a major update to a transportation system plan must:
- 16 (a) Include an update to the core transportation system plan elements as provided in OAR  
17 660-012-0100, and include all other applicable elements as provided in OAR 660-012-  
18 0100.
- 19 (b) Follow the engagement requirements of OAR 660-012-0120 in the development of the  
20 major update to the transportation system plan.
- 21 (c) Complete the review of any Vehicle Miles Traveled-Increasing facilities in the plan as  
22 provided in OAR 660-012-0830 prior to adoption in the transportation system plan.
- 23 (4) A minor update to a transportation system plan is any update which is not a major update as  
24 provided in section (2) of this rule. A city making a minor update to a transportation system plan  
25 must:
- 26 (a) Include, at minimum, an update to core transportation system plan elements as provided  
27 in OAR 660-012-0100.
- 28 (b) Follow the engagement requirements of OAR 660-012-0120 in the development of the  
29 minor update to the transportation system plan.
- 30 (5) Notwithstanding any other provision in this rule, cities having an acknowledged transportation  
31 system plan adopted as provided in OAR 660-012-0015 shall adopt a major update to the  
32 transportation system plan. Cities may use any part of existing acknowledged plans to meet the  
33 applicable requirements.
- 34 (6) Notwithstanding any other provision in this rule, cities that do not have an acknowledged  
35 transportation system plan shall adopt a new plan in the manner of adopting a major update to a  
36 transportation system plan. Cities may use any part of existing acknowledged plans to meet the  
37 applicable requirements.

1 **0110: Transportation System Planning Area**

2 This rule sets out requirements for the geographic scope of transportation system plans. The default  
3 assumption is that cities will plan for the entire urban area within the Urban Growth Boundary, including  
4 unincorporated areas. The rule includes provisions if counties opt to handle the planning within urban  
5 unincorporated areas.

6 No substantive changes have been made to this rule since the December draft.

- 7 (1) The planning area for transportation system plans is the area encompassed by the acknowledged  
8 Urban Growth Boundary, including both incorporated and unincorporated areas. The  
9 unincorporated area within Urban Growth Boundaries is the urbanizable area.
- 10 (2) Cities are responsible for the development and adoption of transportation system plans for the  
11 entire planning area. Cities shall work cooperatively with counties to effectively plan for the  
12 urbanizable area.
- 13 (3) Counties are responsible for cooperatively working with cities on the development and adoption  
14 of transportation system plans including the urbanizable area.
- 15 (4) Cities and counties must jointly determine how transportation system planning will occur in the  
16 urbanizable area, including plan adoption, through intergovernmental agreement.
- 17 (5) In lieu of sections (2) and (3) of this rule, a county may choose to develop and adopt a separate  
18 transportation system plan for areas in the urbanizable area. The county and associated city must  
19 meet the requirements as provided in sections (4) and (7) of this rule.
- 20 (6) Counties planning for unincorporated urban areas as provided in this rule, and associated cities,  
21 must meet these requirements:
- 22 (a) Counties must meet the applicable requirements of this division as if they were a city,  
23 even when requirements only refer to cities.
- 24 (b) Both the city and county must meet all applicable requirements based on the population  
25 of the entire urban area.
- 26 (c) Both the city and the county must adopt transportation system plans with the same  
27 horizon year.
- 28 (7) Counties must plan areas outside Urban Growth Boundaries as rural, regardless of location within  
29 a metropolitan area. Counties planning for unincorporated communities within a metropolitan  
30 area must meet requirements as provided in OAR Chapter 660, Division 22.

1 **0115: Funding Projections**

2 This rule describes how cities develop funding projections in the transportation system plan. Funding  
3 projections include a list of funding sources that are expected to fund transportation facilities and  
4 services, and the amount of funding available for transportation projects over the planning period.

5 **Since the December draft, this rule has been renamed from “Transportation System Funding Plan.”**  
6 **The term “financial plan” has been changed to “funding projections,” but the requirements are the**  
7 **same. Renumbered from OAR 660-012-0205.**

- 8 (1) Cities and counties must include funding projections in the transportation system plan. Funding  
9 projections must include the list of funding sources and amount of funding available, as provided  
10 in this rule.
- 11 (2) Cities and counties must include a list of transportation system funding sources in the  
12 transportation system plan. The list of funding sources must include all funding sources that the  
13 city expects to use over the planning period to operate, maintain, or construct the transportation  
14 system. These sources include, but are not limited to:
- 15 (a) Local, regional, state, and federal funding sources; and
  - 16 (b) Sources expected to be directed to transportation facilities or services within the planning  
17 area controlled by any transportation facility or service operator.
- 18 (3) The list of funding sources must include, for each source of funding identified:
- 19 (a) The expected amounts of funding for each year over the remainder of the planning  
20 period;
  - 21 (b) The purpose of the source of funding and any key limitations on the use of the funding;  
22 and
  - 23 (c) Reasons for expecting the finding source to be available during the planning period.  
24 These reasons may include, but are not limited to:
    - 25 (A) The source comes from transportation facility pricing revenues, including  
26 parking revenues;
    - 27 (B) The source comes from tax or bond revenues;
    - 28 (C) The source comes from fees, charges, or other local revenues;
    - 29 (D) The source comes from grants given using a formula or other regular  
30 disbursement;
    - 31 (E) The source comes from regional funds provided through a Metropolitan Planning  
32 Organization; and
    - 33 (F) The source previously provided funds to the city or county and can reasonably  
34 expected to provide more in the future.
- 35 (4) The city or county must use the list of funding sources to determine the amount of funding  
36 expected to be available for use to develop transportation projects over the planning period.  
37 Funding amounts which are expected to be used to maintain and operate the transportation  
38 system, or used for other purposes than to fund transportation projects, must be excluded. The  
39 transportation system plan must clearly describe the amounts that are included and excluded.

1 **0120: Transportation System Planning Engagement**

2 This rule directs how cities must engage the public, and specifically underserved populations, in the  
3 development and approval of transportation system plans.

4 **Since the December draft this rule has been renumbered from OAR 660-012-0115.**

- 5 (1) Cities and counties must develop transportation system plans using methods of engaging the  
6 public and making decisions consistent with the statewide planning goals and provisions of the  
7 local comprehensive plan.
- 8 (2) Public engagement and decision making must place an increased emphasis on centering the  
9 voices of underserved populations as provided in OAR 660-012-0125.
- 10 (3) Cities or counties engaged in a major update of the transportation system plan as provided in  
11 OAR 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-  
12 012-0340, must make a special effort to ensure underserved populations, as provided in OAR  
13 660-012-0125, are informed about the choices that need to be made in the planning process, given  
14 a meaningful opportunity to inform the planning process, and to the extent possible, have an  
15 equitable share of the decision-making power over key decisions.

16 **0125: Underserved Populations**

17 Oregon has a long history of discrimination throughout our laws, budgets, and planning processes and  
18 decisions. The Climate-Friendly and Equitable Communities Rules Advisory Committee has helped  
19 identify underserved populations to consider in this rulemaking, expanding on a list from the Governor’s  
20 office. To rectify harms done in the past and in current practice, communities must prioritize these  
21 populations in decision-making processes and outcomes.

22 This rule sets out a Definition of underserved populations for use in transportation and land use  
23 planning consistent with the Equitable Outcomes Statement developed by the Rules Advisory  
24 Committee. The rule also requires cities and counties to identify areas with concentrations of  
25 underserved populations; and to identify and engage with recognized tribes with ancestral lands in the  
26 area of the city or county.

27 **Since the December draft, this rule has been renumbered from OAR 660-012-0120.**

- 28 (1) In order to implement provisions of this division, cities and counties must prioritize community-  
29 led engagement and decision-making, with specific attention to the underserved populations listed  
30 in section (2) of this rule.
- 31 (2) When updating or amending a transportation systems plan, cities and counties must identify  
32 populations of people living in the community who need prioritized attention with regard to  
33 transportation and land use planning due to historic and current marginalization. Underserved  
34 populations include, but are not limited to:
- 35 (a) Black and African American people;
- 36 (b) Indigenous people (including Tribes, American Indian/Alaska Native and Hawaii  
37 Native);
- 38 (c) People of Color (including but not limited to Hispanic, Latina/o/x, Asian, Arabic or North  
39 African, Middle Eastern, Pacific Islander, and mixed-race or mixed-ethnicity  
40 populations);

- 1 (d) Immigrants, including undocumented immigrants and refugees;
- 2 (e) People with limited English proficiency;
- 3 (f) People with disabilities;
- 4 (g) People experiencing homelessness;
- 5 (h) Low-income and low-wealth community members;
- 6 (i) Low- and moderate-income renters and homeowners;
- 7 (j) Single parents;
- 8 (k) Lesbian, gay, bisexual, transgender, queer, intersex, asexual, or two-spirit community
- 9 members; and
- 10 (l) Youth and seniors.
- 11 (3) Cities and counties must identify geographic areas with above average concentrations of
- 12 underserved populations.

13 **0130: Decision-Making with Underserved Populations**

14 This rule directs how local governments center underserved populations in decision-making. The rule  
 15 requires local governments to implement an involvement program with a range of activities to ensure  
 16 equitable participation in decision-making and work toward equitable outcomes. The rule requires cities  
 17 and counties to regularly assess and report on progress.

18 **Since the December draft, this rule has been renumbered from OAR 660-012-0125.**

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

- 1 (3) Cities and counties must regularly assess and report on progress made under this rule by:
- 2 (a) Reporting to the department annually as provided in OAR 660-012-0900;
- 3 (b) Making regular reports to the planning commission and governing body of the city or
- 4 county; and
- 5 (c) Making regular public reports to the community.

6 **0135: Equity Analysis**

7 This rule gives cities and counties direction on how to complete an equity analysis. An equity analysis is  
8 required for a variety of actions throughout the division. The purpose of an equity analysis is to identify  
9 impacts of proposed projects and policies and potentially inequitable consequences or burdens on  
10 impacted communities.

11 **Since the December draft, this rule has added a step to assess, document, and acknowledge current**  
12 **and past racism. There have been some other small changes. The rule has been renumbered from 660-**  
13 **012-0130.**

- 14 (1) Cities and counties must ensure that land use and transportation plans required in this division
- 15 improve outcomes for underserved populations by using an equity analysis. An equity analysis is
- 16 intended to determine benefits and burdens on underserved populations, as provided in OAR 660-
- 17 012-0125.
- 18 (2) A city or county engaging in an equity analysis must:
- 19 (a) Engage with members of underserved populations as provided in OAR 660-012-0125 to
- 20 develop key community outcomes;
- 21 (b) Assess, document, acknowledge, and address where past policies and effects of climate
- 22 change have harmed and are likely to perpetuate harm to underserved populations;
- 23 (c) Assess, document, acknowledge and address where current and past racism has harmed
- 24 and continues to harm underserved populations;
- 25 (d) Recognize where and how intersectional discrimination compounds disadvantages;
- 26 (e) Gather, collect, and value lived experience, qualitative, and quantitative information from
- 27 the community on how the proposed change benefits or burdens underserved populations;
- 28 (f) Analyze the proposed changes for impacts and alignment with desired key community
- 29 outcomes;
- 30 (g) Develop strategies to create greater equity or minimize negative consequences;
- 31 (h) Develop and track key indicators over time and continue to communicate with and
- 32 involve the people in the community who are members of underserved populations; and
- 33 (i) Report back and share the information learned from the analysis and unresolved issues
- 34 with people in the community who are members of underserved populations.

1 **0140: Transportation System Planning in the Portland Metropolitan Area**

2 This rule describes how transportation system planning works in the Portland Metropolitan Area,  
3 including local planning by cities and counties, and regional planning by Metro. Many of the regional  
4 planning requirements are from existing rules in OAR 660-012-0016.

5 This rule has a temporary rule number and will be renumbered in a future draft.

6 **Since the December draft, this draft rule has changed to be clearer about how Metro may propose**  
7 **requirements in the regional framework plan to the commission in lieu of requirements in this**  
8 **division. This rule has been renumbered from OAR 660-012-0102.**

- 9 (1) This rule applies to cities and counties in the Portland Metropolitan Area, and Metro. In the  
10 Portland Metropolitan Area, cities and counties shall develop and adopt local transportation  
11 system plans, and Metro shall develop and adopt a regional transportation system plan as  
12 provided in this rule.
- 13 (2) Cities and counties shall amend comprehensive plans, land use regulations, and transportation  
14 system plans to be consistent with Metro’s regional transportation system plan. Consistent means  
15 city and county comprehensive plans and implementing ordinances, conform with the policies  
16 and projects in the regional transportation system plan.
- 17 (3) Metro shall prepare, adopt, amend, and update a regional transportation system plan in  
18 coordination the with regional transportation plan required by federal law. Insofar as possible, the  
19 regional transportation system plan shall be accomplished through a single coordinated process  
20 that complies with the applicable requirements of federal law and this division.
- 21 (a) When Metro adopts or amends the regional transportation plan to comply with this  
22 division as provided in this section, Metro shall review the adopted plan or amendment  
23 and either:
- 24 (A) Adopt findings that the proposed regional transportation plan amendment or  
25 update is consistent with the applicable provisions of adopted regional  
26 transportation system plan and compliant with applicable provisions of this  
27 division; or
- 28 (B) Adopt amendments to the regional transportation system plan that make the  
29 regional transportation plan consistent and compliant with applicable provisions  
30 of this division. Necessary plan amendments or updates shall be prepared and  
31 adopted in coordination with the federally-required plan update or amendment.  
32 Such amendments shall be initiated no later than 30 days from the adoption of the  
33 regional transportation plan amendment or update and shall be adopted no later  
34 than one year from the adoption of the regional transportation plan amendment or  
35 update or according to a work program approved by the commission. A plan  
36 amendment is initiated for purposes of this subsection where the affected local  
37 government files a post-acknowledgement plan amendment notice with the  
38 department as provided in OAR 660-018-0020.
- 39 (b) Adoption or amendment of the regional transportation plan relates to compliance with  
40 this division for purposes of section (3) if it does one or more of the following:
- 41 (A) Changes plan policies;

- 1 (B) Adds or deletes a project from the list of planned transportation facilities,  
2 services or improvements or from the financially-constrained project list required  
3 by federal law;
- 4 (C) Modifies the general location of a planned transportation facility or  
5 improvement;
- 6 (D) Changes the functional classification of a transportation facility; or
- 7 (E) Changes the planning period or adopts or modifies the population or employment  
8 forecast or allocation upon which the plan is based.
- 9 (c) The following amendments to the regional transportation plan do not relate to compliance  
10 with this division for purposes of section (3):
- 11 (A) Adoption of an air quality conformity determination;
- 12 (B) Changes to a federal revenue projection;
- 13 (C) Changes to estimated cost of a planned transportation project; or
- 14 (D) Deletion of a project from the list of planned projects where the project has been  
15 constructed or completed.
- 16 (4) Notwithstanding any requirement in this division, Metro may adopt provisions into a regional  
17 functional plan that require cities and counties to meet an additional requirement for  
18 transportation system planning where Metro finds that the additional requirement is necessary to  
19 meet regional planning objectives and supports the purposes of this division.
- 20 (5) Notwithstanding requirements for transportation system planning areas as provided in OAR 660-  
21 012-0110:
- 22 (a) Metro shall work cooperatively with cities and counties to determine responsibility for  
23 planning areas in the urbanizable area. All lands within the Metro Urban Growth  
24 Boundary must be within the planning area of either a city or county. Where a county has  
25 responsibility for a planning area, the county must meet the requirements as provided for  
26 counties in OAR 660-012-0110;
- 27 (b) Counties planning for unincorporated areas with the urban growth boundary shall meet  
28 all applicable requirements based on the population of the planning area; and
- 29 (c) Counties and cities need not have the same planning horizon year.
- 30 (6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-  
31 0150, Metro shall prescribe inventory requirements in transportation system plans for cities and  
32 counties in a regional functional plan.
- 33 (7) Metro may propose alternative requirements in lieu of requirements provided in this division.
- 34 (a) The director shall review proposed alternative requirements to make a recommendation  
35 to the commission as to whether the proposed alternative requirements would meet the  
36 objectives of the original requirements and support the purposes of this division.
- 37 (b) The commission shall hold a hearing to review the proposed alternative requirements and  
38 the director's recommendation. If the commission finds that the proposed alternative  
39 requirements meet the objectives of the original requirements and support the purposes of  
40 this division, then the commission shall issue an order approving the proposed alternative  
41 requirements; otherwise, the commission shall remand the proposed alternative  
42 requirements to Metro with specific directions for changes needed to meet the objectives  
43 of the original requirement and support the purposes of this division.

- 1 (c) Upon approval by the commission, Metro may adopt the proposed alternative  
2 requirements into a regional functional plan. Upon adoption by Metro, cities and counties  
3 that comply with the alternative requirements adopted by Metro are no longer required to  
4 meet the specific requirements covered by the commission order.

5 **0145: Transportation Options Planning**

6 This rule describes how cities develop a transportation options element of their transportation system  
7 plan. The rule requires cities and counties to coordinate closely with transportation options providers,  
8 public transportation providers, and other cities and counties to identify existing programs, services, and  
9 projects; as well as future needs.

10 **Since the December draft, this draft rule has been renumbered from OAR 660-012-0750.**

- 11 (1) Transportation system plans must include a transportation options element that includes:  
12 (a) The existing programs, services, and projects identified in section (2);  
13 (b) The future transportation demand management needs identified in section (3) and the  
14 performance targets as provided in OAR 660-012-0910; and  
15 (c) A trip reduction strategy for large employers.
- 16 (2) Cities and counties shall coordinate with transportation options providers, public transportation  
17 service providers, and other cities and counties to identify existing transportation options and  
18 transportation demand management programs, services, and projects. This must include, but is  
19 not limited to:  
20 (a) The identification of education, encouragement, and other transportation demand  
21 management programs and services that focus on non-driving forms of transportation;  
22 (b) The identification of transportation demand management programs and policies that  
23 discourage the use of single occupancy vehicles; and  
24 (c) The identification of the transportation options needs of underserved populations.
- 25 (3) Cities and counties shall coordinate with transportation options providers, public transportation  
26 service providers, and other cities and counties to identify future transportation demand  
27 management needs. This must include, but is not limited to:  
28 (a) Commute Trip Reduction consultation and promotion of programs such as the provision  
29 of transit passes and parking cash-out;  
30 (b) Physical improvements such as carpool parking spaces and park and ride locations; and  
31 (c) Regional solutions for intercity travel.

1 **0150: Transportation System Inventories**

2 This rule includes general requirements for inventories of existing facilities and services in  
3 transportation system plans. The specific requirements for each mode of transportation are in separate  
4 rules, as noted in this rule. There are basic levels of inventories required, and larger cities will be  
5 required to do more advanced inventories.

6 No substantive changes have been made to this rule since the December draft.

- 7 (1) This rule applies to transportation inventories as provided in OAR 660-012-0505, OAR 660-012-  
8 0605, OAR 660-012-0705, and OAR 660-012-0805.
- 9 (2) Cities and counties shall coordinate with other transportation facility and service providers,  
10 including, but not limited to state agencies, other cities and counties, and public transportation  
11 system operators to develop the transportation system inventory.
- 12 (3) Inventories must include all publicly accessible transportation facilities and services within the  
13 planning area, regardless of ownership or maintenance responsibility. Inventories must note  
14 ownership or maintenance responsibility for all facilities.
- 15 (4) Inventories must clearly identify the function of a facility or service, primary users of the facility  
16 or service, and the planned land use context of differing segments of the facility.
- 17 (A) Function includes the classification of the facility or services, its primary uses, and  
18 whether it primarily serves local, regional, pass-through, or freight traffic.
- 19 (B) Primary users of the facility includes whether users are primarily on foot, bicycle, transit,  
20 freight, or personal vehicle.
- 21 (C) Land use context includes determining what types of planned land uses surround the  
22 facility.

23 **0155: Prioritization Framework**

24 This rule sets the context for prioritizing projects in local transportation system plans; and how cities,  
25 counties, Metro, and state agencies make decisions about investments in the transportation system. The  
26 prioritization framework places an emphasis on reducing pollution, increasing equitable outcomes,  
27 safety, and accessibility.

28 **This rule has been renumbered from OAR 660-012-0180.**

- 29 (1) Cities, counties, Metro, and state agencies shall use the framework in this rule to make decisions  
30 about prioritization of transportation facilities and services when making decisions as provided in  
31 this division. Cities, counties, Metro, and state agencies must consider the following:
- 32 (a) Prioritization factors as provided in section (2);
- 33 (b) Classification of facilities or segments as provided in section (3);
- 34 (c) The planned land use context as provided in section (4); and
- 35 (d) Expected primary users as provided in section (5).

- 1 (2) Cities, counties, Metro, and state agencies shall use the following factors to prioritize  
2 transportation facilities and services. Transportation facilities and services supporting each of  
3 these factors must be prioritized.
- 4 (a) Meeting greenhouse gas reduction targets, including:
- 5 (A) Reducing per-capita vehicle miles traveled to meet greenhouse gas reduction  
6 targets as provided in OAR 660-044-0020 and 660-044-0025;
- 7 (B) Supporting compact, pedestrian-friendly patterns of development in urban areas,  
8 particularly in Climate-Friendly Areas;
- 9 (C) Reducing single-occupant vehicle travel as a share of overall travel; and
- 10 (D) Meeting performance targets as provided in OAR 660-012-0910.
- 11 (b) Improving equitable outcomes for underserved populations as provided in OAR 660-012-  
12 0125;
- 13 (c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;
- 14 (d) Improving access for people with disabilities;
- 15 (e) Improving access to destinations, particularly key destinations as provided in OAR 660-  
16 012-0360;
- 17 (f) Completing the multimodal transportation network, including filling gaps and making  
18 connections; and
- 19 (g) Supporting the economies of the community, region, and state.
- 20 (3) Cities, counties, Metro, and state agencies shall consider the functional classification of planned  
21 or existing transportation facilities or segments when making decisions about appropriate  
22 transportation facilities and services. Cities, counties, Metro, and state agencies may establish  
23 different functional classifications for each mode on any facility or segment that they own and  
24 operate.
- 25 (4) Cities, counties, Metro, and state agencies shall consider the planned land use context around an  
26 existing or planned transportation facility or segment when making decisions about appropriate  
27 transportation facilities and services. In particular:
- 28 (a) Within climate friendly areas, cities, counties, Metro, and state agencies shall prioritize  
29 pedestrian, bicycle, and public transportation facilities and services. Cities, counties,  
30 Metro, and state agencies must ensure facilities are planned for these modes to experience  
31 reliable, low-stress travel within Climate-Friendly Areas with minimal interference from  
32 motor vehicle traffic.
- 33 (b) In areas with concentrations of underserved populations, cities, counties, Metro, and state  
34 agencies shall prioritize projects addressing historic and current marginalization.  
35 Proposed projects in these areas must work to rectify previous harms inflicted and  
36 prevent future harms from occurring. These areas may suffered from disinvestment or  
37 harmful investments, including transportation system investments. Harms include but are  
38 not limited to displacement and increased exposure to pollutants.
- 39 (5) Cities, counties, Metro, and state agencies shall consider the expected primary users of an  
40 existing or planned transportation facility or segment when making decisions about appropriate  
41 transportation facilities and services. In particular:
- 42 (a) In areas near schools or other locations with expected concentrations of children, or areas  
43 with expected concentrations of older people or people with disabilities, cities, counties,

1 Metro, and state agencies must prioritize safe, protected, and continuous pedestrian and  
2 bicycle networks connecting to key destinations, including transit stops.

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

7 **0160: Reducing Vehicle Miles Traveled**

8 This rule requires cities and counties to use vehicle miles travelled as a proxy for greenhouse gas  
9 pollution for cities and counties that do not yet have an approved regional scenario plan. The rule  
10 applies when adopting a TSP and requires the city or county to adopt a TSP that is projected to reduce  
11 vehicle miles travelled. Vehicle miles traveled per capita is defined as any light duty vehicle trip  
12 originating from either a city or metropolitan region.  
13 **Since the December draft, this rule changed to remove references to the 2005 base year.**

14 (1) When a city, county, or Metro is making a major update to a transportation system plan as  
15 provided in OAR 660-012-0105, they shall project vehicle miles traveled per capita at the horizon  
16 year.

17 (2) The city, county, or Metro must prepare separate projections using two different lists of future  
18 projects:

19 (a) A projection that estimates changes in future vehicle miles traveled per capita from the  
20 base year that would result from projects on the financially-constrained project list as  
21 provided in OAR 660-012-0210, including latent and induced travel of additional  
22 roadway capacity; and

23 (b) A projection that estimates changes in future vehicle miles traveled per capita from the  
24 base year that would result from projects on the unconstrained project list as provided in  
25 OAR 660-012-0200, including latent and induced travel of additional roadway capacity.

26 (3) The projections must be based on:

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

29 (b) Local actions consistent with the adopted performance targets as provided under OAR  
30 660-12-0915, and regional outcomes under OAR 660-044-0120;

31 (c) Forecast land use patterns that meet OAR 660-012-0340; and

32 (d) State and federal actions included in a land use and transportation scenario plan approved  
33 as provided in OAR 660-044-0120, or included in the Statewide Transportation Strategy  
34 as adopted by the Oregon Transportation Commission, including the following state-led  
35 actions that affect auto operating costs:

36 (A) State-led pricing policies, and energy prices; and

37 (B) Vehicle and fuel technology, including vehicle mix, vehicle fuel efficiency, fuel  
38 mix, and fuel carbon intensity.

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

- 1 (5) If a city, county, or Metro has an adopted regional scenario plan approved under OAR 660-044-  
 2 0050 or OAR 660-044-120, then the transportation system plan must include projected vehicle  
 3 miles traveled per capita at the horizon year that is lower than the estimated vehicle miles traveled  
 4 per capita at the base year by an amount that is consistent with the regional scenario plan.
- 5 (6) If a city, county, or Metro does not have an adopted regional scenario plan approved under OAR  
 6 660-044-0050 or OAR 660-044-0120, then the city or county may only adopt a transportation  
 7 system plan that meets one of the following options:
- 8 (a) The transportation system plan includes a financially constrained or unconstrained project  
 9 list that would result in projected vehicle miles traveled per capita at the horizon year that  
 10 is lower than the estimated vehicle miles traveled per capita by the percentage that is the  
 11 target for reducing greenhouse gas emissions provided in OAR 660-044-0020 or 660-  
 12 044-0025; or
- 13 (b) The transportation system plan is adopted as part of a regionally coordinated  
 14 transportation planning process that includes:
- 15 (A) A regional transportation plan that includes a projection for regional vehicle  
 16 miles traveled per capita at the horizon year that is lower than the estimated  
 17 vehicle miles traveled per capita by the percentage that is the target for reducing  
 18 greenhouse gas emissions provided in OAR 660-044-0020 or 660-044-0025; and
- 19 (B) All the cities and counties in the metropolitan area are adopting local  
 20 transportation system plans consistent with the regional transportation plan.

21 **0170: Unconstrained Project List**

22 This rule describes how cities and counties take the combined list of projects developed in the modal  
 23 elements of the transportation system plan, develop multimodal projects, and produce a combined  
 24 project list. The rule requires cities and counties to use the combined project list to develop an  
 25 unconstrained project list. The Unconstrained project list must include a set of projects that would meet  
 26 targets for reductions in per capita vehicle miles traveled.

27 **Since the December draft, this rule has been renamed to use the term “unconstrained project list”**  
 28 **rather than “illustrative project list.” This change in terminology has been updated throughout the**  
 29 **draft rules. The rule has been changed to be clear that projects may be prioritized into tiers rather**  
 30 **than individually. In draft rule OAR 660-012-0012, a provision has been added which permits cities**  
 31 **with existing bond-funded projects to include that as a prioritization factor in this rule. This rule has**  
 32 **been renumbered from OAR 660-012-0200.**

- 33 (1) Cities and counties shall create a combined project list by combining:
- 34 (a) The pedestrian project list developed as provided in OAR 660-012-0520;
- 35 (b) The bicycle project list developed as provided in OAR 660-012-0620;
- 36 (c) The public transportation project list developed as provided in OAR 660-012-0720; and
- 37 (d) The streets and highways project list developed as provided in OAR 660-012-0820.
- 38 (2) Cities and counties shall review the project lists to determine if there are opportunities to combine  
 39 proposed projects from multiple single-mode lists into a single multimodal project, and then add  
 40 that project to combined project list.

- 1 (3) Cities and counties shall review the combined project list and remove projects as necessary to  
2 meet the requirements of this section to develop the unconstrained project list.
- 3 (a) There is no limit to the number of projects which may be included on the unconstrained  
4 project list.
- 5 (b) The city or county must ensure the unconstrained project list meets the vehicle miles  
6 traveled per capita targets as provided in OAR 660-012-0160.
- 7 (4) Cities and counties shall develop a method of prioritizing projects on the unconstrained project  
8 list consistent with the prioritization factors in OAR 660-012-0155. Projects on the unconstrained  
9 project list may be individually ranked or ranked in tiers. Unconstrained project lists ranked in  
10 tiers must have enough tiers to clearly be able to determine the relative ranking of projects when  
11 making decisions. Cities and counties must meet the following requirements when developing a  
12 method of prioritizing projects on the unconstrained project list:
- 13 (a) The project will help reduce vehicle miles traveled;
- 14 (b) The project burdens underserved populations less than and benefit as much as the city or  
15 county population as a whole;
- 16 (c) The project will help achieve the performance targets as provided in OAR 660-012-0910;  
17 and
- 18 (d) Cities and counties shall describe the method used to prioritize the unconstrained project  
19 list in the transportation system plan.
- 20 (5) Cities and counties shall develop planning-level cost estimates for the top ranked projects on the  
21 prioritized unconstrained project list as provided in section (4) of this rule. The city or county  
22 must make estimates for as many projects as the city or county reasonably believes could be  
23 funded in the planning period. The city or county need not make cost estimates for every project  
24 on the unconstrained project list.

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

2 This rule gives cities and counties a method to develop a financially-constrained project list. Projects on  
3 the financially-constrained project list are the planned projects to be considered for further project  
4 development, funding, and construction. The financially-constrained list of projects in the local  
5 transportation system plan will inform the federally required regional transportation plan. The  
6 financially-constrained list will also be the only projects that may be assumed as “reasonably likely”  
7 when considering if an amendment to a comprehensive plan or land use regulation has a “significant  
8 effect” on the transportation system.

9 The financially-constrained list must result in equitable outcomes, demonstrate a reduction in per-capita  
10 Vehicle Miles Traveled, and support meeting targets set against a range of performance measures.

11 **Since the December draft, this rule has changed to be clearer about the role of the financially-**  
12 **constrained project list. The rule is now clearer that the project list needs to demonstrate that the**  
13 **plan is on track to meet the climate targets in Division 44. The rule now permits projects from the**  
14 **unconstrained list to advance with development in some cases. The rule has changed to be less**  
15 **prescriptive about how the project list is constricted. This rule has been renumbered from OAR 660-**  
16 **012-0210.**

- 17 (1) Cities and counties shall include a financially-constrained project list in a transportation system  
18 plan. Cities and counties shall use the prioritized unconstrained project list developed as provided  
19 in OAR 660-012-0170 and the amount of funding available developed as provided in OAR 660-  
20 012-0115 to produce the financially-constrained project list.
- 21 (2) The financially-constrained project list contains the planned projects that may be considered for  
22 further project development, funding, and construction.
- 23 (a) Projects on the financially-constrained project list are the only projects which cities or  
24 counties may advance to be placed in the financially-constrained list of a federally-  
25 required regional transportation plan.
- 26 (b) Cities and counties may permit projects on the unconstrained project list to move forward  
27 when the project is related to a development and the project did not need to be authorized  
28 as provided in OAR 660-012-0830.
- 29 (3) Cities and counties shall take the top available projects on the prioritized unconstrained project  
30 list, using the planning-level cost estimates developed as provided in OAR 660-012-0170, up to  
31 125% of the funding available. Using this list, cities and counties shall:
- 32 (a) Review the list of projects to determine if the city or county may reasonably demonstrate  
33 that the list of projects would result in a reduction of per capita vehicle miles traveled, as  
34 provided in OAR 660-012-0160, and be on track to meet the targets in OAR 660-044-  
35 0020 or OAR 660-044-0025;
- 36 (b) Review the list of projects to ensure that it would result in burdens on underserved  
37 populations less than and benefit as much as the city or county population as a whole to  
38 determine if the outcomes of the project list are equitable; and
- 39 (c) Review the list of projects against the targets set for each performance measure as  
40 provided in OAR 660-012-0910 or OAR 660-044-0110 to determine if the list results in  
41 progress toward meeting the targets.

- 1 (4) If the list of projects cannot meet each test in section (2), the city or county must adjust the  
2 project list to find the highest-ranking set of projects that can meet the criteria in section (2). This  
3 is the financially-constrained project list.
- 4 (5) Cities or counties making a major or minor amendment to the transportation system plan as  
5 provided in OAR 660-012-0105 which includes an update to any project list, must update the  
6 financially-constrained project list as provided in this rule.
- 7 (6) Cities and counties shall prioritize the implementation of projects from the financially-  
8 constrained project list for their ability to reduce climate pollution and improve equitable  
9 outcomes using the criteria provided in section (2) of this rule.

10 **0190: Transportation System Refinement Plans**

11 This rule provides cities and counties with the opportunity to defer some decisions that would otherwise  
12 be made in a transportation system plan to a later refinement planning process. This rule is largely  
13 based on existing language within the Transportation Planning Rules, in OAR 660-012-0025.

14 **Since the December draft, a provision prohibiting deferral of a decisions to a refinement plan in a**  
15 **climate friendly area has been removed. This rule has been renumbered from OAR 660-012-0140.**

- 16 (1) A city or county may, when adopting a major update to the transportation system plan as  
17 provided in OAR 660-012-0100, defer decisions regarding function, general location, and mode  
18 of a refinement plan if findings are adopted that:
- 19 (a) Identify the transportation need for which decisions regarding function, general location, or  
20 mode are being deferred;
- 21 (b) Demonstrate why information required to make final determinations regarding function,  
22 general location, or mode cannot reasonably be made available within the time allowed for  
23 preparation of the transportation system plan;
- 24 (c) Explain how deferral does not invalidate the assumptions upon which the transportation  
25 system plan is based or preclude implementation of the remainder of the transportation  
26 system plan;
- 27 (d) Describe the nature of the findings which will be needed to resolve issues deferred to a  
28 refinement plan; and
- 29 (e) Set a deadline for adoption of a refinement plan no more than five years after the adoption of  
30 the major update to the transportation system plan.
- 31 (2) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements  
32 of the National Environmental Policy Act of 1969, the development of the refinement plan shall  
33 be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted  
34 prior to the issuance of the Final EIS.

1 **0200: Temporary Projects**

2 This rule makes clear that certain temporary or pilot projects need not be included in the transportation  
3 system plan to be implemented. These are expected to be short-term trials or temporary fixes in  
4 advance of a plan update.

5 **Since the December draft, this rule has been renumbered from OAR 660-012-0145.**

- 6 (1) Notwithstanding any other part of this division, an operator of a transportation facility may  
7 undertake a temporary project to change streets, roads, or highways consistent with this rule,  
8 without specific inclusion in a project list in a transportation system plan.
- 9 (2) Temporary projects may include:
- 10 (a) Temporary projects to convert areas dedicated to existing on-street parking or general-  
11 purpose travel lanes to pedestrian facilities, areas, or plazas; bicycle facilities; or transit  
12 lanes.
- 13 (b) Temporary projects to implement a pilot program to price facilities for motor vehicles on  
14 a street or highway. This rule does not restrain any parking pricing or parking  
15 management activities.
- 16 (c) Temporary transportation projects to provide basic transportation network connectivity  
17 and function after a major emergency impacting the transportation system to a significant  
18 degree.
- 19 (3) Temporary projects as provided in this rule may be in place for up to two years, or three years  
20 within a climate friendly area. Projects extending past this duration must be adopted into the  
21 transportation system plan.

22 **0210: Transportation Modeling and Analysis**

23 This rule sets requirements for how cities and counties use transportation modeling and analysis to  
24 make land use decisions.

25 **Since the December draft the reference to induced and latent demand has been removed from this**  
26 **rule. The impact of induced and latent demand on the transportation system is accounted for through**  
27 **the financially-constrained and constrained project lists vehicle miles traveled per capita reduction**  
28 **requirements in draft rule OAR 660-012-0160. This rule has been renumbered from OAR 660-012-**  
29 **0155.**

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

1 **0215: Transportation Performance Standards**

2 This rule provides a framework for how decisions are made using transportation performance standards.  
3 These include decisions made about transportation system planning, reviewing comprehensive plan and  
4 land use regulation amendments, and in the local review of development proposals.

5 Currently many, but not all, decisions have relied heavily on performance standards related to motor  
6 vehicle congestion. This rule ensures that decisions take all modes and a wider variety of values into  
7 account. These values include equity, reducing climate pollution, safety, accessibility, reliability, and  
8 mobility.

9 **Since the December draft, this rule has changed to be clearer about how adopted standards apply to**  
10 **review of transportation impacts as part of development review. The rule has also been renumbered**  
11 **from OAR 660-012-0170.**

12 (1) This rule applies to performance standards that cities and counties use to review comprehensive  
13 plan and land use regulation amendments as provided in OAR 660-012-0060. If a city or county  
14 requires applicants to analyze transportation impacts as part of development review in  
15 acknowledged local land use regulations, then that review must use performance standards  
16 established under this rule. This rule applies to performance standards that Metro uses to review  
17 functional plan amendments as provided in OAR 660-012-0060.

18 (2) Cities and counties shall adopt performance standards as an element of a local transportation  
19 system plan. The performance standards must be consistent with the acknowledged local  
20 comprehensive plan. The performance standards must support meeting the targets for  
21 performance measures provided in OAR 660-012-0910. The transportation system plan must  
22 include the elements listed below.

23 (a) What characteristics of the transportation system will be measured, estimated or  
24 projected, and the methods to calculate performance.

25 (b) Thresholds to determine whether the measured, estimated, or projected performance  
26 meets the performance standard. Thresholds may vary by facility type, location, or other  
27 factors.

28 (c) Findings for how the performance standard supports meeting the targets for performance  
29 measures provided in OAR 660-012-0910.

30 (3) Cities, counties, Metro, and state agencies shall adopt two or more performance standards. At  
31 least one of the performance standards must support increasing transportation choices and  
32 avoiding principal reliance on the automobile. The transportation system plan must clearly state  
33 how to apply the multiple performance standards to a proposal that meets some, but not all, of the  
34 performance standards. The performance standards must evaluate at least two of the following  
35 objectives for the transportation system, for any or all modes of transportation:

36 (a) Reducing climate pollution;

37 (b) Equity;

38 (c) Safety;

39 (d) Network connectivity;

40 (e) Accessibility;

41 (f) Efficiency;

42 (g) Reliability; and

1 (h) Mobility.

2 **New Rules 0300-0360: Coordinated Land Use and Transportation Planning**

3 The Transportation Planning Rules are, at their heart, a guide for local governments to make  
4 coordinated plans for both land use and their transportation system. This part of the Transportation  
5 Planning Rules focus on land use requirements, including requirements for climate friendly areas.  
6 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

7 **0300: Coordinated Land Use and Transportation System Planning**

8 This rule contains general provisions for cities and counties within metropolitan areas in how they  
9 accomplish coordinated land use and transportation planning.

10 No substantive changes have been made to this rule since the December draft.

- 11 (1) Cities and counties must ensure land use and transportation plans are coordinated.
- 12 (2) Cities and counties must, if applicable, adopt and implement climate friendly areas as provided in  
13 OAR 660-012-0310.
- 14 (3) Cities and counties must adhere to the applicable land use requirements as provided in OAR 660-  
15 012-0330.
- 16 (4) Cities and counties must, in the development of transportation plans, use the land use assumptions  
17 described as provided in OAR 660-0340.
- 18 (5) Cities and counties must develop a list of key destinations, as provided in OAR 660-012-0360.
- 19 (6) Cities and counties must meet the parking management requirements as provided in OAR 660-  
20 012-0400.

21 **0310: Climate Friendly Areas**

22 This rule describes the requirements for the designation of climate friendly areas. The rule sets out  
23 some basic standards for which areas should and should not be considered for designation as a climate  
24 friendly area.

25 **Since the December draft, this rule has been reorganized to detail the locational requirements for**  
26 **climate friendly areas in section (1). Exceptions have been added to the minimum dimensional**  
27 **standards, and further clarification has been added regarding county areas that are, and are not,**  
28 **subject to this rule. Lastly, an addition to section (4) clarifies that the commission may act if Metro or**  
29 **cities and counties within Metro fail to comply with applicable requirements.**

- 30 (1) Cities and counties shall designate climate friendly areas in locations that meet the following  
31 requirements:
  - 32 (a) Must address the land use requirements of OAR 660-012-0320.
  - 33 (b) Must be located in existing or planned urban centers, including downtowns,  
34 neighborhood centers, transit-served corridors, or similar districts.

- 1 (c) Must be located in areas that are served, or planned for service, by high quality  
2 pedestrian, bicycle, and transit services.
- 3 (d) May not be located in areas where development is not allowed under authority of  
4 Statewide Planning Goal 7. Climate friendly areas may be designated in areas subject to  
5 Statewide Planning Goal 7 if the local government has adopted requirements for  
6 development that will mitigate potential hazards to life and property.
- 7 (e) Cities or counties with a population of more than 5,000, but less than 10,000 shall  
8 designate climate friendly areas with a minimum dimension no less than 500 feet. Cities  
9 or counties with a population of 10,000 or more shall designate climate friendly areas  
10 with a minimum dimension no less than 1,000 feet. Exceptions to these minimum  
11 dimensional requirements are allowed due to natural barriers, such as rivers; or due to  
12 long-term barriers in the built environment, such as freeways. Exceptions are also  
13 allowed if potential climate friendly areas are constrained by adjacent areas planned and  
14 zoned to meet industrial land needs.
- 15 (2) Cities and counties outside the Portland metropolitan area shall designate climate friendly areas  
16 as provided in OAR 660-012-0012. Counties with planning jurisdiction in areas provided with  
17 urban water, sanitary sewer, stormwater, and transportation services within an identified urban  
18 growth boundary shall coordinate with the respective city or cities to address climate friendly area  
19 requirements for those areas as provided in OAR 660-012-0012. County areas outside urban  
20 growth boundaries or within urban growth boundaries; but not provided with urban water,  
21 sanitary sewer, stormwater, and transportation services; are not subject to this rule.
- 22 (3) Metro and cities and counties within the Portland metropolitan area shall address applicable  
23 requirements as provided in OAR 660-012-0012.
- 24 (4) If a city or county outside Metro have not designated sufficient climate friendly areas as provided  
25 in this rule, or if Metro, or city or county within Metro, have not addressed the applicable  
26 requirements in OAR 660-012-0012, the commission may:
- 27 (a) Initiate periodic review for the subject local government to address the requirement; or  
28 (b) Issue an enforcement order to the local government, consistent with ORS 197.646.

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

2 This rule describes the process to be followed for cities and counties to study potential climate friendly  
3 areas, including consideration for, and mitigation of, potential inequitable impacts that might result  
4 from CFA designation, such as the displacement of underserved populations. The rule also describes  
5 requirements for the adoption of zoning regulations and comprehensive plan amendments for climate  
6 friendly areas.

7 **Since the December draft, this rule has provided more clarity regarding how a local government is to**  
8 **calculate the area needed within climate friendly areas to accommodate at least 30% of current and**  
9 **future housing needs. The rule also clarifies that the local government is to provide a study of**  
10 **potential climate friendly areas by June 30, 2023. The rule details the required elements of the study**  
11 **and adds a new section (5) to address the process for department and public review and comment on**  
12 **the study.**

- 13 (1) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of  
14 10,000 or more must designate climate friendly areas sufficient to accommodate at least thirty  
15 percent of the total identified number of housing units necessary to meet all current and future  
16 housing needs over the planning period by using the average buildable residential area  
17 calculations in Section (2). A local government may designate one or several climate friendly  
18 areas in order to accommodate at least thirty percent of housing units.
- 19 (2) Cities and counties subject to Section (1) must calculate the housing that can be accommodated in  
20 climate friendly areas by estimating the average buildable residential area within climate friendly  
21 areas, as follows:
- 22 (a) Based on development standards within a climate friendly area, including applicable  
23 setbacks, allowed building heights, open space requirements, on-site parking  
24 requirements, and similar regulations, determine the buildable square footage for each net  
25 developable area. Within fully developed areas, analysis of net developable areas may be  
26 conducted for each city block, without regard to property boundaries. Within  
27 undeveloped areas, the local government shall assume the same ratio of gross land area to  
28 net developable area as that which exists in the most fully developed urban center.
- 29 (b) Where the local government has not established a maximum building height, assumed  
30 building height shall be 85 feet. Cities and counties may assume the following number of  
31 floors within multistory buildings, based on allowed building heights:
- 32 (A) Fifty feet allows for four floors.  
33 (B) Sixty feet allows for five floors.  
34 (C) Eighty-five feet allows for seven floors.
- 35 (c) Local governments that allow height bonuses for affordable housing to serve households  
36 with an income of 60% or less of the area median household income, or height bonuses  
37 for the construction of accessible dwelling units in excess of minimum requirements, may  
38 include 25 percent of the additional average buildable residential area allowance in their  
39 calculations of buildable square footage. Qualifying height bonuses must allow building  
40 heights above the minimums established in OAR 660-012-0320(7).
- 41 (d) Local governments shall assume that residential dwellings will occupy 30 percent of the  
42 buildable square footage within climate friendly areas.

- 1 (e) Local governments shall assume an average dwelling unit size of 900 square feet. Local  
 2 governments shall use the average dwelling unit size to convert the estimated buildable  
 3 residential square footage into an estimate of the number of dwelling units that may be  
 4 accommodated in the climate friendly area.
- 5 (3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of more  
 6 than 5,000 but less than 10,000 must designate at least twenty-five acres of land as climate  
 7 friendly area, as provided in Sections (4), (5), and (6).
- 8 (4) Cities and counties must submit a study of potential climate friendly areas to the department as  
 9 provided in this rule and in OAR 660-012-0012. The study of potential climate friendly areas  
 10 shall include the following information:
- 11 (a) Maps showing the location and size of all potential climate friendly areas. Cities and  
 12 counties shall utilize the study process to identify the most promising area or areas to be  
 13 climate friendly areas, but are not required to subsequently adopt and zone each studied  
 14 area as a climate friendly area.
- 15 (b) Cities and counties subject to section (1) shall provide preliminary calculations of  
 16 average buildable residential area and resultant residential dwelling unit capacity within  
 17 each potential climate friendly area, consistent with section (2) and utilizing either  
 18 existing or anticipated development standards within each climate friendly area. Potential  
 19 climate friendly areas must cumulatively contain sufficient average buildable residential  
 20 area to accommodate at least thirty percent of the total identified number of housing units  
 21 necessary to meet all current and future housing needs over the planning period.
- 22 (c) A narrative summary of the public engagement process used to identify and study  
 23 potential climate friendly areas, consistent with the requirements of OAR 660-012-0120  
 24 through 660-012-0135.
- 25 (d) Analysis of how each potential climate friendly area complies, or may be brought into  
 26 compliance, with the requirements of OAR 660-012-0310.
- 27 (e) Preliminary evaluation of existing development standards within the potential climate  
 28 friendly area(s) and a general description of any changes necessary to comply with the  
 29 requirements of OAR 660-012-0320.
- 30 (f) Plans for achieving fair and equitable housing outcomes within climate friendly areas, as  
 31 identified in OAR 660-008-0050(4)(a) - (f). Analysis of OAR 660-008-0050(4)(f) shall  
 32 include analysis of spatial and other data to determine if potential climate friendly areas  
 33 would be likely to displace residents who are members of state and federal protected  
 34 classes. The local government shall also identify actions that may be employed to  
 35 mitigate or avoid potential displacement.
- 36 (5) Cities and counties must submit reports required in Section (4) as follows:
- 37 (a) The report shall include the information specified in Section (4) and must be submitted to  
 38 the department as provided in OAR 660-012-0012.
- 39 (b) Within 30 days of receipt of the report, the department shall:
- 40 (A) Post a complete copy of the submitted report on the department's website along  
 41 with a statement that any person may file a written comment regarding the  
 42 submitted report no more than 21 days after the posting of the report.
- 43 (B) Provide notice to persons described under ORS 197.615(3)(a), directing them to  
 44 the posting described in subsection (a) and informing them that they may file a

- 1 written comment regarding the submitted report no more than 21 days after the  
2 posting of the report.
- 3 (c) Within 60 days of posting of the report on the department’s website, the department shall  
4 provide written comments to the local government regarding the report information and  
5 the progress made to identify suitable climate friendly areas. The department shall also  
6 provide the local government with any written comments provided by interested persons,  
7 per the process provided in section (5)(b).
- 8 (6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and  
9 climate friendly elements to their comprehensive plans as provided in OAR 660-012-0012.  
10 Adoption of land use requirements and the climate friendly element of the comprehensive plan  
11 shall include the following:
- 12 (a) Cities and counties subject to section (1) shall provide maps showing the location of all  
13 climate friendly areas, including calculations to demonstrate that climate friendly areas  
14 contain sufficient average buildable residential area to accommodate thirty percent of  
15 total housing units, as provided in section (2) of this rule, and based on adopted land use  
16 requirements in these areas as provided in OAR 660-012-0320. Cities and counties  
17 subject to section (3) shall provide maps showing the location of the climate friendly  
18 area. The local government shall include findings containing the information and analysis  
19 required in section (4) for any climate friendly areas that were not included in the initial  
20 study specified in section (4).
- 21 (b) Documentation of the number of total existing dwelling units, accessible dwelling units,  
22 and income-restricted dwelling units within all climate friendly areas.
- 23 (c) Documentation that all adopted and applicable land use requirements for climate friendly  
24 areas are consistent with the provisions of OAR 660-012-0320.
- 25 (d) Adoption of a climate friendly element into the comprehensive plan containing findings  
26 and analysis summarizing the local government decision process and demonstration of  
27 compliance with the provisions of OAR 660-012-0310 through -0325.
- 28 (7) For cities and counties identified in Section (1), the information provided in compliance with  
29 OAR 660-012-0315(6)(b) shall provide a basis for subsequent Housing Production Strategy  
30 Reports to assess progress towards fair and equitable housing production goals in climate friendly  
31 areas, as provided in OAR 660-008-0050(4)(a).

1 **0320: Land Use Requirements in Climate Friendly Areas**

2 This rule describes development codes and other land use requirements cities and counties must adopt  
3 for climate friendly areas. The rule includes a set of basic requirements that must apply to all CFAs and  
4 then provides a prescriptive set of regulations that may be adopted, or allows a local government to  
5 demonstrate that existing or proposed development standards will result in equal or better results than  
6 the prescriptive standards.

7 **Since the December draft, this rule has added attached single family dwellings as a permitted housing**  
8 **type and now gives flexibility to local governments to allow other housing types that would meet the**  
9 **required densities. Revisions also clarify that abutting high density residential or employment areas**  
10 **may be counted as CFA areas without need for zoning changes.**

11 **Revisions have added a 350-foot block length maximum, with clarification regarding redevelopment**  
12 **thresholds; prohibit the use of maximum density limitations in CFAs; and clarify that minimum density**  
13 **requirements would not apply to residential development in a mixed-use building if the building has a**  
14 **floor area ratio of at least 2.0. Also, the prescriptive standards for cities above 100,000 are now the**  
15 **same as those for cities between 50,000 and 100,000.**

16 **Lastly, larger cities are allowed to utilize the less intensive CFA standards for all but one of their CFAs,**  
17 **to allow more context sensitive location of CFAs. The tradeoff will be that more CFA areas would need**  
18 **to be designated to meet the 30% housing target.**

19 (1) Cities and counties shall incorporate the requirements in sections (2), (3), (4), (5), (6), and (7) of  
20 this rule into policies and development regulations that apply in all climate friendly areas. Cities  
21 and counties shall either incorporate the provisions in section (8) into development regulations for  
22 climate friendly areas, or shall demonstrate with adopted findings and analysis that alternative  
23 development regulations for climate friendly areas will result in equal or higher levels of  
24 development in climate friendly areas, per target residential and employment levels provided in  
25 section (9).

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

29 (a) Multifamily residential and attached single family residential. Other residential building  
30 types may be allowed, subject to compliance with applicable minimum density  
31 requirements.

32 (b) Office-type uses.

33 (c) Non-auto dependent retail, services, and other commercial uses.

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

35 (3) Residential or employment-oriented zoned areas within a half-mile walking distance of a mixed  
36 use area zoned as provided in section (1) may be included within a climate friendly area, if in  
37 compliance with subsections (a) or (b). If subsections (a) or (b) are met, no changes to existing  
38 zoning or development standards are required for these areas.

39 (a) Residential areas with minimum residential densities or existing residential development  
40 equal to or greater than the densities provided in section (6); or

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

- 1 (4) Local governments shall prioritize locating government facilities that serve the public within  
2 climate friendly areas and shall prioritize locating parks, open space, plazas, and similar public  
3 amenities in or near climate friendly areas that do not contain sufficient parks, open space, plazas,  
4 or similar public amenities.
- 5 (5) Local governments shall establish a maximum block length of 350 feet or less in climate friendly  
6 areas. Substantial redevelopment of sites of two acres or more within an existing block that does  
7 not meet the standard shall either dedicate an additional through-street connection, or a public  
8 pedestrian and bicycle accessway easement allowing direct passage through the development site  
9 conforming with the maximum block length standard. Exceptions to this standard may be allowed  
10 due to natural barriers, such as rivers; or in areas where public access would be unsafe or contrary  
11 to the public interest.
- 12 (6) Development regulations may not include a maximum density limitation.
- 13 (7) Local governments shall address the following requirements in climate friendly areas:
- 14 (a) The land use requirements as provided in OAR 660-012-0330;
- 15 (b) The applicable parking requirements as provided in OAR 660-012-0410;
- 16 (c) The applicable pedestrian system planning requirements as provided in OAR 660-012-  
17 0510;
- 18 (d) The applicable bicycle system planning requirements as provided in OAR 660-012-0610;
- 19 (e) The applicable bicycle parking requirements as provided in OAR 660-012-0630;
- 20 (f) The applicable public transportation system planning requirements as in OAR 660-012-  
21 0710; and
- 22 (g) The applicable street and highway system planning requirements in OAR 660-012-0810.
- 23 (8) Local governments may adopt the following provisions into development regulations for climate  
24 friendly areas, or may follow the requirements in section (6). Local governments are not required  
25 to enforce the minimum residential densities below for mixed use buildings (buildings that  
26 contain residential units, as well as office, commercial, or other spaces) if the mixed use buildings  
27 meet a minimum floor area ratio of 2.0. A floor area ratio is the ratio of the gross floor area of all  
28 buildings on a development site, excluding areas dedicated to vehicular parking and circulation,  
29 in proportion to the net area of the development site on which the buildings are located. A floor  
30 area ratio of 2.0 would indicate that the gross floor area of the building was twice the net area of  
31 the site.
- 32 (a) Local governments with a population of 5,000 to 24,999 shall adopt the following  
33 development regulations for climate-friendly areas:
- 34 (A) A minimum residential density requirement of 15 dwelling units per net acre;
- 35 (B) Maximum building height no less than 50 feet.
- 36 (b) Local governments with a population of 25,000 to 49,999 shall adopt the following  
37 development regulations for at least one climate-friendly area with a minimum area of 25  
38 acres. Additional climate friendly areas may comply with the following standards or the  
39 standard in subsection (7)(a):
- 40 (A) A minimum residential density requirement of 20 dwelling units per net acre;
- 41 (B) Maximum building height no less than 60 feet.

- 1 (c) Local governments with a population of 50,000 or more shall adopt the following  
 2 development regulations for at least one climate friendly area with a minimum area of 25  
 3 acres. Additional climate friendly areas may comply with the following standards or the  
 4 standards in (7)(a) or (7)(b):
- 5 (A) A minimum residential density requirement of 25 dwelling units per net acre;  
 6 (B) Maximum building height no less than 85 feet in at least one climate friendly  
 7 area. Maximum building height no less than 60 feet in all other climate friendly  
 8 areas.
- 9 (9) As an alternative to adopting the development regulations in section (5), local governments may  
 10 demonstrate with adopted findings and analysis that their adopted development regulations for  
 11 climate friendly areas will result in equal or higher levels of development in climate friendly  
 12 areas, per the following target residential and employment levels:
- 13 (a) Local governments with a population of 5,000 to 24,999 shall adopt development  
 14 regulations in climate friendly areas to enable development, on average, of at least 20  
 15 dwelling units and 20 jobs per net acre.
- 16 (b) Local governments with a population of 25,000 to 49,999 shall adopt development  
 17 regulations for at least one climate friendly area of at least 25 acres to enable  
 18 development, on average, of at least 30 dwelling units and 30 jobs per net acre.  
 19 Additional climate friendly areas may comply with this standard or with the standard in  
 20 subsection (a).
- 21 (c) Local governments with a population of 50,000 or more shall adopt development  
 22 regulations for at least one climate friendly area of at least 25 acres to enable  
 23 development of, on average, at least 40 dwelling units and 40 jobs per net acre.  
 24 Additional climate friendly areas may comply with this standard or with the standard in  
 25 subsections (a) or (b).

26 **0325: Transportation Review in Climate Friendly Areas**

27 This rule describes how local governments review changes to comprehensive plans and land use  
 28 regulations in climate friendly areas. The rule requires an interim multimodal plan when the climate  
 29 friendly area is implemented.

30 **Since the December draft, this rule has been slightly changed to clarify which land use decisions use**  
 31 **the provisions of this rule.**

- 32 (1) Cities or counties must use this rule to review amendments to comprehensive plans or land use  
 33 regulations within a climate friendly area designated as provided in OAR 660-012-0315, and to  
 34 review land use decisions made to implement OAR 660-012-0310 through OAR 660-012-0320.  
 35 Cities and counties are exempt from requirements as provided in OAR 660-012-0060 when  
 36 reviewing amendments to comprehensive plans or land use regulations within a designated  
 37 climate friendly area.
- 38 (2) Cities and counties making amendments to comprehensive plans or land use regulations to meet  
 39 requirements as provided in OAR 660-012-0320 must either:
- 40 (a) Amend the transportation system plan as provided in 660-012-0100 and include a  
 41 multimodal transportation gap summary as provided in section (3) of this rule,  
 42 considering the proposed land uses in the climate friendly area; or

- 1 (b) Develop and adopt a multimodal transportation gap summary in coordination with  
2 impacted transportation facility providers and transportation service providers as  
3 provided in section (3) to meet requirements in OAR 660-012-0320.
- 4 (3) A multimodal transportation gap summary must be coordinated between the local jurisdiction,  
5 transportation facility providers, and transportation services providers to consider multimodal  
6 transportation needs in each climate friendly area as provided in OAR 660-012-0320. The  
7 multimodal transportation gap summary must include:
- 8 (a) A summary of the existing multimodal transportation network within the climate friendly  
9 area;
- 10 (b) A summary of the gaps in the pedestrian and bicycle networks in the climate friendly  
11 area, including gaps needed to be filled for people with disabilities, based on the  
12 summary of the existing multimodal transportation network;
- 13 (c) If applicable as provided in section (4), a highway impacts summary as provided in  
14 section (5); and
- 15 (d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).
- 16 (4) A city or county shall include a highway impacts summary in the multimodal transportation gap  
17 summary if the designated climate friendly area as provided in OAR 660-012-0315 contains a  
18 ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.
- 19 (5) A highway impacts summary must identify how the transportation system may be affected by  
20 implementation of the climate friendly area. The highway impacts summary must include:
- 21 (a) A summary of the existing and proposed development capacity of the climate friendly  
22 area based on the proposed changes to the comprehensive plan and land use regulations;
- 23 (b) A summary of the additional motor vehicle traffic generation that may be expected in the  
24 planning period, considering reductions for expected complementary mixed-use  
25 development, additional multimodal options, and assuming meeting goals for reductions  
26 in vehicle miles traveled per capita; and
- 27 (c) A summary of traffic-related deaths and serious injuries within the climate friendly area  
28 in the past 10 years.
- 29 (6) Cities and counties making amendments to the adopted land use regulations identified under  
30 section (2) of this rule, shall adopt findings including a highway impacts summary as provided in  
31 section (5) of this rule if;
- 32 (a) If a city or county is reviewing a plan amendment within one-quarter mile of a ramp  
33 terminal intersection, adopted Interchange Area Management Plan area, or adopted  
34 ODOT Facility Plan area, or;
- 35 (b) The city or county is reviewing a plan amendment that would be reasonably likely to  
36 result in increasing traffic on the state facility that exceeds the small increase in traffic  
37 defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.
- 38 (7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap  
39 summary or a revised highway impacts summary to ODOT and other affected transportation  
40 facility or service providers prior to submitting notice as provided in OAR 660-018-0020.

1 **0330: Land Use Requirements**

2 These land use requirements apply to cities and counties within metropolitan areas and have to do with  
3 how land use interacts with the transportation system. Many of these requirements are in the existing  
4 rule OAR 660-012-0045, particularly requirements having to do with pedestrian access, site design  
5 requirements, and the requirements in section (7) of the rule. However, this rule extends and adds to  
6 the existing requirements. These requirements apply across the urban area and are in addition to the  
7 climate friendly area specific requirements in those areas.

8 The rule requires local governments to provide for pedestrian-friendly and connected neighborhoods;  
9 for commercial and mixed-use districts to be oriented towards pedestrians and transit, to place limits on  
10 auto-oriented land uses; some additional requirements for larger cities; and to have protections for  
11 existing and future transportation facilities.

12 **Since the December draft, this rule has been changed to give local governments more flexibility in**  
13 **how neighborhoods are designed to be accessible and efficient. The rule further clarifies provisions for**  
14 **auto-related land uses.**

- 15 (1) Cities and counties must implement plans and land use regulations to support compact,  
16 pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use  
17 development patterns must support access by people using pedestrian, bicycle, and public  
18 transportation networks.
- 19 (2) Cities and counties must have land use regulations that provide for pedestrian-friendly and  
20 connected neighborhoods. Land use regulations must meet the following requirements for  
21 neighborhood design and access:
- 22 (a) Neighborhoods must be designed with connected networks of streets, paths, accessways,  
23 and other facilities to provide circulation within the neighborhood and pedestrian and  
24 bicycle system connectivity to adjacent districts. A connected street network is desirable  
25 for motor vehicle traffic but may be discontinuous where necessary to limit excessive  
26 through travel, or to protect a safe environment for walking, using mobility devices, and  
27 bicycling in the neighborhood.
- 28 (b) Neighborhoods must be designed with direct pedestrian access to key destinations as  
29 provided in OAR 660-012-0360 via pedestrian facilities.
- 30 (c) Cities and counties must set block length and block perimeter standards at distances that  
31 will provide for pedestrian network connectivity. Pedestrian accessways or pedestrian-  
32 oriented public alleys through a block may be used to meet a block length or perimeter  
33 standard. Cities and counties may choose to provide for exemptions in cases where  
34 topography, natural features, railroads, or expressways would make these provisions  
35 prohibitive. In these cases, the city or county must ensure that the block length and  
36 perimeter are as short as possible.
- 37 (d) Cities and counties shall set standards to reduce out-of-direction travel for people using  
38 the pedestrian or bicycle networks.
- 39 (3) Cities and counties must have land use regulations in commercial and mixed-use districts that  
40 provide for a compact development pattern, easy ability to walk or use mobility devices, and  
41 allow direct access on the pedestrian, bicycle, and public transportation networks. Land use  
42 regulations must meet the following requirements for commercial or mixed-use site design:
- 43 (a) Primary pedestrian entrances to buildings shall be oriented to a public street and be  
44 accessible to people with mobility disabilities. An uninterrupted accessway, courtyard,

- 1 plaza, or other pedestrian-oriented space must be provided between primary pedestrian  
2 entrances and the public pedestrian facility, except where the entrance opens directly to  
3 the pedestrian facility. All pedestrian entrances shall be designed to be barrier-free.
- 4 (b) No vehicular parking, circulation, access, display, or loading shall be permitted on-site  
5 between buildings and public streets. Bicycle parking may be permitted.
- 6 (c) On-site accessways shall be provided to directly connect key pedestrian entrances to  
7 public pedestrian facilities, to any on-site parking, and to adjacent properties, as  
8 applicable.
- 9 (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary  
10 pedestrian entrances as required in this section. Primary pedestrian entrances must be  
11 open during business hours.
- 12 (e) Large sites must be designed with a connected network of public streets to meet the  
13 requirements of this section.
- 14 (f) Development on sites adjacent to a transit stop or station on a priority transit corridor  
15 must be oriented to the transit stop or station. The site design must provide a high level of  
16 pedestrian connectivity and amenities adjacent to the stop or station. Cities and counties  
17 must establish standards to provide for transit infrastructure where needed if there is  
18 inadequate space in the existing right of way.
- 19 (g) Development standards must be consistent with bicycle parking requirements in OAR  
20 660-012-0630.
- 21 (h) Cities and counties may provide for alternatives to requirements in this section where site  
22 constraints prevent meeting them. Alternative requirements must protect and prioritize  
23 pedestrian access.
- 24 (4) Cities and counties must have land use regulations in residential neighborhoods that provide for  
25 slow neighborhood streets comfortable for families, efficient and sociable development patterns,  
26 and provide for connectivity within the neighborhood and to adjacent districts. Cities and counties  
27 must regularly review land use regulations to meet these objectives, including but not limited to  
28 those related to setbacks, lot size and coverage, building orientation, and access.
- 29 (5) Cities and counties must have land use regulations that ensure auto-oriented land uses are  
30 compatible with a community where it is easy to walk or use a mobility device. Auto-oriented  
31 land uses include uses related to the operation, sale, maintenance, and fueling of motor vehicles,  
32 as well as land uses where the use of a motor vehicle is accessory to the primary use, including  
33 drive-through uses. Land use regulations must include:
- 34 (a) Auto-oriented land uses must meet the site design requirements in this rule.
- 35 (b) Auto-oriented land uses must provide safe and convenient access opportunities for people  
36 walking, using a mobility device, or riding a bicycle. Access to goods and services must  
37 be equivalent to or better than access for people driving a motor vehicle.
- 38 (c) Outside of climate friendly areas, where a permitted auto-oriented land use may not  
39 reasonably meet a site design standard prescribed in this rule due to the nature of the use,  
40 the city or county may prescribe an alternate standard. Alternate standards must protect  
41 pedestrian facilities.
- 42 (6) Cities and counties with an urban area over 100,000 in population must have reasonable land use  
43 regulations that allow for development of low-car districts. These districts must be developed  
44 with no-car or low-car streets, where walking or using mobility devices are the primary methods  
45 of travel within the district. Cities and counties must make provisions for emergency vehicle

1 access and local freight delivery. Low-car districts must be permitted in locations where  
2 residential or mixed-use development is permitted.

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

6 (a) Access control actions consistent with the function of the transportation facility,  
7 including but not limited to driveway spacing, median control, and signal spacing;

8 (b) Standards to protect future construction and operation of streets, transitways, paths, and  
9 other transportation facilities;

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

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

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

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

18 (A) Land use applications that require public hearings;

19 (B) Subdivision and partition applications;

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

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

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

### 26 **0340: Land Use Assumptions**

27 This rule describes how cities and counties make assumptions about the future development of the  
28 urban area, for purposes of transportation planning. These assumptions are based on the required  
29 population forecasts, existing comprehensive plans and land use regulations, and other provisions in the  
30 Transportation Planning Rules. These assumptions are used to help make coordinated land use and  
31 transportation plans.

32 **Since the December draft, this rule has changed to be clear that both employment and housing**  
33 **assumptions must be made for development in climate friendly areas, and that future land use**  
34 **assumptions must be updated when designating climate friendly areas.**

35 (1) A city or county must develop and adopt future land use assumptions consistent with this rule  
36 when preparing a transportation system plan, designating a climate friendly area as provided in  
37 OAR 660-012-0315, and other times as needed. Future land use assumptions must include the  
38 planning horizon year of the transportation system plan and a common horizon year for all  
39 jurisdictions within the metropolitan area.

- 1 (2) Future land use assumptions must be consistent with the most recent final population forecast as  
2 provided in OAR 660-032-0020.
- 3 (3) Future land use assumptions must assume existing acknowledged comprehensive plan  
4 designations and policies, and existing land use regulations remaining in force throughout the  
5 planning period; except where these designations, policies, or regulations are superseded by  
6 statute or rule. Future land use assumptions must assume existing acknowledged urban growth  
7 boundaries throughout the planning period.
- 8 (4) Where applicable, future land use assumptions must allocate growth assumptions within the  
9 capacity of employment and housing within climate friendly areas designated as provided in  
10 OAR 660-012-0310 before allocating growth to other parts of the city or county. Notwithstanding  
11 section (3), future land use assumptions may assume reasonable levels of development as  
12 provided in OAR 660-012-0325 within climate friendly areas.
- 13 (5) Future land use assumptions must be developed at approximately a block-level of detail to  
14 understand where future development is expected. Future land use assumptions are used for  
15 transportation system development and analysis.

16 **0350: Urban Growth Boundary Expansions**

17 This rule includes requirements for local jurisdictions to ensure they are being consistent with  
18 coordinated transportation planning requirements when proposing to expand an urban growth  
19 boundary. The rules provide for requirements prior to undertaking an urban growth boundary  
20 expansion, and requirements as part of the process of expanding the urban growth boundary.  
21 No substantive changes have been made to this rule since the December draft.

- 22 (1) A city and county must meet the following requirements prior to undertaking an urban growth  
23 boundary expansion as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
  - 24 (a) The city must have an acknowledged transportation system plan as provided in OAR  
25 660-012-0100. If the county has responsibility for planning in urban unincorporated areas  
26 as provided in OAR 660-012-0110, the county must also have an acknowledged  
27 transportation system plan for the urban area as provided in OAR 660-012-0100.
  - 28 (b) The city and county must have submitted all regular reports as provided in OAR 660-  
29 012-0900 and have had each report approved by order as provided in OAR 660-012-  
30 0905.
  - 31 (c) The city and county must have designated climate friendly areas as provided in OAR  
32 660-012-0310 and must demonstrate compliance with OAR 660-008-0010(2).
  - 33 (d) The city and county must have adopted land use regulations as provided in OAR 660-  
34 012-0330.
- 35 (2) A city and county must meet the following requirements as part of the urban growth boundary  
36 expansion process as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
  - 37 (a) The city and county must assess the ability of lands within the existing urban growth  
38 boundary to accommodate the additional levels of growth expected. Cities and counties  
39 must assume that the future development of climate friendly areas and more land-  
40 efficient and transportation-efficient patterns of development across the urban area will  
41 be different and more intensive than existing patterns of development.

- 1 (b) Lands otherwise of the same level of priority category for an urban growth boundary  
 2 expansion as provided in OAR 660-024-0067 or OAR 660-038-0170 may be prioritized  
 3 by determining the potential level of access to existing urban pedestrian, bicycle, and  
 4 transit networks, and the ability of those networks to be extended to the candidate areas  
 5 for expansion.
- 6 (c) Transportation system planning assumptions developed to make decisions about an urban  
 7 growth boundary expansion must be consistent with targets set under measures as  
 8 provided in OAR 660-012-0910 and must result in a reduction in Vehicle Miles Traveled  
 9 per capita.
- 10 (d) Transportation system planning assumptions developed to make decisions about an urban  
 11 growth boundary expansion may not assume the construction of any facility required to  
 12 be reviewed as provided in OAR 660-012-0830 if the proposed facility has not been  
 13 authorized.
- 14 (e) The city and county must determine if the designation of additional lands as part of  
 15 climate friendly areas will be required to meet the targets for households within these  
 16 areas, as provided in OAR 660-012-0310.
- 17 (3) Where an urban growth boundary is intended to follow an existing or planned street, road, or  
 18 highway right-of-way, the boundary shall be placed on the rural side of the right-of-way or  
 19 planned right-of-way, so that the right-of-way is inside the urban growth boundary.
- 20 (4) Cities and counties with areas added to an urban growth boundary where the requirements of  
 21 OAR 660-012-0060 are not applied at the time of urban growth boundary amendment as provided  
 22 in OAR 660-024-0020 or OAR 660-038-0020 must update the land use assumptions as provided  
 23 in OAR 660-012-0340 prior to an update of the transportation system plan as provided in OAR  
 24 660-012-0105.

25 **0360: Key Destinations**

26 This rule lists key destinations for use in coordinated transportation and land use planning. These are  
 27 important places for all people to be able to access to meet daily needs and participate in society.

28 No substantive changes have been made to this rule since the December draft.

- 29 (1) Cities and counties shall use the key destinations described in this rule, as well as other  
 30 destinations determined locally, for purposes of coordinated land use and transportation planning.
- 31 (2) Key destinations include, but are not limited to:
- 32 (a) climate friendly areas;
- 33 (b) Pedestrian-oriented commercial areas outside of climate friendly areas;
- 34 (c) Transit stations, stops, and terminals;
- 35 (d) Retail and service establishments, including grocery stores;
- 36 (e) Child care facilities, schools, and colleges;
- 37 (f) Parks, recreation centers, paths, trails, and open spaces;
- 38 (g) Farmers markets;

- 1 (h) Libraries, government offices, community centers, arts facilities, post offices, social
- 2 service centers, and other civic destinations;
- 3 (i) Medical or dental clinics and hospitals;
- 4 (j) Major employers;
- 5 (k) Gyms and health clubs;
- 6 (l) Major sports or performance venues; and
- 7 (m) Other key destinations determined locally.

8 **New Rules 0400-0450: Parking**

9 This part of the Transportation Planning Rules relates to how cities and counties address and manage  
10 parking. The rules follow current best practice and move cities and counties away from one-size-fits-all  
11 mandates for developers to build a large amount of costly and land-intensive off-street parking, towards  
12 more targeted management strategy. This approach provides more deference to builders and property  
13 owners to provide parking for the diversity of development types as the market dictates.  
14 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

15 ***0400: Parking Management***

16 This rule directs jurisdictions to implement climate-friendly and equitable parking reform rules by  
17 improving parking codes and removing mandated parking associated with development or providing  
18 alternative climate-friendly measures.

19 **Since the December draft, this language has been revised to clarify application to Metro-area cities**  
20 **and counties, along with a provision in Rule 0140(7) for Metro to develop alternative approaches.**

- 21 (1) Cities and counties shall adopt comprehensive plans and land use regulations that implement  
22 provisions of OAR 660-012-0405 through OAR 660-012-0415.
- 23 (2) Cities and counties shall remove parking mandates under OAR 660-012-0420. In lieu of  
24 removing parking mandates, cities and counties may amend their comprehensive plans and land  
25 use regulations to implement provisions of OAR 660-012-0425, OAR 660-012-0430, OAR 660-  
26 012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR 660-012-0450.

1 **0405: Parking Regulation Improvements**

2 This rule works to give priority parking to those carpooling or vanpooling. It aims to encourage the  
3 conversion of parking lots to higher uses, and to encourage shared parking.

4 It also aims to reduce the negative externalized impacts of large parking lots such as heat island effects  
5 and reduced walkability. It works to make large parking lots more pedestrian-friendly, and to address  
6 some of the heat island effects through tree canopy. It aims to mitigate the climate impacts of driving  
7 and parking through either increased clean energy or increased tree canopy.

8 **Since the December draft, staff have split out the transit-oriented development exemption in section**  
9 **(1) and clarified it applies to areas served by frequent transit. Staff have also moved the requirements**  
10 **for large parking lots to provide solar or tree canopy down to ¼ acre lots and higher, from 1 acre, after**  
11 **reviewing various codes and finding tree planting provisions for smaller parking lots.**

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

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

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

18 (c) Property owners shall be allowed to redevelop any portion of existing off-street parking  
19 areas for transit-oriented developments on lots or parcels within one-half mile pedestrian  
20 travel of transit with a scheduled frequency of four times per hour during peak service;  
21 and

22 (d) In applying subsections (b) and (c), codes must allow property owners to go below  
23 existing mandated minimum parking supply, and access for emergency vehicles must be  
24 retained.

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

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

29 (4) Cities and counties shall adopt land use regulations for new developments that include more than  
30 one-quarter acre of surface parking on a lot or parcel as provided below:

31 (a) Developments must provide one of the following:

32 (A) Installation of solar panels with a generation capacity of at least 0.5 kW per  
33 parking space on the property. In lieu of developing solar on site, cities may  
34 allow developers to pay \$1,500 per parking space in the development into a city  
35 fund dedicated to equitable solar or wind energy development or a fund at the  
36 Oregon Department of Energy designated for such purpose. Developments  
37 subject to OAR 330-135-0010 shall be exempt; or

38 (B) Creation of tree canopy covering at least 50% of the parking lot at maturity but  
39 no more than 15 years after planting. Trees planted under this requirement must  
40 meet the standards in subsection (4)(b).

41 (b) Developments must provide street trees along driveways but not drive aisles. The tree  
42 species planted must be the largest appropriate for the site. Trees must be planted and

1 maintained to maximize their root health and chances for survival, including having  
2 ample high-quality soil, space for root growth, and reliable irrigation. Trees should be  
3 planted in continuous trenches where possible. The city or county shall have minimum  
4 standards for planting and tree care no lower than 2021 American National Standards  
5 Institute A300 standards, and a process to ensure ongoing compliance with tree planting  
6 and maintenance provisions; and

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

9 **0410: Electric Vehicle Charging**

10 This rule works to encourage new buildings to be EV-capable, to install electrical capacity and conduit.  
11 Buildings would be ready to have wiring and charging stations added as demand calls for. As buildings  
12 are 80-100 year structures, and Oregon is aiming to have 90% of new vehicles be EVs by 2035, it is  
13 critical to install charging infrastructure as buildings are built.

14 The rule focuses on electrical capacity and conduit, and allows some Level 1 charging capacity in  
15 residential buildings, which can be functional for many uses and saves money.

16 **Since the December draft, the rule language has been revised to allow less capacity and conduit for**  
17 **developments and redevelopments with higher charging levels that can more quickly charge cars, and**  
18 **definitions for direct current fast chargers and Level 1 charging have been added into definitions in**  
19 **rule 0005.**

- 20 (1) Cities and counties shall adopt regulations requiring new development to support electric vehicle  
21 charging.

- 22 (a) For new residential or mixed-use development with five or more parking spaces in a  
23 parking lot or parking garage on a lot or parcel, cities and counties shall require the  
24 installation of sufficient dedicated electrical service capacity and conduit to  
25 accommodate:

26 (A) Level 2 or above electric vehicle charging stations serving 20% of all parking  
27 spaces; and

28 (B) Level 1 electric vehicle charging serving an additional 30% of total parking  
29 spaces, Level 2 electric vehicle charging stations serving an additional 15% of  
30 total parking spaces, or direct current fast charging stations serving an additional  
31 5% of total parking spaces.

- 32 (b) For new commercial development with five or more parking spaces in a parking lot or  
33 parking garage on a lot or parcel, cities and counties shall require the installation of  
34 sufficient dedicated electrical service capacity and conduit to accommodate Level 2 or  
35 above electric vehicle charging stations serving 20% of all parking spaces;

- 36 (c) Cities and counties may allow developers of commercial buildings with 100 or more  
37 parking spaces in a parking lot or parking garage on a lot or parcel to install sufficient  
38 dedicated electrical service capacity and conduit to accommodate direct current fast  
39 charging stations in 5% of parking spaces in lieu of the requirements in section (1)(b).

- 40 (2) Cities with populations over 50,000, and counties with populations over 50,000 in the urban area  
41 but outside of incorporated cities, shall require sufficient dedicated electrical service capacity and

1 conduit to accommodate electric vehicle charging upon major remodel or renovation of certain  
2 buildings or parking lots.

3 (a) For the purposes of this section, major remodel or renovation means the value of the  
4 proposed alterations on the site is 20% or more of existing building valuation, or more  
5 than \$200,000. If there is no building on the lot or parcel, major remodel or renovation  
6 means the value of the proposed alterations on the site is 20% or more of the property  
7 value.

8 (b) Requirements shall apply to existing parking garages or commercial buildings with more  
9 than 40 parking spaces, residential developments with five or more parking spaces on a  
10 lot or parcel, and mixed-use buildings with five or more parking spaces on a lot or parcel.

11 (c) In non-residential parking garages and commercial buildings, dedicated electrical service  
12 capacity and conduit must be sufficient to accommodate Level 2 or above electric vehicle  
13 charging stations.

14 (d) In residential and mixed-use buildings, dedicated electrical service capacity and conduit  
15 must be sufficient to accommodate Level 1 or above electric vehicle charging.

16 (e) At least 20% of parking spaces must have dedicated electrical service capacity and  
17 conduit.

18 (f) Local governments may grant an exemption if the cost of the installation of electrical  
19 service capacity and conduit exceeds 20% of the cost of the proposed alterations.

20 (g) Cities and counties may allow developers of commercial buildings to provide dedicated  
21 electrical service capacity and conduit to serve 5% of parking spaces with direct current  
22 fast chargers in lieu of section (2)(e).

23 **0415: Parking Maximums and Evaluation in More Populous Communities**

24 This rule calls for parking maximums in areas where car-dominant development would undermine  
25 pedestrian-friendliness and other goals.

26 It also calls on Oregon’s most populous three cities to manage on-street parking to ensure availability, to  
27 explore options to building new parking garages, and to ensure new parking garages can have active  
28 uses on the ground floor.

29 **Since the December draft, this rule has expanded detailed requirements for parking maximums, based**  
30 **on input from the parking reform work group. Provisions applying this in the Metro region have also**  
31 **been added, along with Rule 0140(7) that allows Metro to provide an alternate approach. The rule has**  
32 **clarified the maximums must apply in climate-friendly areas and along transit corridors.**

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

39 (a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit  
40 and 2 off-street parking spaces per non-studio residential unit in a multi-unit development  
41 in climate-friendly areas and along priority transit corridors. These maximums shall  
42 include visitor parking;

- 1 (b) Parking maximums shall be no higher than 5 spaces per 1,000 square feet of floor space  
 2 for all commercial and retail uses other than automobile sales and repair, eating and  
 3 drinking establishments, and entertainment and commercial recreation uses;
- 4 (c) For land uses with more than 65,000 square feet of floor area, surface parking shall not  
 5 consist of more area than the floor area of the building;
- 6 (d) In setting parking maximums, cities and counties shall consider setting maximums equal  
 7 to or less than 150% of parking minimums set forth in a parking table in their code as of  
 8 January 1, 2020. If a city or county sets a higher parking maximum, it shall adopt  
 9 findings for doing so. In no case shall the city or county exceed the limits in (a) through  
 10 (c) in climate-friendly areas and for developments on parcels or lots within ½ mile of  
 11 transit corridors and ¾ mile of rail transit stops described in OAR 660-012-0440;
- 12 (e) Non-surface parking, such as tuck-under parking, underground and subsurface parking,  
 13 and parking structures shall be exempt from the calculations in this section.
- 14 (2) Cities with populations over 150,000 shall, in addition to requirements in section (1) of this rule:
- 15 (a) Study use of priced on-street timed parking spaces at least every three years and adjust  
 16 prices to ensure availability of on-street parking spaces within two blocks of each lot or  
 17 parcel at all hours. This shall include all spaces in the city paid by minutes, hours or day  
 18 but need not include spaces where a longer-term paid residential permit is required;
- 19 (b) Use time limits or pricing to manage on-street parking spaces in an area at least one year  
 20 before authorizing any new structured parking on city-owned land including more than  
 21 100 spaces in that area after March 31, 2023;
- 22 (c) Adopt procedures ensuring prior to approval of construction of additional structured  
 23 parking projects of more than 300 parking spaces designed to serve existing uses,  
 24 developer of that parking structure must implement transportation demand management  
 25 strategies for a period of at least six months designed to shift at least 10% of existing  
 26 vehicle trips ending within one-quarter mile of the proposed parking structure to other  
 27 modes; and
- 28 (d) Adopt design requirements requiring applicants to demonstrate the ground floor of new  
 29 private and public structured parking that fronts a public street and includes more than  
 30 100 parking spaces would be convertible to other uses in the future, other than driveways  
 31 needed to access the garage.

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

33 This clarifies the remainder of the 0400 parking series of rules apply only to those communities choosing  
 34 to continue to mandate parking.

35 **Since the December draft, section (2) has been added to clarify application.**

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

1 **0425: Reducing the Burden of Parking Mandates**

2 This rule allows builders to meet parking mandates by a variety of approaches, including taking action to  
3 reduce climate pollution.

4 **Since the December draft a reduction in mandates for providing housing units accessible to people  
5 with mobility disabilities has been added.**

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

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

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

9 (c) Provision of on-street parking shall be allowed to meet parking mandates where there are  
10 no adopted plans to remove the on-street parking. Cities and counties may limit this to the  
11 on-street parking adjacent to the property frontage;

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

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

18 (f) Parking mandates shall be reduced by one off-street parking space for each 3 kilowatts of  
19 capacity in solar panels or wind power that will be provided in a development;

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

23 (h) Parking mandates shall be reduced by two off-street parking spaces for every electric  
24 vehicle charging station that will be provided in a development; and

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

28 (2) Any reductions under section (1) shall be cumulative and not capped.

29 **0430: Reduction of Parking Mandates for Development Types**

30 This rule reduces parking mandates for housing, following the trend in planning practice and previous  
31 Commission rulemaking on traditional missing middle housing types. The rule works to reduce  
32 regulatory burdens for developing certain types of needed development, such as childcare facilities.

33 **Since the December draft, language has been adjusted to be clear city or county action is not required  
34 for the changes to take effect.**

35 (1) Cities and counties shall not require more than one parking space per unit in residential  
36 developments with more than one unit. Cities must also meet requirements in OAR 660-046-  
37 0220.

38 (2) Cities and counties shall not require parking for the following development types:

- 1 (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or
- 2 developmental disabilities, including but not limited to residential care facilities,
- 3 residential training facilities, residential treatment facilities, residential training homes,
- 4 residential treatment homes, and conversion facilities as defined in ORS 443.400;
- 5 (b) Childcare facilities as defined under ORS 329A.250;
- 6 (c) Single-room occupancy housing;
- 7 (d) Residential units smaller than 750 square feet;
- 8 (e) Affordable housing units as defined in OAR 660-039-0010;
- 9 (f) Publicly-supported housing as defined in ORS 456.250;
- 10 (g) Emergency and transitional shelters for people experiencing homelessness; and
- 11 (h) Domestic violence shelters.

12 **0435: Parking Reform in Climate Friendly Areas**

13 This rule encourages parking reform in climate-friendly areas, which tend to have lower demand for  
 14 parking, and are targeted for more pedestrian-friendly development patterns.

15 **Since the December draft, the term “meter” has been generalized to “paid.” A definition of parking**  
 16 **benefit districts has been added in draft rule OAR 660-012-0005. The application of the rule in the**  
 17 **Portland Metro area has been proposed, along with a provision for Metro alternative approaches in**  
 18 **Rule 0140(7).**

- 19 (1) Cities and counties shall adopt land use regulations addressing parking mandates in climate
- 20 friendly areas as provided in OAR 660-012-0305. Cities and counties in Metro shall adopt land
- 21 use regulations addressing parking mandates in regional centers and town centers designated
- 22 under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted
- 23 Boundaries map. In each such area, cities and counties shall either:
- 24 (a) Remove all parking mandates within the area and on parcels in its jurisdiction that
- 25 include land within one-quarter mile distance of those areas; or
- 26 (b) Manage parking by:
  - 27 (A) Adopting a parking benefit district with paid on-street parking and some
  - 28 revenues dedicated to public improvements in the area;
  - 29 (B) Adopting land use amendments to require no more than one-half off-street
  - 30 parking space per new housing unit in the area; and
  - 31 (C) Not enforcing parking mandates for commercial developments.
- 32 (2) Cities and counties that opt to retain parking mandates under OAR 660-012-0400(2) shall adopt
- 33 requirements requiring the parking for multi-family residential units in the areas listed in section
- 34 1 be unbundled parking.

1 **0440: Parking Reform near Transit Corridors**

2 This rule encourages parking reform near transit corridors and stops, where parking demand tends to be  
3 lower, and are areas targeted for more pedestrian-friendly development patterns.

4 **Since the December draft, small clarifications have been made to sections (1) and (2)(b), to note**  
5 **measurements are to the parcel or lot, and the transit frequency is about scheduled frequency.**

- 6 (1) Cities and counties shall not require parking spaces for developments on a lot or parcel within  
7 one-half mile of priority transit corridors or three-quarters mile of rail transit stops.
- 8 (2) Until cities and counties designate priority transit corridors under OAR 660-012-0710 and amend  
9 land use regulations as provided in section (1), cities and counties shall not enforce parking  
10 mandates for developments within one-half mile of:
- 11 (a) Bus service arriving with a scheduled frequency of at least four times an hour during  
12 peak service; and
- 13 (b) The most frequent transit routes in the community if the scheduled frequency is at least  
14 once per hour during peak service.
- 15 (3) Cities and counties that opt to retain parking mandates under OAR 660-012-0400(2) shall adopt  
16 requirements requiring the parking for multi-family residential units in the areas in sections (1)  
17 and (2) be unbundled parking.

18 **0445: Parking Management Alternative Approaches**

19 For those communities not repealing parking mandates, this rule provides two options for improved  
20 parking management: a fair parking policy approach, or a reduced regulation approach.

21 **Since the December draft, “taverns” have been added and the parking maximums provision under the**  
22 **reduced regulation option has been clarified. Noting some hurdles in determining vacancy, (1)(b)(E)**  
23 **has an additional provision allowing application as is done in Detroit, MI.**

- 24 (1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420,  
25 cities and counties may select and implement either a fair parking policy approach as provided in  
26 subsection (a) of this section, or a reduced regulation parking management approach as provided  
27 in subsection (b) of this section.
- 28 (a) A fair parking policy approach shall include at least three of the following five  
29 provisions:
- 30 (A) A requirement that parking spaces for each residential unit in developments  
31 including five or more leased or sold residential units on a lot or parcel be  
32 unbundled parking. Cities and counties may exempt townhouse and rowhouse  
33 development from this requirement;
- 34 (B) A requirement that parking spaces serving leased commercial developments be  
35 unbundled parking;
- 36 (C) A requirement for employers of 50 or more employees who provide free or  
37 subsidized parking to their employees at the workplace provide a flexible  
38 commute benefit of \$50 per month or the fair market value of that parking,  
39 whichever is greater, to those employees eligible for that free or subsidized  
40 parking who regularly commute via other modes instead of using that parking;

- 1 (D) A tax on the revenue from commercial parking lots collecting no less than 10%  
2 of income, with revenues dedicated to improving transportation alternatives to  
3 drive-alone travel; and
- 4 (E) A reduction of parking mandates for new multifamily residential development to  
5 no higher than 0.5 space per unit, including visitor parking.
- 6 (b) A reduced regulation parking management approach shall include all of the following:
- 7 (A) A repeal of all parking mandates within ½ mile pedestrian travel of climate  
8 friendly areas;
- 9 (B) A repeal of parking mandates for transit-oriented development and mixed-use  
10 development;
- 11 (C) A repeal of parking mandates for group quarters, including but not limited to  
12 dormitories, religious group quarters, adult care facilities, retirement homes, and  
13 other congregate housing;
- 14 (D) A repeal of parking mandates for studio apartments, one-bedroom apartments  
15 and condominiums in residential developments of five or more units on a lot or  
16 parcel;
- 17 (E) A repeal of parking mandates for change of use of, or redevelopment of,  
18 buildings vacant for more than two years. Cities and counties may require  
19 registration of a building as vacant two years prior to the waiving of parking  
20 mandates;
- 21 (F) A repeal of requirements to provide additional parking for change of use,  
22 redevelopment, or expansion of existing businesses;
- 23 (G) A repeal of parking mandates for buildings within a National Historic District, on  
24 the National Register of Historic Places, or on a local inventory of historic  
25 resources or buildings;
- 26 (H) A repeal of parking mandates for properties that have fewer than ten on-site  
27 employees or 3000 square feet floor space;
- 28 (I) A repeal of parking mandates for developments built under the Oregon  
29 Residential Reach Code;
- 30 (J) A repeal of parking mandates for developments seeking certification under any  
31 Leadership in Energy and Environmental Design (LEED) rating system, as  
32 evidenced by either proof of pre-certification or registration and submittal of a  
33 complete scorecard;
- 34 (K) A repeal of parking mandates for schools;
- 35 (L) A repeal of parking mandates for bars and taverns;
- 36 (M) Setting parking maximums consistent with the provisions OAR 660-012-0415(1),  
37 notwithstanding populations listed in that section; and
- 38 (N) Designation of at least one residential parking district or parking benefit district  
39 where on-street parking is managed through permits, payments, or time limits.
- 40 (2) Cities and counties may change their selection between sections (1)(a) and (1)(b) at any time.

1 **0450: Parking Management in More Populous Communities**

2 The rule aims to ensure populous communities better understand and manage their existing on-street  
3 parking supply before requiring new parking.

4 **Since the December draft, (1)(a) has been shortened and “equivalent amounts” has been added to**  
5 **ensure quarterly permits averaging the rates stated count towards the total.**

6 (1) Cities with populations over 100,000 shall either:

7 (a) Adopt land use regulations without parking mandates; or

8 (b) Price at least the percentage of on-street parking spaces specified in OAR 660-012-0012,  
9 and report the percentage of on-street parking spaces that are priced as provided in OAR  
10 660-012-0900. Residential parking permits priced at lower than \$15 per month, 50 cents  
11 per day per space, or equivalent amounts do not count towards this total.

12 (2) Cities may change their selection made between sections (1)(a) and (1)(b) at any time.

13 **New Rules 0500-0520: Pedestrian System**

14 This part of the Transportation Planning Rules relates to planning for the pedestrian system. The  
15 pedestrian system is intended to serve people walking, as well as people using mobility devices or other  
16 vehicles that operate at a pedestrian speed and scale. Larger and faster vehicles are served through the  
17 bicycle system.

18 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

19 **0500: Pedestrian System Planning**

20 This rule is the umbrella rule that describes how cities must plan for their pedestrian transportation  
21 system. Cities and counties must plan for a pedestrian system that provides safe and comfortable access  
22 for most trips under one mile.

23 No substantive changes have been made to this rule since the December draft.

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

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

30 (a) The complete pedestrian system as described in section (3) of this rule that includes the  
31 full buildout of the pedestrian system within the Urban Growth Boundary;

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

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

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

- 1 (3) The complete pedestrian system is the full build out of a complete pedestrian system within the  
 2 planning area. A city determines the complete pedestrian system plan by:
- 3 (a) Using the pedestrian system inventory developed under OAR 660-012-0505 as a base;
  - 4 (b) Adding the minimum pedestrian facilities to places that do not presently meet the  
 5 minimum pedestrian system requirements in OAR 660-012-0510; and
  - 6 (c) Adding enhanced facilities above the minimum pedestrian system requirements where the  
 7 city finds that enhanced facilities are necessary or desirable to meet the goals of the city's  
 8 comprehensive plan.
- 9 (4) Cities must identify gaps and deficiencies in the pedestrian system by comparing the complete  
 10 pedestrian system plan with the pedestrian system inventory developed under OAR 660-012-  
 11 0505. Any part of the complete pedestrian system not presently built to the standard in the  
 12 complete pedestrian system plan must be identified as a gap or deficiency.

13 **0505: Pedestrian System Inventory**

14 This rule describes how cities must inventory their pedestrian system.

15 **Since the December draft, this rule has been changed to require reports of incidents in injuries and**  
 16 **deaths to people walking or using a mobility device to go back at least 5 years rather than 10 years.**

- 17 (1) Pedestrian system inventories must include information on pedestrian facilities and street  
 18 crossings for all areas within climate friendly areas, within ¼ mile of all schools, and along all  
 19 arterials and collectors. Pedestrian system inventories must also include information on all  
 20 pedestrian facilities, including shared use paths.
- 21 (a) Inventories of pedestrian facilities must include information on width and condition.
- 22 (b) Inventories of street crossings must include crossing distances, the type of crossing,  
 23 closed crossings, curb ramps, and distance between crossings.
- 24 (2) Pedestrian system inventories must include the crash risk factors of inventoried pedestrian  
 25 facilities, including but not limited to speed, volume, and roadway width. Pedestrian system  
 26 inventories must also include the location of all reported injuries and deaths of people walking or  
 27 using a mobility device. This must include all reported incidents from at least 5 years prior to the  
 28 transportation system plan base year to the year of adoption of the pedestrian system inventory.

29 **0510: Pedestrian System Requirements**

30 This rule provides the minimum requirements for the planned pedestrian system. Cities may choose to  
 31 exceed the standards in this rule.

32 **Since the December draft, some parts of this rule have been changed to remove references to specific**  
 33 **street classifications, to be clearer about requirements for pedestrian facilities, pedestrian areas, and**  
 34 **enhanced crossings, and to provide more flexibility for pedestrian facilities on one side of the street in**  
 35 **some locations.**

- 36 (1) This rule describes the minimum planned pedestrian facilities that must be included in plans.  
 37 Cities and counties may choose to exceed the requirements in this rule.

- 1 (2) Pedestrian facility owners must design, build, and maintain pedestrian facilities to permit  
2 comfortable travel for all people, including people with disabilities.
- 3 (3) All streets and highways, other than expressways, shall have pedestrian facilities, as provided in  
4 ORS 366.514.
- 5 (a) Pedestrian facilities must be planned for both sides of each street.
- 6 (b) Cities must plan for enhanced pedestrian facilities such as wide, protected sidewalks and  
7 pedestrian zones, such as plazas, in the following contexts:
- 8 (A) Along high volume or high-speed streets;
- 9 (B) In climate friendly areas;
- 10 (C) In areas with concentrations of underserved populations as provided in OAR  
11 660-012-0125.
- 12 (c) A substantial portion of the right-of-way in climate friendly areas must be dedicated to  
13 pedestrian uses, including but not limited to sidewalks, pedestrian plazas, and protective  
14 buffers.
- 15 (d) Cities must plan for enhanced tree canopy and other infrastructure that uses natural and  
16 living materials in pedestrian spaces in climate friendly areas and areas with  
17 concentrations of underserved populations as provided in OAR 660-012-0125.
- 18 (4) Off-street multi-use paths must be designed to permit comfortable joint or separated use for  
19 people walking, using mobility devices, and cycling. Separated areas for higher speeds and low  
20 speeds shall be provided when there is high anticipated use of the path.
- 21 (5) Enhanced crossings are pedestrian facilities to cross streets or highways that provide a high level  
22 of safety and priority to people crossing the street. Enhanced crossings must have adequate  
23 nighttime illumination to see pedestrians from all vehicular approaches. Enhanced crossings must  
24 be provided, at minimum, in the following locations:
- 25 (a) Closely spaced along arterial streets in climate friendly areas;
- 26 (b) Near transit stops on access-focused arterial or collector street in a climate friendly area  
27 or on a priority transit corridor; and
- 28 (c) At off-street path crossings; and
- 29 (d) In areas with concentrations of underserved populations as provided in OAR 660-012-  
30 0120.
- 31 (6) Cities may take exemptions to the requirements in this rule through findings in the transportation  
32 system plan, for each location where an exemption is desired, for the following reasons:
- 33 (a) A city may plan for a pedestrian facility on one side of local streets in locations where  
34 topography or other barriers would make it difficult to build a pedestrian facility on the  
35 other side of the street, or where existing and planned land uses make it unnecessary to  
36 provide pedestrian access to the other side of the street. Street crossings must be provided  
37 near each end of sections where there is a pedestrian facility on only one side of the  
38 street.
- 39 (b) A city may plan for no dedicated pedestrian facilities on very slow speed local streets that  
40 are sufficiently narrow, and carry little or no vehicular traffic, so that pedestrians are the  
41 primary users of the street.

1 **0520: Pedestrian System Projects**

2 This rule guides cities in determining the list of pedestrian system projects.

3 No substantive changes have been made to this rule since the December draft.

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

6 (2) Cities must develop pedestrian project prioritization factors that are able to sort the list of  
7 pedestrian system projects into a prioritized list of pedestrian system projects. Cities must develop  
8 pedestrian project prioritization factors by engaging underserved populations as provided in OAR  
9 660-012-0130.

10 (3) Cities must use pedestrian project prioritization factors to prioritize the following factors above  
11 other factors:

12 (a) Pedestrian system investments in climate friendly areas;

13 (b) Pedestrian system investments in areas with concentrations of underserved populations,  
14 as provided in OAR 660-012-0125;

15 (c) Pedestrian system investments in areas pedestrian safety risk factors such as roadways  
16 with high speeds and high traffic volumes;

17 (d) Pedestrian system investments in areas with reported pedestrian serious injuries and  
18 deaths;

19 (e) Pedestrian system investments that provide access to key pedestrian destinations;

20 (f) Pedestrian system investments that will connect to, fill gaps in, and expand the existing  
21 pedestrian network;

22 (g) Pedestrian system investments that prioritize pedestrian travel consistent with the  
23 prioritization factors in OAR 660-012-0155; and

24 (h) Where applicable, pedestrian system investments that implement a scenario plan  
25 approved by order as provided in OAR 660-044-0125.

26 (4) The transportation system plan must include a description of the prioritization factors and method  
27 of prioritizing pedestrian projects used to develop the prioritized list of pedestrian system  
28 projects.

1 **New Rules 0600-0630: Bicycle System**

2 This part of the Transportation Planning Rules relates to planning for a safe, accessible, and connected  
3 bicycle system. The bicycle system is intended to serve people riding bicycles, as well as people using  
4 other types of vehicles that operate at a bicycle speed and scale. These rules also include updated  
5 requirements for bicycle parking.

6 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

7 **0600: Bicycle System Planning**

8 This rule, and subsequent rules, describe how cities must plan for a safe, accessible, and connected  
9 bicycle network that serves a variety of users. The rule requires a bicycle system element that provides  
10 for a substantial portion of short urban trips under 3 miles to be by bicycle.

11 No substantive changes have been made to this rule since the December draft.

- 12 (1) Transportation system plans must include a bicycle system element that meets the requirements  
13 of this rule. The bicycle system must be designed to provide safe and comfortable routes for a  
14 range of users and abilities. For the purposes of this division, the bicycle system is intended to  
15 serve people riding bicycles and other vehicles that operate at a similar speed and scale to people  
16 riding bicycles. These vehicles include, but are not limited to: electric bicycles, kick-style and  
17 electric scooters, and skateboards; and do not include motorcycles.
- 18 (2) A bicycle system element must include the following elements:
- 19 (a) The complete bicycle system as described in section (3) that includes the full buildout of  
20 the bicycle system within the Urban Growth Boundary;
  - 21 (b) Identification of gaps and deficiencies in the bicycle system as described in section (4);
  - 22 (c) Locations of key bicycle destinations as described in OAR 660-012-0360; and
  - 23 (d) A list of prioritized bicycle system projects as described in OAR 660-012-0620.
- 24 (3) The complete bicycle system is the full build out of a complete bicycle system within the  
25 planning area. A city determines the complete bicycle system plan by:
- 26 (a) Using the bicycle system inventory developed under OAR 660-012-0605 as a base;
  - 27 (b) Adding the minimum bicycle facilities to places that do not presently meet the minimum  
28 bicycle system requirements in OAR 550-012-0610; and
  - 29 (c) Adding enhanced facilities above the minimum bicycle system requirements where the  
30 city finds that enhanced facilities are necessary or desirable to meet the goals of the city's  
31 comprehensive plan.
- 32 (4) Cities must identify gaps and deficiencies in the bicycle system by comparing the complete  
33 bicycle system with the bicycle system inventory developed under OAR 660-012-0605. Any part  
34 of the complete bicycle system not presently built to the standard in the complete bicycle plan  
35 must be identified as a gap or deficiency.

1 **0605: Bicycle System Inventory**

2 This rule describes how cities must inventory their bicycle system. The rule requires an inventory of  
3 bicycle facilities in key areas, including multi-use paths.

4 **Since the December draft, this rule has been changed to require reports of incidents in injuries and**  
5 **deaths to people on bicycles to go back at least 5 years rather than 10 years.**

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

9 (2) Bicycle system inventories must include information on bicycle facilities of all types within  
10 climate friendly areas, within ¼ mile of all schools, on designated neighborhood bikeways, and  
11 along all arterials and collectors.

12 (3) Bicycle system inventories must include the crash risk factors of inventoried bicycle facilities,  
13 including but not limited to speed, volume, separation, and roadway width. Bicycle system  
14 inventories must also include the location of all reported injuries and deaths of people on  
15 bicycles. This must include all reported incidents from at least 10 years prior to the transportation  
16 system plan base year to the year of adoption of the bicycle system inventory.

17 **0610: Bicycle System Requirements**

18 This rule includes the minimum requirements for the bicycle system. We expect to build a bicycle system  
19 that meets a substantial portion of local travel needs under three miles. Updated requirements ensure  
20 cities and counties will plan for higher levels of separation beyond a standard bike lane for people riding  
21 bicycles on higher speed and volume roadways. These facilities have been shown to be necessary to  
22 allow the widest range of people to safely ride bikes within communities. The rules require the  
23 development of connected network of safe bicycle facilities.

24 **Since the December draft, this rule has been substantially changed. The rule provides additional**  
25 **flexibility to local governments in how they design a connected bicycle network. The connected**  
26 **network must be safe, low stress, direct, and comfortable for people of all ages and abilities.**

27 (1) This rule describes the minimum planned bicycle facilities that must be included in plans. Cities  
28 may choose to exceed the requirements in this rule.

29 (2) Cities and counties must plan for a connected network of bicycle facilities that provides a safe,  
30 low stress, direct, and comfortable experience for people of all ages and abilities. A connected  
31 network is comprised of both the ability to access key destinations within a community and  
32 enough coverage of safe and comfortable facilities to ensure most people within the community  
33 can travel by bicycle.

34 (a) Cities and counties must design the connected network to connect to key destinations as  
35 provided in OAR 660-012-0360, and to and within each climate friendly area.

36 (b) Cities and counties must design the connected network to permit most residents of the  
37 planning area to access the connected network with an emphasis on mitigating  
38 uncomfortable or unsafe facilities or crossings.

39 (c) The connected network shall consist of connected bicycle facilities including, but not  
40 limited to, separated and protected bicycle facilities, bicycle boulevards, and multi-use or  
41 bicycle paths. The connected network must include a series of interconnected bicycle

1 facilities and provide direct routes to key destinations. Cities and counties must design  
2 comfortable and convenient crossings of streets with high volumes of traffic or high-  
3 speed traffic.

- 4 (3) Cities and counties must plan and design bicycle facilities considering the context of adjacent  
5 motor vehicle facilities and land uses.
- 6 (a) Cities and counties must design bicycle facilities with higher levels of separation or  
7 protection along streets with higher volumes of traffic and/or higher speeds of traffic.
- 8 (b) Cities and counties must plan for separated or protected bicycle facilities on streets in  
9 climate friendly areas and other places with a concentration of destinations. Separated or  
10 protected bicycle facilities may not be necessary on streets with very low levels of motor  
11 vehicle traffic or where a high-quality parallel bicycle facility on the connected network  
12 exists within one block.
- 13 (c) Cities and counties must identify locations with existing bicycle facilities along high  
14 traffic or high-speed streets where the existing facility is not protected or separated, or  
15 parallel facilities do not exist. Cities and counties must plan for a transition to appropriate  
16 facilities in these locations.
- 17 (4) Cities and counties must use the transportation prioritization framework in OAR 660-012-0155  
18 when making decisions about bicycle facilities.

19 **0620: Bicycle System Projects**

20 This rule guides cities in determining the list of bicycle system projects.

21 No substantive changes have been made to this rule since the December draft.

- 22 (1) Cities must develop a list of bicycle system projects that would address all the gaps and  
23 deficiencies in the bicycle system identified by the city under OAR 660-012-0600(4).
- 24 (2) Cities must develop bicycle project prioritization factors that are able to sort the list of bicycle  
25 system projects into a prioritized list of bicycle system projects. Cities must develop bicycle  
26 project prioritization factors by engaging underserved populations as provided in OAR 660-012-  
27 0130.
- 28 (3) Cities must use bicycle project prioritization factors to prioritize the following factors above other  
29 factors:
- 30 (a) Bicycle system investments in climate friendly areas;
- 31 (b) Bicycle system investments in areas with concentrations of underserved populations, as  
32 determined under OAR 660-012-0125;
- 33 (c) Bicycle system investments in areas with safety risk factors such as roadways with high  
34 speeds and high traffic volumes;
- 35 (d) Bicycle system investments in areas with reported serious injuries and deaths to people  
36 riding bicycles;
- 37 (e) Bicycle system investments that provide access to key bicycle destinations;
- 38 (f) Bicycle system investments system investments that will connect to, fill gaps in, and  
39 expand the existing bicycle system network;

- 1 (g) Bicycle system investments that prioritize bicycle travel consistent with the prioritization
- 2 factors in OAR 660-012-0155; and
- 3 (h) Where applicable, bicycle system investments that implement a scenario plan approved
- 4 by order as provided in OAR 660-044-0125.
- 5 (4) The transportation system plan must include a description of the prioritization factors and method
- 6 of prioritizing bicycle projects used to develop the prioritized list of bicycle system projects.

7 **0630: Bicycle Parking**

8 This rule includes updated requirements for bicycle parking. Existing statewide requirements require  
 9 bicycle parking for commercial and multi-family land uses. This rule expands this to require covered and  
 10 secure parking for some uses where longer-term parking is expected, and short-term parking at retail  
 11 uses, transit facilities, and other key destinations. The rule requires that long-term parking include  
 12 provisions for electric charging and to accommodate a range of devices beyond bicycles.

13 **Since the December draft, the term “covered and secure” has been removed from a few sections.**  
 14 **Section (3) of this draft has been changed to be less specific about the requirement for proximity to a**  
 15 **retail entrance. Section (7) of this rule has been changed to clarify that the bicycle parking**  
 16 **requirement only relates to off-street motor vehicle parking spaces when those parking spaces are**  
 17 **mandated.**

- 18 (1) Cities and counties must require and plan for adequate bicycle parking to meet the increasing
- 19 need for travel by bicycle.
- 20 (2) Cities and counties shall require covered, secure bicycle parking for all new multifamily
- 21 development or mixed-use development of four units or more, and new office and institutional
- 22 developments. Such bicycle parking must include at least one bicycle parking space for each
- 23 residential unit and facilities for charging electric bicycles, electric wheelchairs, and other small-
- 24 scale electric mobility devices. Charging must be available for simultaneous charge of electric
- 25 mobility devices parked in 40% of spaces.
- 26 (3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle
- 27 parking shall be located within a short distance from the main retail entrance.
- 28 (4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride
- 29 lots.
- 30 (5) Cities and counties must require bicycle parking in climate friendly areas, and near key
- 31 destinations as provided in OAR 660-012-0360.
- 32 (6) Cities and counties must allow and provide for parking and ancillary facilities for shared bicycles
- 33 or other small-scale mobility devices in climate friendly areas, and near key destinations as
- 34 provided in OAR 660-012-0360.
- 35 (7) Cities and counties must require at least as many bicycle parking spaces as mandated off-street
- 36 motor vehicle parking spaces for any new land use where off-street motor vehicle parking is
- 37 mandated.
- 38 (8) Cities and counties must ensure that all bicycle parking provided must:
- 39 (a) Allow ways to secure at least two points on a bicycle;

- 1 (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position  
2 where it may be secured without conflicts from other parked bicycles, walls, or other  
3 obstructions;
- 4 (c) Be in a location that is convenient and well-lit; and
- 5 (d) Include sufficient bicycle parking spaces to accommodate large bicycles, including  
6 family and cargo bicycles.

7 **New Rules 0700-0720: Public Transportation System**

8 This part of the Transportation Planning Rules relates to planning for the public transportation system.  
9 The public transportation system is intended to serve people riding transit within urban areas, as well as  
10 travel within regions or between cities.

11 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

12 **0700: Public Transportation System Planning**

13 This rule and subsequent rules describe how cities must plan for their public transportation system.

14 No substantive changes have been made to this rule since the December draft.

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

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

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

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

28 (d) Cities and counties must align the public transportation system plan transit element with  
29 Transit Development Plans, goals, and other strategic planning documents developed by  
30 a transit service provider.

31 (e) Transportation system plans do not control public transportation elements exclusively  
32 controlled by transit service providers. These include funding or details of transit service  
33 provision, including timetables and routing.

34 (2) A public transportation system element must include the following elements:

35 (a) The complete public transportation system as described in section (3) that includes the  
36 full buildout and provision of services of the public transportation system within the  
37 urban growth boundary;

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

26 **0705: Public Transportation System Inventory**

27 This rule describes how cities must inventory their public transportation system.

28 No substantive changes have been made to this rule since the December draft.

- 29 (1) The public transportation system inventory must include information on local and intercity transit
- 30 services, including the location of routes, major stations, transit stops, transitways, transit lanes,
- 31 transit priority signals, queue jumps, on-route charging, and other transit supportive facilities not
- 32 otherwise inventoried. Accessibility for people with disabilities must be inventoried where
- 33 applicable.
- 34 (2) The public transportation system inventory must include the identification of existing service
- 35 characteristics, including frequency and span of service for all services along identified transit
- 36 priority corridors, serving key destinations, and serving major transit stations.
- 37 (3) Where local or intercity transit services travel outside of the planning area to other cities, the
- 38 public transportation system inventory must include the identification of routes connecting to the
- 39 next nearest cities with a population exceeding 9,000, as well as key destinations and major
- 40 stations these routes.

1 **0710: Public Transportation System Requirements**

2 This rule includes the minimum requirements for safe, connected, and accessible public transportation  
3 system facilities.

4 **Since the December draft, this rule has changed to no longer require small cities under 10,000 in**  
5 **population to plan for priority transit corridors.**

- 6 (1) Cities must plan for a connected local transit network that serves key destinations as provided in  
7 OAR 660-012-0360, and can be accessed by housing and jobs within the planning area. Cities  
8 must identify:
- 9 (a) Priority transit corridors, which are transit corridors that are planned for the highest levels  
10 of regional transit service providing for a wide range of mobility needs; and
  - 11 (b) Other transit corridors, which are planned to carry at least a moderate level of transit  
12 service providing for basic mobility needs.
- 13 (2) Cities and counties must plan for a range of transit supportive facilities along priority transit  
14 corridors and in other locations where transit priority is desired.
- 15 (a) Cities and counties must coordinate with transit service providers to determine transit  
16 priority infrastructure needed on priority transit routes for efficient transit service.
  - 17 (b) Cities and counties shall prioritize expedited access for transit vehicles to and from major  
18 stops, stations, and terminals.
  - 19 (c) Cities and counties shall consider intercity transit access to stations or terminals.
- 20 (3) Cities must plan for safe and accessible transit stops and stations.
- 21 (a) Along priority transit corridors and other locations where transit priority is desired, cities  
22 and counties must coordinate with transit service providers on the construction of transit  
23 supportive facilities. Cities must allow transit service providers to construct amenities at  
24 stops outright, with limited permitting requirements. These amenities include but are not  
25 limited to: pedestrian facility repair and extension, signage, lighting, benches, and  
26 shelters.
  - 27 (b) Cities shall limit on-street parking at transit stop locations at the request of a transit  
28 service provider.
- 29 (4) Cities must coordinate with transit service providers to identify needs for intercity transit services  
30 at a level appropriate to the size of the urban area and the size and distance of intercity markets.
- 31 (5) Cities must coordinate with transit service providers to identify gaps in transit service provided in  
32 the transportation system plan, and gaps for each priority transit corridor and other transit  
33 corridors.
- 34 (6) Cities with an urban area of less than 10,000 population need not plan for priority transit  
35 corridors.

1 **0720: Public Transportation System Projects**

2 This rule guides cities in determining the list of public transportation projects.

3 No substantive changes have been made to this rule since the December draft.

- 4 (1) Cities must develop a list of public transportation projects that would address all the gaps and  
5 deficiencies in the public transportation system identified by the city under OAR 660-012-  
6 0700(4).
- 7 (2) Cities must coordinate with transit service providers to identify the gaps in transit service  
8 provided in the transportation system plan and those identified in a land use and transportation  
9 scenario plan as provided in OAR 660-044-0110 or in the Statewide Transportation Strategy as  
10 adopted by the Oregon Transportation Commission, including the gap in transit miles per capita,  
11 and gaps for each priority transit corridor and other transit corridors. The purpose of identifying  
12 these gaps is to illustrate the need for transit service operating funds for services operated within  
13 the planning area. The transportation system plan need not make provisions for funding  
14 operations of transit services directly.
- 15 (3) Cities must develop public transportation system project prioritization factors that are able to sort  
16 the list of public transportation system projects into a prioritized list of public transportation  
17 system projects. Cities must develop public transportation project prioritization factors by  
18 engaging underserved populations as provided in OAR 660-012-0130.
- 19 (4) Cities must use public transportation project prioritization factors to prioritize the following  
20 factors above other factors:
- 21 (a) Public transportation system investments in climate friendly areas;
- 22 (b) Public transportation system investments in areas with concentrations of underserved  
23 populations, as determined under OAR 660-012-0125, particularly in areas with  
24 concentrations of people dependent on public transportation;
- 25 (c) Public transportation system investments that provide access to key public transportation  
26 destinations;
- 27 (d) Public transportation system investments that will connect to, fill gaps in, and expand the  
28 existing public transportation network;
- 29 (e) Public transportation system investments that prioritize transit travel consistent with the  
30 prioritization factors in OAR 660-012-0155; and
- 31 (f) Where applicable, public transportation system investments that implement a scenario  
32 plan approved by order as provided in OAR 660-044-0125.
- 33 (5) The transportation system plan must include a description of the prioritization factors and method  
34 of prioritizing public transportation projects used to develop the prioritized list of public  
35 transportation projects.

1 **New Rules 0800-0830: Streets and Highways System**

2 This part of the Transportation Planning Rules relates to planning for the street and highway system. The  
3 rules consider that the street and highway system is mostly fully built out. Future planning must assume  
4 a reduction in the amount of driving people do, in favor of increased travel in other modes.

5 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

6 ***0800: Street and Highway System Planning***

7 This rule, and subsequent rules, describes how cities must plan for their street and highway  
8 transportation system.

9 No substantive changes have been made to this rule since the December draft.

- 10 (1) Transportation System Plans must include a street and highway system element that meet the  
11 requirements of this rule.
- 12 (2) A street and highway system element must include the following elements:
- 13 (a) The complete street and highway system as described in section (3) that includes the full  
14 buildout of the street and highway system within the Urban Growth Boundary.
- 15 (b) Identification of gaps or deficiencies in the street and highway system as described in  
16 section (4);
- 17 (c) Locations of key destinations as described in OAR 660-012-0360; and
- 18 (d) A list of prioritized street and highway system projects as described in OAR 660-012-  
19 0820.
- 20 (3) The complete street and highway system is the full build out of a complete street and highway  
21 system within the planning area. A city determines the ultimate street and highway system plan  
22 by:
- 23 (a) Using the street and highway system inventory developed under OAR 660-012-0805 as a  
24 base;
- 25 (b) Adding the minimum street and highway facilities to places that do not presently meet the  
26 minimum street and highway system requirements in OAR 660-012-0810; and
- 27 (c) Accommodating the reallocation of right of way on facilities where this is deemed  
28 necessary as provided in this division.
- 29 (4) Cities must identify gaps and deficiencies in the street and highway system by comparing the  
30 complete street and highway system with the street and highway system inventory developed  
31 under OAR 660-012-0805. Any part of the complete street and highway system not presently  
32 built to the standard in the ultimate street and highway plan must be identified as a gap or  
33 deficiency.

1 **0805: Street and Highway System Inventory**

2 This rule describes how cities must inventory their street and highway system.

3 **Since the December draft, the rule has changed the number of years reported incidents of serious**  
4 **injuries and deaths of people related to vehicular crashes from 10 years to 5 years.**

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

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

24 This rule includes the minimum requirements for the street and highway system. The rules require:  
25 narrow and slow local streets; identifying arterials that are more focused on mobility, and those more  
26 focused on access, and treating them differently; and a minimal number of general-purpose travel lanes  
27 due to an expected decline in driving, and to accommodate the growth of other modes.

28 **Since the December draft, some minor changes have been made to requirements on freeway planning**  
29 **to be clear that local governments must make certain considerations in the local transportation**  
30 **system plan, but are not responsible for planning freeways.**

- 31 (1) Cities and counties must plan, design, build, and maintain a connected streets and highway  
32 network in a manner that respects the prioritization factors in OAR 660-012-0155.
- 33 (a) Cities and counties must plan and streets and highways for the minimum size necessary  
34 for the identified function, land use context, and expected users of the facility.
- 35 (b) Cities and counties must consider and reduce excessive standards for local streets and  
36 accessways in order to reduce the cost of construction, increase safety, provide for more  
37 efficient use of urban land, provide for emergency vehicle access while discouraging  
38 inappropriate traffic volumes and speeds, and support connected and safe pedestrian and  
39 bicycle networks.

- 1 (c) Cities and counties must plan for an equitable allocation of right-of-way consistent with  
2 the prioritization factors as provided in OAR 660-012-0155. Streets in Climate-Friendly  
3 Areas and along priority transit corridors must be designed to prioritize pedestrian,  
4 bicycle, and transit systems, as provided in OAR 660-012-0510, OAR 660-012-0610, and  
5 OAR 660-012-0710.
- 6 (2) Cities and counties must plan local streets to provide local access to property and localized  
7 circulation within neighborhoods.
- 8 (a) Cities and counties must plan and design local streets for low and safe travel speeds  
9 compatible with shared pedestrian and bicycle use.
- 10 (b) Cities and counties shall establish standards for local streets with pavement width and  
11 right-of-way width as narrow as practical to meet needs, reduce the cost of construction,  
12 efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve  
13 safety, and accommodate convenient pedestrian and bicycle circulation. Local street  
14 standards may allow pavement 28-feet wide where on-street parking is provided on both  
15 sides of the street and narrower widths where on-street parking is not permitted. Local  
16 street standards adopted by a city or county must be developed as provided in ORS  
17 368.039.
- 18 (c) Cities and counties must plan and design a complete and connected network of local  
19 streets. Cities may plan for chicanes, diverters, or other strategies or devices in local  
20 street networks where needed to prevent excessive speed or through travel. These  
21 measures must continue to provide for connected and pedestrian and bicycle networks.
- 22 (d) Cities and counties must avoid planning or designing local streets with a dead end. Dead  
23 end local streets may be permitted in locations with topographic or other barriers, or  
24 where the street is planned to continue to a connected network in the future.
- 25 (e) Cities and counties must plan for multimodal travel on local streets as provided in OAR  
26 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710. Cities and counties must  
27 plan local streets in climate-friendly areas to prioritize pedestrian and bicycle systems,  
28 and be limited to local access for motor vehicles.
- 29 (f) A city or county may plan for local streets to be wider than otherwise permitted in this  
30 rule when used exclusively for access to industrial or commercial properties outside of  
31 climate-friendly areas, and where plans do not permit residential or mixed-use  
32 development.
- 33 (g) Transportation system plans need not include the specific location of all planned local  
34 streets but must describe areas where they will be necessary.
- 35 (3) Cities and counties must plan collector streets to provide access to property and collect and  
36 distribute traffic between local streets and arterials. Cities and counties must plan and design a  
37 collector street network that is complete and connected with local streets and arterials.
- 38 (a) Cities and counties must plan for multimodal travel on collector streets as provided in  
39 OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- 40 (b) Cities and counties must plan collectors in climate-friendly areas to prioritize pedestrian,  
41 bicycle, and public transportation systems.

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

1 **0820: Street and Highway System Projects**

2 This rule guides cities in determining the list of street and highway system projects.

3 No substantive changes have been made to this rule since the December draft.

- 4 (1) Cities must develop a list of street and highway system projects that would address the gaps and  
5 deficiencies in the street and highway system.
- 6 (2) Cities must develop street and highway project prioritization factors that are able to sort the list of  
7 street and highway system projects into a prioritized list of street and highway system projects.  
8 Cities must develop street and highway project prioritization factors by engaging underserved  
9 populations as provided in OAR 660-012-0130.
- 10 (3) Cities must use street and highway project prioritization factors to prioritize the following factors  
11 above other factors:
- 12 (a) Street and highway investments that reallocate right-of-way from facilities dedicated to  
13 moving motor vehicles to those for use by the pedestrian, bicycle, and public  
14 transportation systems, particularly:
- 15 (A) In climate-friendly areas;
- 16 (B) In areas with concentrations of underserved populations, as provided in OAR  
17 660-012-0125; and
- 18 (C) In areas with reported serious injuries and deaths.
- 19 (b) Street and highway system investments that will fill gaps in the existing street network;
- 20 (c) Street and highway system investments consistent with the prioritization factors in OAR  
21 660-012-0155;
- 22 (d) Street and highway system investments that will help meet the performance targets as  
23 provided in OAR 660-012-0910; and
- 24 (e) Street and highway system investments consistent with a scenario plan approved by order  
25 as provided in OAR 660-044-0125.
- 26 (4) The transportation system plan must include a description of the prioritization factors and method  
27 of prioritizing street and highway projects used to develop the prioritized list of street and  
28 highway system projects.
- 29 (5) Cities choosing to include a proposed facility requiring authorization as provided in OAR 660-  
30 012-0830 in the transportation system plan must first meet the requirements as provided in OAR  
31 660-012-0830.

1 **0830: Authorization of Facilities That Increase Driving and Capacity**

2 This rule provides for an additional level of review of transportation facilities that could increase climate  
3 pollution. The rule is intended to ensure that additional alternatives are reviewed before investments  
4 are made in transportation facilities that are not consistent with the state’s climate goals.

5 The authorization of a facility provided in this rule is only to allow a proposed facility to be put into the  
6 local transportation system plan, it does not replace any other requirements.

7 The process is intended to provide time for local governments to identify, review, assess, and potentially  
8 implement alternatives to the proposed facility. The goal is to avoid implementation of as many of these  
9 facilities as possible, limiting them only to those that are truly necessary to meet the transportation  
10 needs of the state and community.

11 **Since the December draft, changes have been made to this rule to expand the types of proposed**  
12 **projects that would not be required to be authorized under this rule. The rule also clarifies**  
13 **expectations on public involvement and the level of analysis required.**

14 (1) Cities and counties may not include any of the proposed facilities listed in this section as a  
15 planned project or unconstrained project in any part of the local comprehensive plan, including  
16 the transportation system plan, unless the city or county has authorized the proposed facility as  
17 provided in this rule.

18 (a) A new or extended arterial street, highway, or freeway;

19 (b) New or expanded interchanges; or

20 (c) An increase in capacity for any existing arterial or collector street, highway, or freeway.

21 (d) Notwithstanding any provision in this section, the following proposed facilities need not  
22 be authorized as provided in this rule:

23 (A) Small changes expected to have a capital cost of less than \$500,000;

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

26 (C) Facilities with no more than one general purpose travel lane in each direction;

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

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

30 (F) Extension of a one lane on or off ramp at an interchange; or

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

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

34 (a) Initiate the authorization process thorough action of the governing body of the city or  
35 county;

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

39 (c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;

- 1 (d) Designate the project limits and characteristics of the proposed facility, including length,  
2 number of lanes, or other key features;
- 3 (e) Designate a facility impact area and determine affected jurisdictions as provided in  
4 section (3);
- 5 (f) Initiate an equity analysis of the proposed facility as provided in OAR 660-012-0135;
- 6 (g) Develop a public involvement strategy as provided in section (4);
- 7 (h) Conduct an alternatives review as provided in sections (5) and (6);
- 8 (i) Choose to move forward with an authorization report as provided in section (7);
- 9 (j) Complete an authorization report as provided in section (8); and
- 10 (k) Publish the authorization report as provided in section (9).
- 11 (3) A city or county designating a facility impact area and determining affected jurisdictions must:
- 12 (a) Coordinate with all cities and counties with planning jurisdictions within 2 miles of the  
13 limits of the proposed facility to determine the extent of the facility impact area;
- 14 (b) Review the extent of the impact of the proposed facility by including all areas where  
15 implementation of the proposed facility is expected to change levels or patterns of traffic  
16 or otherwise change the transportation system or land use development patterns;
- 17 (c) Take particular care when reviewing the facility impact area in places with concentrations  
18 of underserved populations as provided in OAR 660-012-0125. The city or county must  
19 consider the special impact of new facilities in the context of historic patterns of  
20 discrimination, disinvestment, and harmful investments;
- 21 (d) Designate a facility impact area to include, at minimum, areas within one mile of the  
22 proposed facility; and
- 23 (e) Determine affected jurisdictions by including all cities or counties with planning  
24 jurisdictions in the designated facility impact area.
- 25 (4) A city or county developing a public involvement strategy must, in coordination with affected  
26 jurisdictions:
- 27 (a) Develop the public involvement strategy as provided in OAR 660-012-0130.
- 28 (b) Ensure the public involvement strategy provides for opportunities for meaningful public  
29 participation in decision-making over the course of the authorization process;
- 30 (c) Ensure the public involvement strategy includes regular reports to the affected governing  
31 bodies, planning commissions, and the public on the progress of the authorization  
32 process; and
- 33 (d) Coordinate the public involvement strategy with other public involvement activities  
34 which may be concurrent, including updates to a transportation system plan or  
35 authorizations for other proposed facilities.
- 36 (5) A city or county choosing to undertake an alternatives review must, in coordination with affected  
37 jurisdictions:
- 38 (a) Have designated the facility impact area, determined affected jurisdictions, transit service  
39 providers, and transportation options providers; and developed a public consultation  
40 strategy as provided in this rule;

- 1 (b) Develop a summary of the expected impacts of the proposed facility on underserved
- 2 populations as provided in OAR 660-012-0125, particularly, but not exclusively, in
- 3 neighborhoods with concentrations of underserved populations. These impacts must
- 4 include, but are not limited to, additional household costs, and changes in the ability to
- 5 access jobs and services without the use of a motor vehicle;
- 6 (c) Develop a summary of the estimated additional motor vehicle travel per capita that is
- 7 expected to be induced by implementation of the proposed facility over the first 20 years
- 8 of service, using best available science;
- 9 (d) Investigate alternatives to the proposed facility, as provided in subsections (e) through
- 10 (h). Cities and counties must use a planning level of analysis, and make use of existing
- 11 plans and available data as much as practical;
- 12 (e) Investigate alternatives to the proposed facility through investments in the pedestrian and
- 13 bicycle systems. The city or county must:
  - 14 (A) Review the transportation system plan for identified gaps and deficiencies in
  - 15 pedestrian and bicycle facilities within the facility impact area;
  - 16 (B) Determine how much of the need for the proposed facility may be met through
  - 17 enhanced investments in the pedestrian and bicycle networks;
  - 18 (C) Identify pedestrian and bicycle system investments that could contribute to
  - 19 meeting the identified need which do not require implementation of the proposed
  - 20 facility; and
  - 21 (D) Identify pedestrian and bicycle system investments that could contribute to
  - 22 meeting the identified need which may be implemented without the proposed
  - 23 facility, and may be retained if the proposed facility is implemented.
- 24 (f) Investigate alternatives to the proposed facility through investments in the public
- 25 transportation system. The city or county must:
  - 26 (A) Review the transportation system plan for identified gaps and deficiencies in
  - 27 public transportation facilities and services within the facility impact area;
  - 28 (B) Coordinate with transit service providers to identify opportunities for providing
  - 29 additional transit service within or to the facility impact area; and
  - 30 (C) Identify potential transit facility and service investments that contribute to
  - 31 meeting the identified need which may be implemented without the proposed
  - 32 facility.
- 33 (g) Investigate alternatives to the proposed facility through investments in transportation
- 34 options programs; or other means to reduce demand for motor vehicle travel. The city or
- 35 county must:
  - 36 (A) Review the transportation system plan for identified existing and needed
  - 37 transportation demand management services within the facility impact area;
  - 38 (B) Coordinate with transportation options providers to identify opportunities for
  - 39 providing transportation demand management services in and around the facility
  - 40 impact area; and
  - 41 (C) Identify potential transportation options program investments that contribute to
  - 42 meeting the identified need which may be implemented without the proposed
  - 43 facility.

- 1 (h) Investigate alternatives to the proposed facility that include system pricing. The city or  
2 county must:
- 3 (A) Determine if various types of pricing could substantially reduce the need for the  
4 proposed facility;
- 5 (B) Investigate a range of pricing methods appropriate for the facility type and need,  
6 which may include, but are not limited to: parking pricing, tolling, facility  
7 pricing, cordon pricing, or congestion pricing; and
- 8 (C) Identify pricing methods where it is reasonably expected to meet the need for the  
9 facility, may reasonably be implemented, and can be expected to generate  
10 sufficient revenue to cover the costs of operating the collection apparatus.
- 11 (6) A city or county completing an alternatives review must, in coordination with affected  
12 jurisdictions:
- 13 (a) Review the projects identified in section (5) to determine sets of investments that may be  
14 made that could substantially meet the need for the proposed facility without  
15 implementation of the proposed facility. A city or county must consider adopted state,  
16 regional, and local targets for reduction of vehicle miles traveled to reduce greenhouse  
17 gas emissions when making determinations of substantially meeting the need for the  
18 proposed facility; and
- 19 (b) Complete an alternatives review report upon completion of the alternatives review phase.  
20 The alternatives review report must include a description of the effectiveness of identified  
21 alternatives. The alternatives review report must include the summaries developed in  
22 section (5), subsections (b) and (c). The alternatives review report must be provided to  
23 the public, and the governing bodies and planning commissions of each affected city or  
24 county. The alternatives review report must also be included in the next annual report to  
25 the director as provided in OAR 660-012-0900.
- 26 (7) The governing body of the city or county shall review the alternatives review report and may  
27 either:
- 28 (a) Select a set of investments reviewed in the alternatives review report intended to  
29 substantially meet the identified need for the proposed facility. These investments may be  
30 added to the unconstrained project list of the transportation system plan as provided in  
31 OAR 660-012-0170; or
- 32 (b) Choose to complete the authorization report for the proposed facility, as provided in  
33 section (8).
- 34 (8) A city or county choosing to complete an authorization report as provided in section (7) must,  
35 after completion of the alternatives review, include the following within the authorization report:
- 36 (a) A record of the initiation of the authorization process by the governing body;
- 37 (b) The public involvement strategy developed as provided in section (5), and how each part  
38 of the public involvement strategy was met;
- 39 (c) The alternatives review report;
- 40 (d) A summary of the estimated additional long-term costs of maintaining the proposed  
41 facility, including expected funding sources and responsible transportation facility  
42 operator.
- 43 (9) A city or county, upon completing an authorization report, must publish the authorization report  
44 and provide it to the public and governing bodies of each affected jurisdiction.

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

6 **New Rules 0900-0915: Monitoring and Reporting**

7 This part of the Transportation Planning Rules relates to how cities and counties will regularly report  
8 progress through compilation of submission of regular reports to the department. Annual reports will  
9 include a narrative of progress made over the past year, with more substantial reports required every  
10 four to five years.

11 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

12 ***0900: Monitoring and Reporting***

13 This rule requires cities and counties to submit a report to the department annually. Most years the  
14 report will be a minor report, with an update of activities. However, every four or five years a major  
15 report must also include additional information on how the city and region are performing across a  
16 range of performance measures.

17 No substantive changes have been made to this rule since the December draft.

- 18 (1) Cities and counties outside of the planning area of Metro shall report annually on progress toward  
19 meeting the requirements in division 44 and this division.
- 20 (2) Metro shall prepare a report annually on progress toward meeting the requirements in division 44  
21 and this division. Cities and counties within the planning area of Metro shall coordinate with  
22 Metro and provide information to Metro. Cities and counties within the planning area of Metro  
23 are not required to report directly to the department as provided in this rule.
- 24 (3) Cities, counties, and Metro shall submit the report to the director.
- 25 (4) Reports are due to the director no later than May 31 of each year for the report for the previous  
26 calendar year. The director shall review reports as provided in OAR 660-012-0905.
- 27 (5) Reporting cities, counties under section (11), and Metro under section (2) shall submit either a  
28 minor report, as provided in section (6), or a major report, as provided in section (7), each year.
- 29 (a) Minor reports shall be submitted each year where a major report is not submitted.
- 30 (b) Major reports shall be submitted for each year in which the metropolitan planning  
31 organization representing the city or county approved a regional transportation plan as  
32 provided in 23 CFR 450.324.
- 33 (6) A minor report must include the following information:
- 34 (a) A narrative summary of the state of coordinated land use and transportation planning in  
35 the planning area over the reporting year, including any relevant activities or projects  
36 undertaken or planned by the city or county;
- 37 (b) A copy of the order approving the report from the previous reporting year as provided in  
38 OAR 660-012-0905;

- 1 (c) The planning horizon date of the acknowledged transportation system plan, a summary of  
2 any amendments made to the transportation system plan over the reporting year, and a  
3 forecast of planning activities over the near future which may include amendments to the  
4 transportation system plan;
- 5 (d) The findings from reports made in the reporting year for progress towards centering the  
6 voices of underserved populations in processes at all levels of decision-making as  
7 provided in OAR 660-012-0130 and a summary of any equity analyses conducted as  
8 provided in OAR 660-012-0135;
- 9 (e) Any temporary projects implemented as provided in OAR 660-012-0200;
- 10 (f) Any alternatives reviews undertaken as provided in OAR 660-012-0830, including those  
11 underway or completed; and
- 12 (g) For reporting cities and counties:
- 13 (A) A description of what immediate actions the city or county has considered to be  
14 taken to reduce greenhouse gas emissions as provided in ORS 184.899(2); and
- 15 (B) A description of the consultations with the metropolitan planning organization on  
16 how the regional transportation plan could be altered to reduce greenhouse gas  
17 emissions as provided in ORS 184.899(2).
- 18 (7) A major report must include the following information:
- 19 (a) All information required in a minor report as provided in section (6);
- 20 (b) Reporting for each regional and local performance measures as provided in OAR 660-  
21 012-0910 or OAR 660-044-0110 including:
- 22 (A) Baseline data;
- 23 (B) Baseline projections of expected outcomes from existing adopted plans;
- 24 (C) An assessment of whether the city, county, or Metro has met or is on track to  
25 meet each performance target for each reporting year between the base year and  
26 planning horizon year as provided in OAR 660-012-0915;
- 27 (D) For any performance targets that were not met, a proposal for the corrective  
28 actions that will be taken to meet the performance target by the next major report;
- 29 (E) An assessment of whether the reporting city or county has adopted local  
30 amendments to implement the approved land use and transportation scenario plan  
31 as provided in OAR 660-044-0135;
- 32 (F) For any amendments to implement the approved land use and transportation  
33 scenario plan as provided in OAR 660-044-0135 that have not yet been adopted,  
34 a proposal for the corrective actions that will be taken to adopt the amendments;  
35 and
- 36 (G) The status of any corrective actions identified in prior reports.
- 37 (8) Upon a written request for an exemption submitted to the department prior to the due date of a  
38 report, the director may grant a city or county an exemption to a requirement to include any  
39 required element of a report under sections (6) or (7) when the director determines that the  
40 requestor has established that collection and reporting of the information would not be possible or  
41 would place an undue burden on the city or county.

- 1 (9) Counties need only report for those portions of the county within an Urban Growth Boundary  
2 inside the metropolitan area. A county may jointly report with a city for the entire urban growth  
3 area of the city.
- 4 (10) Reports as provided by this rule are not land use decisions.

5 **0905: Orders Approving a Report**

6 This rule provides a process for receipt, review, and approval of submitted reports. The rule gives the  
7 director of DLCD the opportunity to review a report for completeness, then either approve the report or  
8 refer it to the commission. There is an appeal process for approved reports to the commission. The  
9 commission may either approve or remand a report that was referred or appealed to the commission.

10 No substantive changes have been made to this rule since the December draft.

- 11 (1) For the purposes of this rule, “local government” means a city, county, or Metro that is  
12 submitting a report as required by OAR 660-012-0900.
- 13 (2) Upon receipt of a submitted minor report as provided in OAR 660-012-0900(6);
- 14 (a) The director shall make a preliminary determination of completeness within 30 calendar  
15 days of receipt and shall notify the reporting local government of any missing items  
16 required under OAR 660-012-0900(6) that is not subject to an exemption under OAR  
17 660-012-0900(8).
- 18 (b) The reporting local government must submit information to the department within 30  
19 days of the director’s notification under subsection (a), unless the local government  
20 requests, and the director grants, an extension of time to submit the missing information,  
21 for a period not to exceed 90 additional days.
- 22 (c) If the local government does not submit the missing information within the time allotted  
23 by the director, the director may request the commission to take action as provided in  
24 OAR 660-012-0905(11).
- 25 (d) Once a report submitted as provided in OAR 660-012-0900(6) is determined to be  
26 complete, the report is final.
- 27 (3) Upon receipt of a submitted major report as provided in OAR 660-012-0900(7);
- 28 (a) The director shall make a preliminary determination of completeness within 30 calendar  
29 days of receipt and shall notify the reporting local government of any missing items  
30 required under OAR 660-012-0900(7) that is not subject to an exemption under OAR  
31 660-012-0900(8).
- 32 (b) The reporting local government must submit information to the department within 30  
33 days of the director’s notification under subsection (a), unless the local government  
34 requests, and the director grants, an extension of time to submit the missing information,  
35 for a period not to exceed 90 additional days. If the reporting local government does not  
36 submit additional information, the director shall proceed with review of the submission as  
37 provided in sections (4) and (5).
- 38 (c) If the director does not notify the reporting local government of missing items within 30  
39 days of submittal, the director shall proceed with review of the submission as provided in  
40 sections (4) and (5).

- 1 (4) Upon completion of the process in section (3), the director shall:
- 2 (a) Post a complete copy of the submitted report on the department’s website along with the  
3 alternative findings the director may make in section (5), and a statement that any person  
4 may file a written comment regarding the submitted report no more than 21 days after the  
5 posting of the report.
- 6 (b) Provide notice to persons described under ORS 197.615(3)(a), directing them to the  
7 posting described in subsection (a) and informing them that they may file a written  
8 comment regarding the submitted report no more than 21 days after the posting of the  
9 report.
- 10 (5) Within 60 days of completion of the process in section (3), the director shall;
- 11 (a) Find that the local government has met the performance targets as provided in OAR 660-  
12 012-0915, and has adopted local amendments to implement any approved land use and  
13 transportation scenario plan as provided in OAR 660-044-0135;
- 14 (b) Find that the local government has proposed adequate corrective actions to address any  
15 performance targets that were not met and adequate to meet any performance targets as  
16 provided in OAR 660-012-0915;
- 17 (c) Find, that the local government has not met any performance targets as provided in OAR  
18 660-012-0915 and that the local government has proposed inadequate corrective actions;  
19 or
- 20 (d) Find that the local government has not implemented an approved land use and  
21 transportation scenario plan as provided in OAR 660-044-0135 and that the local  
22 government proposed inadequate corrective actions.
- 23 (6) If the director has made findings described in subsections (5)(a) or (b);
- 24 (a) The director shall issue an order approving the report. The department shall post an  
25 approval order on a public website and send notice to the reporting local government, and  
26 persons who provided written comment under section (4). The order must include  
27 information on the process to appeal the director’s order as described in this rule.
- 28 (b) A person who has provided written comment under section (4) may appeal the director’s  
29 order to the commission. For the appeal to be valid, the appeal must clearly identify a  
30 deficiency in the submitted report based on the requirements of this division and may not  
31 raise issues that were not raised in the person’s written comments regarding the submitted  
32 report.
- 33 (c) The director shall determine if the appeal filed is valid, and the director’s determination  
34 of validity is final.
- 35 (d) If no valid appeals are filed in response to the director’s order, the order is final.
- 36 (e) If any valid appeals are filed in response to the director’s order, the director shall  
37 schedule a compliance hearing before the Land Conservation and Development  
38 Commission at its next regularly scheduled meeting. If the next regularly scheduled  
39 meeting begins less than 30 days after the date a valid appeal is filed with the department,  
40 the director shall schedule the hearing for the next subsequent regularly scheduled  
41 meeting.
- 42 (7) If the director has made findings described in subsections (5)(c) or (d);
- 43 (a) The director shall schedule a compliance hearing before the Land Conservation and  
44 Development Commission at its next regularly scheduled meeting. If the next regularly

- 1 scheduled meeting begins less than 30 days after the date the director makes findings, the  
2 director shall schedule the hearing for the next subsequent regularly scheduled meeting.
- 3 (b) The department shall post notice of a compliance hearing on a public website and send  
4 notice to the reporting local government, and persons who provided written comment  
5 under section (4).
- 6 (8) At the compliance hearing the commission shall:
- 7 (a) Consider the director's written and oral report;
- 8 (b) Consider oral testimony and written testimony provided at least 14 days prior to the  
9 hearing from the local government and any persons who provided written comment under  
10 section (4); and
- 11 (c) Approve an order that either;
- 12 (A) Remands the submitted report to the reporting local government with specific  
13 directions for needed changes, consistent with the requirements of this division;  
14 or
- 15 (B) Approves the submitted report.
- 16 (9) Compliance includes, but is not limited to, meeting deadlines established in this division and in  
17 OAR 660-044-0015, submitting reports, or implementing corrective actions as provided in OAR  
18 660-012-0900.
- 19 (10) The commission may evaluate the compliance of the cities and counties within a metropolitan area  
20 in a collective evaluation, or the commission may evaluate the compliance of an individual city or  
21 county separately.
- 22 (11) If the commission finds a local government or a collection of local governments out of compliance  
23 with the requirements of this division, the commission may use any authority granted to  
24 commission, including but not limited to the actions below.
- 25 (a) Issue an enforcement order as provided in ORS 197.319 through 197.335.
- 26 (b) Issue an order to invalidate the acknowledgement of local transportation system plans  
27 that are not consistent with an approved Land use and Transportation Scenario Plan.
- 28 (c) Provide notice to the Oregon Department of Transportation and the United States  
29 Department of Transportation of the lack of compliance with state planning requirements.
- 30 (12) The director shall mail the order of the commission's decision to be issued, with copies sent to the  
31 reporting local government, and all parties that participated in the hearing.
- 32 (13) A final commission order under this rule may be reviewed as provided in ORS 183.484 for orders  
33 in other than a contested case. Reports and orders as provided in this rule are not land use decisions.

1 **0910: Land Use and Transportation Performance Measures**

2 This rule requires reporting on local action performance measures to demonstrate that the actions  
3 necessary to achieve the greenhouse gas reduction targets are being implemented. transportation  
4 system plans are required to include policies and projects that will meet the local target for each  
5 performance measure.

6 No substantive changes have been made to this rule since the December draft.

- 7 (1) Cities, counties, and Metro must use land use and transportation system performance measures as  
8 means of measuring progress towards developing and implementing land use and transportation  
9 systems plans that meet the Metropolitan Greenhouse Reduction Targets in OAR 660-044-0020  
10 and 660-044-0025.
- 11 (2) Cities, counties, and Metro that have a land use and transportation scenario approved by the  
12 commission as provided in OAR 660-044-0050 or OAR 660-044-0125 shall report on the  
13 performance measures from the approved regional scenario plan.
- 14 (3) Cities and counties that do not have a land use and transportation scenario approved by the  
15 commission as provided in OAR 660-044-0125 shall report on the specific actions, including  
16 capital improvements and the adoption of policies that they have or will undertake to reduce  
17 pollution and increase equitable outcomes for underserved populations. At a minimum, this report  
18 must include the following performance measures:
- 19 (a) Compact Mixed-use Development
- 20 (A) Number of publicly supported affordable housing units in climate friendly areas.
- 21 (B) Number of existing and permitted dwelling units in climate friendly areas and  
22 percentage of existing and permitted dwelling units in climate friendly areas  
23 relative to total number of existing and permitted dwelling units in the  
24 jurisdiction.
- 25 (C) Share of retail/service jobs in climate friendly areas relative to retail/service jobs  
26 in the jurisdiction.
- 27 (b) Active Transportation
- 28 (A) Percent of collector and arterials streets in climate friendly areas and underserved  
29 population neighborhoods with bicycle and pedestrian facilities with Level of  
30 Traffic Stress 1 or 2.
- 31 (B) Percent of collector and arterial roadways in climate friendly areas and  
32 underserved population neighborhoods with safe and convenient marked  
33 pedestrian crossings.
- 34 (C) Percent of transit stops with safe and marked pedestrian crossings within 100  
35 feet.
- 36 (c) Transportation Options
- 37 (A) Number of employees covered by an Employee Commute Options Program.
- 38 (B) Number of households engaged with Transportation Options activities.

- 1 (C) Percent of all Transportation Options activities that were focused on underserved
- 2 population communities.
- 3 (d) Transit
- 4 (A) Share of households within ½ mile of a priority transit corridor.
- 5 (B) Share of low-income households within ½ mile of a priority transit corridor.
- 6 (C) Share of key destinations within ½ mile of a priority transit corridor.
- 7 (e) Parking Costs and Management
- 8 (A) Average daily public parking fees in climate friendly areas.
- 9 (f) Transportation Systems Investments
- 10 (A) Percent of jurisdiction transportation budget spent in climate friendly areas and
- 11 underserved population neighborhoods.
- 12 (B) Share of investments that support low carbon modes of transportation.
- 13 (4) Cities and counties shall use the performance measures and targets adopted in section (2) of this
- 14 rule to develop and implement transportation and land use plans, projects, and policies that will
- 15 help meet the applicable Metropolitan Greenhouse Gas Reduction Targets in OAR 660-044-0020
- 16 and 660-044-0025.

17 **0915: Land Use and Transportation Performance Targets**

18 This rule requires cities and counties to set performance targets for the implementation of actions  
 19 necessary to achieve the greenhouse gas reduction targets. If a city or county has an approved regional,  
 20 they will set performance targets included in that plan. If a city or county does not have an approved  
 21 regional plan, they will set performance targets in a major update to their transportation systems plan  
 22 or a major report, whichever comes first. Performance targets must be set at levels that are reasonably  
 23 likely to achieve the greenhouse gas reduction targets and the Statewide Transportation Strategy  
 24 targets.

25 No substantive changes have been made to this rule since the December draft.

- 26 (1) Cities and counties must set performance targets for each reporting year for each performance
- 27 measure provided in OAR 660-044-0110 and OAR 660-012-0910 in their local transportation
- 28 system plan. Performance targets for the performance measures provided in OAR 660-012-0910
- 29 must be set at levels that are reasonably likely to achieve the regional performance targets from
- 30 an approved land use and transportation scenario plan as provided in OAR 660-044-0110(7)(a) or
- 31 the regional performance targets from the Statewide Transportation Strategy as adopted by the
- 32 Oregon Transportation Commission.
- 33 (2) Cities and counties that have a land use and transportation scenario approved by the commission
- 34 as provided in OAR 660-044-0125 must set targets for equity performance measures in a
- 35 transportation system plan as provided in OAR 660-044-0110(7)(c).
- 36 (3) Cities and counties shall set the performance targets in any major update to their transportation
- 37 systems plan as provided in OAR 660-012-0105. If a city or county has not yet set targets and is

- 1 submitting a major report as provided in OAR 660-012-0900(4), then the city or county shall set
- 2 the performance targets and include as a minor update to their transportation system plan.

# Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



## MEETING 11

**TO:** Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members  
**FROM:** Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff  
**SUBJECT:** **RAC 11 Item 9: Draft Housing Rules Amendments**  
**DATE:** January 11, 2022

This document includes revised amendments to the Housing Rules (OAR Chapter 660, Division 8). The rules have been significantly revised from the version that was in the RAC 10 Packet, particularly changes to 660-008-0010. Proposed amendments to the adopted rules are shown with underline.

*This is an existing rule that provides for how cities are to determine the amount of buildable land necessary to accommodate anticipated planning needs over a future planning period, which is typically 20 years. The amended language adds a new requirement for cities over 10,000 population within metropolitan areas to maintain climate friendly areas sufficient to accommodate at least 30% of their housing needs as they grow. Additionally, Section (3) requires the same cities to designate additional climate friendly areas after June 30, 2027, if expanding their urban growth boundaries to accommodate a residential land need.*

***Changes made since the December 6, 2021, version include extensive reorganization and revision to OAR 660-008-0010. These changes better clarify the distinction between how local governments are to determine climate friendly area needs based on average buildable residential area, and how local governments are to continue to plan to meet all residential needs consistent with the requirements of Statewide Planning Goal 10 (Housing) and ORS 197.296(5).***

### 660-008-0010

#### **Allocation of Buildable Land**

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

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

(a) Following the initial designation of climate friendly areas as required in OAR 660-012-0315, local governments shall maintain climate friendly area zones with sufficient average buildable residential area to contain at least thirty percent of current and projected housing needs. However, the local government

shall determine housing capacity within the CFA area for the purpose of meeting identified housing needs as required by Goal 10 and OAR 660-007 or 660-008 in a manner consistent with ORS 197.296(5).

(b) The local government shall calculate the average buildable residential area for climate friendly areas consistent with the provisions of OAR 660-012-0315(2). The local government shall include demonstration of compliance with this requirement in each subsequent Housing Capacity Analysis.

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

(3) Beginning June 30, 2027:

(a) A local government subject to the requirements of OAR 660-012-0310 that has identified a need to expand the urban growth boundary due to an identified residential land need shall designate and zone additional climate friendly area as provided in OAR 660-012-0315(1), (4), (5), and (6) concurrent with expansion of the urban growth boundary.

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

(c) The local government shall calculate the climate friendly area needed based on the average buildable residential area as provided in OAR 660-012-0315(2), while the local government shall determine housing capacity within the CFA area for the purpose of meeting identified housing needs as required by Goal 10 and OAR 660-007 or 660-008 in a manner consistent with ORS 197.296(5).

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

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

*This is an existing rule that provides for how cities are to prepare Housing Production Strategy Reports one year after their required update to their Housing Capacity Analyses. Amended language in Section (4)(a) establishes requirements to promote the production of affordable housing, mitigate or avoid the displacement of members of state and federal classes, and remove barriers and increase housing choices for these populations in climate friendly areas, or within Region 2040 Centers within the Portland Metro region.*

***A change made since the December 6, 2021, version adds actions taken to promote the production of housing accessible to persons with disabilities to the required analysis of actions taken to achieve Fair and Equitable Housing Outcomes in OAR 660-008-0050(4).***

## 660-008-0050

### Housing Production Strategy Report Structure

As provided in ORS 197.290(2), a city with a population of more than 10,000 people must develop and adopt a Housing Production Strategy Report that includes a list of specific actions, including the adoption of measures and policies that the city shall undertake to promote development within the city to address a housing need identified under ORS 197.296(3) or ORS 197.296(10) for the most recent 20-year period described in the city's Housing Capacity Analysis. At a minimum, this Report must include the following components:

(4) Achieving Fair and Equitable Housing Outcomes – A Housing Production Strategy Report must include a narrative summarizing how the selected Housing Production Strategies, in combination with other city actions, will achieve equitable outcomes with regard to the following factors:

(a) Location of Housing - How the city is striving to meet statewide greenhouse gas emission reduction goals, established under Executive Order No. 20-04, by creating compact, mixed-use neighborhoods available to people who are members part of state and federal protected classes. Within a metropolitan service district, cities subject to this rule shall describe actions taken by the city to promote the production of affordable housing, to promote the production of accessible dwelling units, to mitigate or avoid the displacement of members of state and federal protected classes, and to remove barriers and increase housing choice for members of state and federal protected classes within Region 2040 centers. Cities subject to this rule and to OAR 660-012-0310 shall describe actions taken by the city to promote the production of affordable housing, to promote the production of accessible dwelling units, to mitigate or avoid the displacement of members of state and federal protected classes, and to remove barriers and increase housing choice for members of state and federal protected classes within climate friendly areas. An accessible dwelling unit is a dwelling unit constructed to accommodate persons with disabilities, in compliance with the Americans with Disabilities Act and applicable construction requirements in adopted building codes;

(b) Fair Housing - How the city is affirmatively furthering fair housing for all state and federal protected classes. Affirmatively furthering fair housing means addressing disproportionate housing needs, patterns of integration and segregation, racially or ethnically concentrated areas of poverty, and disparities in access to housing opportunity;

(c) Housing Choice – How the city is facilitating access to housing choice for communities of color, low-income communities, people with disabilities, and other state and federal protected classes. Housing choice includes access to existing or new housing that is located in neighborhoods with high-quality community amenities, schooling, employment and business opportunities, and a healthy and safe environment.

(d) Housing options for residents experiencing homelessness – How the city is advocating for and enabling the provision of housing options for residents experiencing homelessness and how the city is partnering with other organizations to promote services that are needed to create permanent supportive housing and other housing options for residents experiencing homelessness;

(e) Affordable Homeownership and Affordable Rental Housing – How the city is supporting and creating opportunities to encourage the production of affordable rental housing and the opportunity for wealth creation via homeownership, primarily for state and federal protected classes that have been disproportionately impacted by past housing policies; and

(f) Gentrification, Displacement, and Housing stability – How the city is increasing housing stability for residents and mitigating the impacts of gentrification, as well as the economic and physical displacement of existing residents resulting from investment or redevelopment.

# Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

## MEETING 11



**TO:** Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members

**FROM:** Bill Holmstrom, DLCD Rulemaking Lead Staff  
Kevin Young, DLCD Rulemaking Lead Staff  
Matt Crall, DLCD Planning Services Division Manager  
Cody Meyer, DLCD Land Use and Transportation Planner

**SUBJECT:** **RAC 11 Item 10: Proposed Amendments to Division 44**

**DATE:** January 11, 2022

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### Summary of Proposed Changes:

This draft has change very little since staff last released draft rules for Metropolitan Scenario Planning (Division 44) in the December RAC 10 packet. Updates include updates to the methods to demonstrate compliance with the targets that clarifies the use vehicle miles traveled to align with the planning requirements in the Transportation Planning Rules (Division 12) rule 660-012-0160 and clarification of a list of regionally significant projects needed to meet the targets in the contents of a scenario plan.

We appreciate RAC members review and discussion of these proposed updates to Division 44. If members would like to propose specific revisions to the text, please let us know. We will provide a file in MS Word format so that members can use the track changes feature to propose updates directly. Please send an email to [DLCD.CFEC@state.or.us](mailto:DLCD.CFEC@state.or.us) if you would like to comment in this way.

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Proposed Amendments to Oregon Administrative Rules  
Chapter 660 – Land Conservation and Development Commission  
**Division 44 – Metropolitan Greenhouse Gas Reduction Targets**

### 0000 Purpose

*This is a new purpose statement to entirely replace the existing purpose statement.*

- (1) This division implements Oregon Land Use Planning Goal 12 (Transportation), and the state goal in ORS 468A.205 to reduce greenhouse gas emissions. The purpose of this division is to significantly, and as rapidly as possible, reduce climate pollutants that are causing increasing climate disruption. Cities, counties, metropolitan planning organizations, and Metropolitan

Service District serving the Portland metro area (Metro) are encouraged to take actions beyond the minimum requirements of this division to make large reductions in pollution rapidly.

- (2) This division requires cities, counties, and Metro to change transportation and land use plans to significantly reduce pollution from light vehicles. This division places specific requirements on Metro in recognition of its unique status in the Portland region. This division also requires cities and counties within other metropolitan regions to work together to prepare a preferred land use and transportation scenario that describes a future set of aspirational transportation facilities, alternative future land use patterns, and policies that will reduce greenhouse gas pollution from light vehicles. This division requires the cities and counties within a metropolitan area to prepare a transportation and land use scenario plan that will define and implement a preferred scenario, identifies performance measures for tracking progress, and works to not only avoid or mitigate any impacts to underserved populations, but to improve outcomes for these communities over time.
- (3) It is the purpose of this division to reduce inequities for underserved populations. The land use and transportation scenario planning process and the local implementation process must prioritize underserved populations so that the actions that reduce pollution also reduce the historic inequities from prior transportation and land use plans.

## 0005 Definitions

*Major additions to the definitions include the RAC's Equitable Outcomes to help operationalize the statement in this division.*

For the purposes of this division, the definitions in ORS 197.015 and the statewide planning goals apply. In addition, the following definitions shall apply:

- (#) "Climate Friendly Area" means land uses designated under OAR 660-012-0005(6).
- (#) "Community-based conversations" means accessible and inclusive community meetings held for areas with above-average concentrations of underserved community members.
- (1) "Design type" means the conceptual areas described in the Metro Growth Concept text and map in the Metro regional framework plan, including central city, regional centers, town centers, station communities, corridors, main streets, neighborhoods, industrial areas and employment areas.
- (#) "Equitable outcomes" means outcomes including:
  - (a) Increased stability of underserved populations, lowering the likelihood of displacement due to gentrification from public and private investments;

- (b) More accessible, safe, affordable and equitable transportation choices with better connectivity to destinations people want to reach (e.g. education, jobs, services, shopping, places of worship, parks and open spaces, and community centers);
- (c) Adequate housing with access to employment, education, and fresh food, goods, services, recreational and cultural opportunities, and social spaces;
- (d) Increased safety for people in public spaces, transportation and community development;
- (e) Equitable access to parks, nature, open spaces and public spaces;
- (f) Better and more racially equitable health outcomes across the lifespan, particularly health outcomes connected to transportation choices, air pollution, and food;
- (g) Recognizing and remedying impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure siting decisions that harmed underserved communities; and
- (h) Fairly-distributed benefits to residents and local governments across cities and counties within metropolitan areas.

(2) “Framework plan” or “regional framework plan” means the plan adopted by Metro as defined by ORS 197.015(16).

(3) “Functional plan” or “regional functional plan” means an ordinance adopted by Metro to implement the regional framework plan through city and county comprehensive plans and land use regulations.

(4) “Greenhouse gas” has the meaning given in ORS 468A.210. Greenhouse gases are measured in terms of carbon dioxide equivalents, which means the quantity of a given greenhouse gas multiplied by a global warming potential factor consistent with a state-approved emissions reporting method.

(5) “Greenhouse gas emissions reduction target” or “target” means a reduction from 2005 emission levels of per capita greenhouse gas emissions from travel in light vehicles. Targets are the reductions beyond reductions in emissions that are likely to result from the use of improved vehicle technologies and fuels. Travel in light vehicles includes all travel by members of households or university group quarters living within a metropolitan area regardless of where the travel occurs, and local commercial vehicle travel that is a function of household labor or demand regardless of where the travel occurs. Examples include commuting to work, going to school, going shopping, traveling for recreation, delivery vehicles, service vehicles, travel to business meetings, and travel to jobsites.

(6) “Land use and transportation scenario planning” means the preparation and evaluation by local governments of two or more land use and transportation scenarios and the cooperative selection of a preferred land use and transportation scenario that accommodates planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area and an increase in equitable outcomes for underserved community members. Land use and transportation scenario planning may include

preparation and evaluation of alternative scenarios that do not meet targets specified in this division.

(7) "Light vehicles" means motor vehicles with a gross vehicle weight rating of 10,000 pounds or less.

(8) "Metro" means the metropolitan service district organized for the Portland metropolitan area under ORS chapter 268.

(9) "Metropolitan planning area" or "metropolitan area" means lands within the planning area boundary of a metropolitan planning organization.

(10) "Metropolitan planning organization" means an organization located wholly within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state pursuant to 49 USC § 5303(c). The Longview-Kelso-Rainier metropolitan planning organization and the Walla Walla Valley metropolitan planning organization are not metropolitan planning organizations for the purposes of this division.

(11) "Planning period" means the period of time over which the expected outcomes of a scenario plan are estimated, measured from a 2005 base year, to a future year that corresponds with greenhouse gas emission targets set forth in this division.

(12) "Preferred land use and transportation scenario" means a plan for a metropolitan area that achieves the targets for reducing greenhouse gas emissions set forth in OAR 660-044-0020 and 660-0440-0025 as provided in OAR 660-044-0040 and 660-044-0110.

(#) "Underserved Populations" means the same as provided in OAR 660-012-0120 (2).

(13) "Statewide Transportation Strategy" means the statewide strategy adopted by the Oregon Transportation Commission as part of the state transportation policy to aid in achieving the greenhouse gas emissions reduction goals set forth in ORS 468A.205 as provided in Oregon Laws 2010, chapter 85, section 2.

## 0015 Applicability – Compliance Schedule

*This is a **new rule** that expands the scenario planning requirements to cities and counties beyond the Portland metropolitan area. The rule provides compliance dates for the cities and counties in the Eugene-Springfield metropolitan area that conducted regional scenario planning in 2011-2015 to adopt and implement that work. The [preferred scenario](#) which resulted from that work will be used as the foundation for meeting the new requirements in this section.*

*This rule also provides compliance dates in the Salem-Keizer metropolitan area that has not yet undertaken scenario planning as described in this division.*

*This section allows for other regions to voluntarily opt into the regional scenario planning program and provides a process for how the commission could require scenario planning in the Albany, Bend, Corvallis, Grants Pass, and Rogue Valley metropolitan areas in the future.*

- (1) OAR 660-044-0000 through OAR 660-044-0020, OAR 660-044-030, and OAR 660-044-0040 through OAR 660-044-0060 of this division apply to Metro. OAR 660-044-0055 applies to the cities and counties within Metro.
- (2) OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division apply to the cities and counties within the metropolitan planning area of the Central Lane Metropolitan Planning Organization as provided in subsections (a) and (b).
  - (a) These cities and counties must:
    - (A) Submit a work program containing all of the elements provided in OAR 660-044-0100 to the department for review under section (4) by December 31, 2022;
    - (B) Prepare a land use and transportation scenario plan based provided in OAR 660-044-0110 and submit it for review by the commission as provided in OAR 660-044-0120 by December 31, 2023 or another date in the approved work program;
    - (C) Adopt local amendments as provided in OAR 660-044-0130 by December 31, 2024, or other date in the approved work program.
  - (b) These cities and counties may use the preferred scenario submitted to the commission and legislature in 2015 as required by Oregon Laws 2010, Chapter 865, as the basis for the land use and transportation scenario plan. If these cities and counties use the preferred scenario from 2015, then they:
    - (A) Are neither required to redo the prior work that produced the preferred scenario, nor comply with requirements of OAR 660-044-0110 specific to the preferred scenario.
    - (B) Are required to produce the additional elements that build on the preferred scenario to prepare a complete transportation and land use scenario plan, including OAR 660-044-0110(3) and 660-044-0110(7) through (10).
- (3) OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division apply to the cities and counties within the metropolitan planning area of the Salem-Keizer Area Transportation Study. These cities and counties must:

- (a) Submit a work program containing all of the elements provided in OAR 660-044-0100 to the department by June 30, 2023;
  - (b) Submit an assessment of how close the adopted local plans would come to achieving the regional performance targets from the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission by June 30, 2023;
  - (c) Prepare a land use and transportation scenario plan as provided in OAR 660-044-0110 and submit it for review by the commission as provided in OAR 660-044-0120 by June 30, 2025, or another date in the approved work program; and
  - (d) Adopt local amendments as provided in OAR 660-044-0130 by June 30, 2026, or another date in the approved work program.
- (4) Cities and counties may request, and the director or commission may approve, applying OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division to the cities and counties within a metropolitan area and establishing compliance schedule under the following procedures.
- (a) Cities and counties within a metropolitan area may jointly submit a proposed work program or resubmit a revised work program as provided in OAR 660-044-0100.
  - (b) The department shall consult with the Oregon Department of Transportation to review a proposed work program. The director may approve the work program or refer the work program to the commission with recommended revisions.
  - (c) If the director refers a proposed work program to the commission under subsection (b), the commission shall hold a hearing to review the proposed work program and the recommended revisions. The commission may approve the work program based on OAR 660-044-0100 or remand the work program with required revisions.
- (5) The commission may issue an order applying OAR 660-044-0000 through 660-044-0015, OAR 660-044-0025 through 660-044-0030, and OAR 660-044-0100 through 660-044-0130 of this division to cities and counties within a metropolitan area and establishing compliance deadlines using the procedures below.
- (a) The department will provide the cities and counties a draft order with compliance schedule prior to a commission hearing.
  - (b) The commission will hold a hearing and consider any revised or alternate order proposed by cities or counties, and any public testimony.
  - (c) When considering whether to issue an order, the commission shall consider the following factors using the best available data:
    - (A) Greenhouse gas emissions including actual measurements, model estimates, recent trends, and future projections under current adopted plans;
    - (B) Local transportation and land use actions that influence greenhouse gas emissions and more equitable outcomes, including adopted plans, recent actions by cities and counties, and development trends;
    - (C) Population growth including recent trends and future projections;
    - (D) Presence or absence of regional cooperation on greenhouse gas emissions reduction;
    - (E) Vehicles miles travelled per capita by residents of the metropolitan area, including actual measurements, model estimates, recent trends, and future projections under current adopted plans; and

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

## 0020 Greenhouse Gas Emissions Reduction Target for the Portland Metropolitan Area

*Minor amendment to an existing rule extending horizon year to incorporate any planning work that goes beyond 2050.*

(1) Metro shall use the greenhouse gas emissions reduction targets in this rule as it develops, reviews, and updates a land use and transportation scenario that accommodates planned population and employment growth while achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area as required by OAR 660-044-0040 through 660-044-0060.

(2) This rule only applies to the Portland metropolitan area.

(3) The greenhouse gas emissions reduction target is a 20 percent reduction in the year 2035.

(4) Targets for the year 2040 and beyond are:

- (a) By 2040, a 25 percent reduction.
- (b) By 2041, a 26 percent reduction.
- (c) By 2042, a 27 percent reduction.
- (d) By 2043, a 28 percent reduction.
- (e) By 2044, a 29 percent reduction.
- (f) By 2045, a 30 percent reduction.
- (g) By 2046, a 31 percent reduction.
- (h) By 2047, a 32 percent reduction.
- (i) By 2048, a 33 percent reduction.
- (j) By 2049, a 34 percent reduction.
- (k) By 2050 and beyond, a 35 percent reduction.

## 0025 Greenhouse Gas Emissions Reduction Targets for Other Metropolitan Areas

*This is an existing rule with a change that makes the targets mandatory. Minor amendment extends horizon year to incorporate any planning work that goes beyond 2050.*

(1) Purpose and effect of targets

Local governments in metropolitan planning areas not covered by OAR 660-044-0020 shall use the targets set forth in section (2) of this rule as they conduct land use and transportation planning to reduce greenhouse gas emissions.

(2) Targets by year are:

- (a) By 2040 or earlier, a 20 percent reduction.
- (b) By 2041, a 21 percent reduction.
- (c) By 2042, a 22 percent reduction.
- (d) By 2043, a 23 percent reduction.
- (e) By 2044, a 24 percent reduction.
- (f) By 2045, a 25 percent reduction.
- (g) By 2046, a 26 percent reduction.
- (h) By 2047, a 27 percent reduction.
- (i) By 2048, a 28 percent reduction.
- (j) By 2049, a 29 percent reduction.
- (k) By 2050 and beyond, a 30 percent reduction.

## 0030 Methods for Estimating Greenhouse Gas Emissions and Emissions Reductions

*This is an existing rule that provides the methods by which local governments apply the greenhouse gas targets to the scenario planning process.*

***New rule*** has been added that clarifies the use vehicle miles traveled to align with the planning requirements in the Transportation Planning Rules (Division 12) rule 660-012-0160.

(1) Applicability: When local governments within a metropolitan area are conducting land use and transportation planning to demonstrate that their plans would meet the greenhouse gas emissions reductions targets established in this division, then they shall use the provisions and options in this rule to project future emissions.

**(2) Vehicle Miles Traveled: The greenhouse gas emissions reduction targets as provided in OAR 660-044-00250 and 660-044-0025 are the ratio of future year to base year vehicle miles traveled per capita after controlling for the effects of state and federal policies on vehicles, fuels, and pricing.**

(3) Projected Emission Rates: Projections of greenhouse gas emissions must use emission rates that reflect implementation of the State Actions in the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission. Metropolitan area greenhouse gas target modeling efforts must have modeled emission rates agreed to by the Oregon Department of Transportation and the department to ensure this compliance.

(a) Greenhouse gas emissions targets may differ from the targets provided in OAR 660-044-00250 and 660-044-0025 if local or regional programs or actions can be demonstrated to result in changes to vehicle fleet, technologies, or fuels above and beyond the assumption in the Statewide Transportation Strategy, or agreed to by the Oregon Department of Transportation and the department. One example would be a program to add public charging stations that is

estimated to result in use of hybrid or electric vehicles greater than the statewide assumption in the Statewide Transportation Strategy.

(4) Actions in the Statewide Transportation Strategy as adopted by the Oregon Transportation Commission: Projections of greenhouse gas emissions may assume state actions specified in section (3) and may use the flexibility for local and regional actions described in subsection (a).

(a) State Actions: Projections of greenhouse gas emissions may include reductions projected to result from state actions, programs, and associated interactions up to, but not exceeding, the levels identified in the Statewide Transportation Strategy.

(b) Local and Regional Actions: Projections of greenhouse gas emissions may include local or regional actions similar to actions in the Statewide Transportation Strategy if the local or regional governments have authority to and have adopted plans that would implement the actions.

### 0035 Review and Evaluation of Greenhouse Gas Reduction Targets

*This is an existing rule that provides for how the department review and evaluate the greenhouse gas targets in this division.*

(1) The commission shall by June 1, 2021, and at four year intervals thereafter, conduct a review of the greenhouse gas emissions reduction targets in OAR 660-044-0020 and 660-044-0025.

(2) The review by the commission shall evaluate whether revisions to the targets established in this division are warranted considering the following factors:

- (a) Results of land use and transportation scenario planning conducted within metropolitan planning areas to reduce greenhouse gas emissions from light vehicles;
- (b) New or revised federal and state laws or programs established to reduce greenhouse gas emissions from light vehicles;
- (c) State plans or policies establishing or allocating greenhouse gas emissions reduction goals to specific sectors or subsectors;
- (d) Policies and recommendations in the Statewide Transportation Strategy adopted by the Oregon Transportation Commission;
- (e) Additional studies or analysis conducted by the Oregon Department of Transportation, the Department of Environmental Quality, the Oregon Department of Energy or other agencies regarding greenhouse gas emissions from light vehicle travel, including but not limited to changes to vehicle technologies, fuels and the vehicle fleet;
- (f) Changes in population growth rates, metropolitan planning area boundaries, land use or development patterns in metropolitan planning areas that affect light vehicle travel;
- (g) Efforts by local governments in metropolitan areas to reduce greenhouse gas emissions from all sources;
- (h) Input from affected local and regional governments and metropolitan planning organizations;

- (i) Land use feasibility and economic studies regarding land use densities; and
- (j) State funding and support for scenario planning and public engagement.

(3) The department shall, in consultation and collaboration with affected local governments, metropolitan planning organizations and other state agencies, prepare a report addressing factors listed in section (2) of this rule to aid the commission in determining whether revisions to targets established in this division are warranted.

## 0040 Preferred Scenario in the Portland Metropolitan Area

*This is an existing rule that provides guidance for Metro as they select a scenario. The Metro region has already selected and adopted a preferred scenario by way of their Climate Smart Communities program. This change is to support any future amendments needed to the plan.*

(1) Within one year of adoption or amendment of a preferred scenario, Metro shall amend the regional framework plan and the regional growth concept to select and incorporate a preferred land use and transportation scenario that meets targets in OAR 660-044-0020 consistent with the requirements of this division.

(2) In preparing, selecting, or amending a preferred land use and transportation scenario Metro shall:

- (a) Consult with affected local governments, representatives of underserved populations, the Port of Portland, TriMet, and the Oregon Department of Transportation;
- (b) Consider adopted comprehensive plans and local aspirations for growth in developing and selecting a preferred land use and transportation scenario;
- (c) Use assumptions about population, housing and employment growth consistent with the coordinated population and employment projections for the metropolitan area for the planning period;
- (d) Use evaluation methods and analysis tools for estimating greenhouse gas emissions that are:
  - (A) Consistent with the provisions of this division;
  - (B) Reflect best available information and practices; and,
  - (C) Coordinated with the Oregon Department of Transportation.
- (e) Make assumptions about state and federal policies and programs expected to be in effect over the planning period, including the Statewide Transportation Strategy, in coordination with the responsible state agencies;
- (f) Evaluate a reference case scenario that reflects implementation of existing adopted comprehensive plans and transportation plans;
- (g) Evaluate at least two alternative land use and transportation scenarios for meeting greenhouse gas reduction targets and identify types of amendments to comprehensive plans and land use regulations likely to be necessary to implement each alternative scenario;

- (h) Develop and apply evaluation criteria that assess how alternative land use and transportation scenarios compare with the reference case in achieving important regional goals or outcomes;
- (i) Evaluate if the preferred scenario relies on new investments or funding sources to achieve the target, the feasibility of the investments or funding sources including:
  - (A) A general estimate of the amount of additional funding needed;
  - (B) Identification of potential/likely funding mechanisms for key actions, including local or regional funding mechanisms; and,
  - (C) Coordination of estimates of potential state and federal funding sources with relevant state agencies (*i.e.* the Oregon Department of Transportation for transportation funding); and,
  - (D) Consider effects of alternative scenarios on development and travel patterns in the surrounding area (*i.e.* whether proposed policies will cause change in development or increased light vehicle travel between metropolitan area and surrounding communities compared to reference case).

(3) The preferred land use and transportation scenario shall include:

- (a) A description of the land use and transportation growth concept providing for land use design types;
- (b) A concept map showing the land use design types;
- (c) Policies and strategies intended to achieve the target reductions in greenhouse gas emissions in OAR 660-044-0020;
- (d) Planning assumptions upon which the preferred scenario relies including:
  - (A) Assumptions about state and federal policies and programs;
  - (B) Assumptions about vehicle technology, fleet or fuels, if those are different than those provided in OAR 660-044-0030;
  - (C) Assumptions or estimates of expected housing and employment growth by jurisdiction and land use design type; and
  - (D) Assumptions about proposed regional programs or actions other than those that set requirements for city and county comprehensive plans and land use regulations, such as investments and incentives;
- (e) Performance measures and targets to monitor and guide implementation of the preferred scenario. Performance measures and targets shall be related to key elements, actions and expected outcomes from the preferred scenario. The performance measures shall include performance measures adopted to meet requirements of OAR 660-012-0035(5); and
- (f) Recommendations for state or federal policies or actions to support the preferred scenario.

(4) When amending a local Transportation Systems Plan, or comprehensive plan, local governments shall adopt findings demonstrating that implementation of the preferred land use and transportation scenario meets the requirements of this division and can reasonably be

expected to achieve the greenhouse gas emission reductions as set forth in the target in OAR 660-044-0020. The findings shall demonstrate:

- (a) Explain how the expected pattern of land use development in combination with land use and transportation policies, programs, actions set forth in the preferred scenario will result in levels of greenhouse gas emissions from light vehicle travel that achieve the target in OAR 660-044-0020;
- (b) The preferred scenario advances equitable outcomes for underserved communities; and
- (c) The preferred scenario is or will be made consistent with other applicable statewide planning goals or rules.

(5) Guidance on evaluation criteria and performance measures.

(a) The purpose of evaluation criteria referred to in subsection (2)(h) is to encourage Metro to select a preferred scenario that achieves greenhouse gas emissions reductions in a way that maximizes attainment of other community goals and benefits. This rule does not require the use of specific evaluation criteria. The following are examples of categories of evaluation criteria that Metro might use:

- (A) Public health;
- (B) Air quality;
- (C) Household spending on energy or transportation;
- (D) Implementation costs;
- (E) Economic development;
- (F) Access to parks and open space; and,
- (G) Equity, specifically promoting equitable outcomes for underserved community members.

(b) The purpose of performance measures and targets referred to in subsection (3)(e) is to enable Metro and area local governments to monitor and assess whether key elements or actions that make up the preferred scenario are being implemented, and whether the preferred scenario is achieving the expected outcomes. This rule does not establish or require use of particular performance measures or targets. The following are examples of types of performance measures that Metro might establish:

- (A) Transit service revenue hours;
- (B) Mode share;
- (C) People per acre by 2040 Growth Concept design type;
- (D) Percent of workforce participating in employee commute options programs; and
- (E) Percent of households and jobs within one-quarter mile of transit.

## 0045 Regional Plans to Implement the Preferred Scenario in the Portland Metropolitan Area

*This is an existing rule that provides guidance for how the preferred scenario is implemented in the Metro region. Metro has moved beyond the adoption phase and is in the implementation phase.*

(1) Within one year of the commission's order approving Metro's amendments to the regional framework plan to select, incorporate, or amend a preferred land use and transportation scenario, Metro shall adopt regional functional plan amendments to implement the framework plan amendments.

(2) Functional plan amendments shall establish requirements, deadlines and compliance procedures for amendments to local comprehensive plans, transportation system plans and land use regulations as necessary to implement the framework plan amendments. The functional plan amendments shall require affected cities and counties to adopt implementing amendments to comprehensive plans and land use regulations within two years of acknowledgement of Metro's functional plan amendments or by a later date specified in the adopted functional plan.

(3) Functional plan amendments shall include requirements that local governments amend local comprehensive plans, transportation system plans and land use regulations to:

- (a) Use population, housing and employment allocations to specific areas and land use design types that are consistent with estimates in the framework plan including assumptions about densities, infill, and redevelopment;
- (b) Apply comprehensive plan designations and zoning districts that are consistent with land use design type, allowing uses and densities that are consistent with land use design type and limiting uses that would be incompatible with the design type specified in the preferred scenario; and,
- (c) Include other provisions needed to implement the amended framework plan.

(4) As part of its adoption of functional plan amendments under this rule, Metro shall adopt findings demonstrating that actions required by the functional plan amendments are consistent with and adequate to implement the relevant portions of the preferred land use and transportation scenario set forth in the adopted framework plan amendments. The findings shall demonstrate that assumptions or allocations of housing and employment growth to specific areas are consistent with the estimates or assumptions in the framework plan amendments. In the event Metro's allocations or assumptions vary from those upon which the framework plan amendments are based, Metro shall demonstrate that the revised assumptions or allocations, in combination with other measures adopted as part of the functional plan will meet the GHG reduction target in OAR 660-044-0020.

(5) Those portions of the preferred scenario in the framework plan that Metro chooses to implement by establishing requirements for city and county comprehensive plans and land use regulations shall be set forth in amendments to the functional plan. The amendments shall meet the following minimum planning standards:

- (a) For adoption of amendments to the regional framework plan, the Metro Council shall follow the process set forth in the Metro Charter;
- (b) For adoption of amendments to the functional plan, the Metro Council shall follow the process set forth in the Metro Charter for adoption of ordinances;
- (c) The Metro Council shall strive for flexibility when establishing new requirements for cities and counties, and shall consider offering optional compliance paths to cities and counties, such as adoption of a model ordinance developed by Metro;
- (d) Metro shall make new requirements for cities and counties included in the functional plan amendments adopted under this rule enforceable by Metro pursuant to ORS 268.390(6).

(6) When it adopts an updated regional transportation system plan required by OAR chapter 660, division 12, Metro shall demonstrate that the updated plan is consistent with framework plan amendments adopting a preferred scenario as provided in OAR 660-044-0040(3).

## 0050 Commission Review of Regional Plans in the Portland Metropolitan Area

*This is an existing rule that provides guidance for commission review of the implementation or the preferred scenario in regional plans. The amendments extends commission review to amendment of the regional plan.*

(1) The commission shall review Metro's framework plan amendments adopting or amending a preferred land use and transportation scenario and amendments to functional plans to implement the framework plan amendments in the manner provided for periodic review under ORS 197.628 to 197.650.

(2) The commission's review of framework plan amendments adopting a preferred land use and transportation scenario shall determine whether the preferred scenario can reasonably be expected to achieve greenhouse gas emission reductions as set forth in the targets in OAR 660-044-0020, other requirements of this division, and any applicable statewide planning goals.

(3) The commission's review of amendments to functional plans shall determine whether the adopted functional plans are consistent with and adequate to carry out relevant portions of the framework plan amendments.

(4) The commission may conduct review of Metro's framework plan amendments adopting a preferred scenario in conjunction with review of a UGB update or an update to the regional transportation system plan.

## 0055 Adoption of Local Plans to Implement the Preferred Scenario in the Portland Metropolitan Area

*This is an existing rule that specifies a process for local governments in Metro to implement the preferred scenario.*

(1) Local governments shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with and implement relevant portions of the preferred land use and transportation scenario as set forth in Metro’s functional plans or amendments. “Consistent” for the purpose of this section means city and county comprehensive plans and implementing ordinances, on the whole, conforms with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.

(2) Beginning one year from Metro’s adoption or amendment of the preferred scenario, local governments in the Portland metropolitan area shall, in updating or adopting an amendment to a comprehensive plan or transportation system plan, demonstrate that the proposed update or amendment is consistent with the preferred land use and transportation scenario.

## 0060 Monitoring and Reporting in the Portland Metropolitan Area

*This is an existing rule that specifies a process for monitoring and reporting implementation of the preferred scenario in the Metro region.*

(1) Metro shall prepare a report monitoring progress in implementing the preferred scenario including status of performance measures and performance targets adopted as part of the preferred scenario as part of regular updates to the Regional Transportation Plan and preparation of Urban Growth Reports.

(2) Metro’s report shall assess whether the region is making satisfactory progress in implementing the preferred scenario; identify reasons for lack of progress, and identify possible corrective actions to make satisfactory progress. Metro may update and revise the preferred scenario as necessary to ensure that performance targets are being met.

(3) The commission shall review the report and shall either find Metro is making satisfactory progress or provide recommendations for corrective actions to be considered or implemented by Metro prior to or as part of the next update of the preferred scenario.

## 0100 Scenario Planning Work Programs

*This is a **new rule** that describes the process for scenario planning in cities and counties beyond the Portland Metro region. A work program is the first step in the process. The work program provides the basic framework for conducting the greenhouse gas reduction scenario planning.*

As used in this division, a work plan must include:

- (1) A governance structure for regional cooperation: a proposed mechanism for regional cooperation. The governance structure may be an existing metropolitan planning organization, a new regional inter-governmental entity, an intergovernmental agreement for collaboration among local governments, or other mechanism. The governance structure must describe how the entity or entities will make decisions and complete tasks. The governance structure must, at a minimum, include cities and counties and describe how transit providers will be involved in the planning process.
- (2) A scope of work: A list of tasks to develop scenarios, analyze scenarios, select a preferred scenario, assemble a land use and transportation scenario plan, and amend local plans and ordinances consistent with the land use and transportation scenario plan.
- (3) A community engagement plan: A community engagement plan with a focus on outreach to and inclusion of underserved populations including community-based conversations.
- (4) A funding estimate: A general estimate of needs for state funding for regional entities to develop and select scenarios and for each city and county to adopt local amendments to implement the selected scenario. The funding estimate must include a schedule of requested amounts in current and future budget periods.
- (5) A schedule: The work plan must include the schedule for submitting the land use and transportation scenario plan and for adopting local amendments to implement the approved preferred land use and transportation scenario.
- (6) Cities and counties may submit a proposed work program to the department with alternative deadlines as those found in OAR 660-044-0015.
- (7) The department shall consult with the Oregon Department of Transportation to review the proposed work program. The director may approve the work program or refer the work program to the commission with recommended revisions.
- (8) If the director refers a proposed work program to the commission under section (7), the commission shall hold a hearing to review the proposed work program and the recommended revisions. The commission may approve the work program or remand the work program with required revisions.

## 0110 Land use and Transportation Scenario Plan Contents

*This **new rule** lists the elements of a scenario plan. The core element is a preferred scenario that would meet the pollution reduction targets. The scenario plan includes additional elements to implement the preferred scenario, to track progress and to report on the planning process. The rule specifies how cities and counties will report and monitor plan implementation, actions taken, and on equitable outcomes.*

As used in this rule, a land use and transportation scenario plan must include:

- (1) A horizon year at least 20 years in the future.
- (2) An assessment of the housing and transportation needs of underserved populations;
- (3) Policies and strategies intended to achieve the target reductions in greenhouse gas emissions in OAR 660-044-025.
- (4) Planning assumptions used to develop the scenario including:
  - (a) Regionally significant projects reasonably likely to be funded through the horizon year;
  - (b) Regionally significant projects that would require additional funding;
  - (c) General estimates of the amount of additional funding required; and
  - (d) Potential sources of additional funding.
- (5) Projections of land uses at the horizon year including:
  - (a) Residential densities and locations;
  - (b) Employment densities and locations;
  - (c) Climate Friendly Areas as designated under OAR 660-012-0310 and 660-012-0315; and
  - (d) Total regional population consistent with forecasts under OAR 660-032-0020.
- (6) Analysis of local development regulations to identify any changes needed to enable development of the projected land uses, such as:
  - (a) Comparison of zoning maps with projected land use needed to meet the target;
  - (b) Parking requirements; and
  - (c) Electric vehicle charging requirements.
- (7) Projection of future greenhouse gas emissions at the horizon year using methods described in OAR 660-044-0030 using a preferred land use and transportation scenario to meet the targets in OAR 660-044-0025.
- (8) Assumptions used to project future greenhouse gas emissions including:
  - (a) Assumptions about state and federal policies and programs;
  - (b) Assumptions about vehicle technology, fleet or fuels, if those are different than those provided in OAR 660-044-0030; and
  - (c) Assumptions about proposed regional programs or actions such as investments and incentives not already included in the list of transportation projects and projections of future land uses.
- (9) Performance measures and methodologies that cities and counties will use to report on implementation of the preferred land use and transportation scenario, including:
  - (a) Regional performance measures to determine whether outcomes are progressing to achieve the projected reductions in greenhouse gas emissions. The regional performance measures must include actual performance for the data elements used to project greenhouse gas emissions as described in OAR 660-044-0030.

- (b) Local implementation performance measures to determine whether cities and counties are taking the actions necessary to implement the preferred land use and transportation scenario.
- (c) Equity performance measures to determine whether implementation of the preferred land use and transportation scenario is improving equitable outcomes for underserved communities.
- (10) The performance measures in section (9) must include:
  - (a) A set of performance measures including methods, details, and assumptions to calculate the value;
  - (b) Baseline current data, or historical data, for each performance measure;
  - (c) A reporting schedule repeating every four or five years through the horizon year;
  - (d) A target for each performance measure for each reporting point; and
  - (e) Best available demographic information for underserved populations.
- (11) Report on community-based conversations and other efforts to solicit input from underserved communities.
- (12) An assessment of benefits and burdens of the scenario on underserved community members compared to the population as a whole.

## 0120 Commission Review of a Land Use and Transportation Scenario Plan

*This **new rule** describes the review process for scenario plans in cities and counties beyond the Portland metropolitan area. Before the formal review, state and local staff will collaborate on the plan and resolve most questions. If there are no remaining issues, the cities and counties will formally submit the plan and the DLCD Director will approve it. If there are unresolved questions, the process goes to the commission for a public hearing and decision.*

- (1) Cities and counties shall submit a land use and transportation scenario plan to the director.
- (2) Upon receipt of a land use and transportation scenario plan, the director shall determine whether the submittal is complete based on the applicable criteria in this division.
  - (a) If there is any missing information, the director must inform the cities and counties with sufficient specificity to allow the cities and counties to provide missing information.
    - (A) The cities and counties must supply additional information within 30 days of the director's notification. If the cities and counties do not supply additional information, the director shall review the original submission as provided in subsection (b).
    - (B) If the director does not send a notice of missing information within 30 days of submittal, the submittal shall be deemed complete.
  - (b) Upon completeness, the department shall:
    - (A) Post the complete land use and transportation scenario plan on the department's website; and
    - (B) Provide notice to persons described under ORS 197.615(3).

- (C) The notice provided shall describe;
  - (i) How and where the land use and transportation scenario plan may be freely obtained; and
  - (ii) That objections to the land use and transportation scenario plan may be submitted to the department within 14 days of the notice.
- (c) Review the submittal for compliance with this division and either:
  - (A) Issue an order approving the submittal, with responses to any objections submitted; or
  - (B) Refer the submittal to the commission for review and action under section (5).
- (d) If the director does not issue an order approving the submittal or make a referral to the commission within 60 days of completeness, the submittal is deemed approved, and an order sent under section (3).
- (3) The director shall send an approval order to the cities and counties, post on a public website using the Internet or a similar electronic method, and provide a copy of the order to the commission at its next regular meeting. The approval order must include information on the process to appeal the director’s order as described in this rule.
- (4) A person who has filed an objection may appeal a director’s approval order to the commission. An appeal must be submitted within 30 days of the date of the commission meeting(s) at which the commission received the order. An appeal must clearly identify an alleged deficiency in the submittal based the requirements of this division.
- (5) The commission shall hold a hearing on a submittal referred by the director under section (2) or appealed under section (4).
  - (a) The commission will consider the contents of the land use and transportation scenario plan, the director’s staff report, testimony from cities or counties that submitted the plan, and testimony from any persons who filed objections to the plan.
  - (b) The commission may:
    - (A) Remand the submittal with specific directions for needed changes consistent with the requirements of this division; or
    - (B) Approve the submittal.
- (6) The director shall issue an order of the commission’s decision to the cities and counties and to all participants in the hearing.

## 0130 Local Amendments to Implement Approved Land use and Transportation Scenario Plan

*This **new rule** describes the process for local governments outside of the Portland Metro area to individually implement the regional scenario plan they jointly developed.*

- (1) Local governments shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with and implement relevant portions of the land use and transportation scenario plan approved by an order under OAR 660-044-0120. “Consistent” for the purpose of this rule means city and county comprehensive plans and

implementing ordinances, on the whole, conform to the purposes of the performance standards in the approved land use and transportation scenario plan.

- (2) Cities and counties with an approved land use and transportation scenario plan under OAR 660-044-0120 may only adopt amendments to a comprehensive plan, land use regulation, or transportation system plan that are consistent with the approved land use and transportation scenario plan.