

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 1: Meeting 10 Packet Cover Memo**
DATE: December 6, 2021

Thank you for your continued participation in this process. We are making consistent progress through the rule-writing processes with your help! Your comments and questions are central to helping us build policies that 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;
- An update on **work groups** focusing on five important topics;
- A discussion on **timing of implementation** of the draft rules, and how we might make changes to adjust to feedback.

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Meeting Overview

At this meeting, we will discuss:

- How principles from the [equitable outcomes statement](#) have been incorporated into the draft rules. For more on this, please see packet item 5;
- A review of the draft amendments to the Metropolitan Greenhouse Gas Reduction Rules (Division 44) that guide regional scenario planning;
- An overview of themes we have heard in comments; and
- Reports from the five topic-specific work groups that will be meeting December 8-14.

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, including updated drafts for transportation planning and metropolitan scenario planning. These drafts have not yet been completely reviewed by legal counsel. Parts of these rules have been released in previous meetings. Some parts have been updated based on feedback from the advisory committee, other stakeholders, and legal counsel. Staff will continue to revise these rules in response to feedback received prior to completion of the public hearing draft of the rules in February 2022, and revised drafts will be released over the next few months. 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:** [How the Draft Rules Respond to the Equitable Outcomes Statement](#) provides an overview of the key principles from the advisory committee's equitable outcomes statement, and how the draft rules address each of them.
- **Item 6:** The [Summary of Draft Rules Feedback](#) summarizes comments received from the follow up survey from RAC Meeting 9; additional comments provided by advisory committee members; comments from community conversations that included each metropolitan area; from written public testimony; verbal testimony from the November 18, 2021, meeting of the Land Conservation and Development Commission; and guidance from the commission.
- **Item 7:** [Checklists for Jurisdictions](#) provides a short summary of requirements for jurisdictions in different metropolitan areas, and when those requirements must be met. These checklists are based on the present version of the draft rules.
- **Item 8:** The [Modeling Q&A](#) is a short overview of the state's present modeling capacity for estimating the effects of plans in meeting climate pollution reduction targets. This item was written and provided by staff at the Oregon Department of Transportation.

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 next year, following additional revisions.

- **Item 9:** The Summary of Draft Rules provides a rule-by-rule summary of each part of the updated draft rules in item 11 (Division 8), item 10 (Division 12), and item 12 (Division 44). The summaries in this draft note if there have been changes from the previous draft, and if a work group will be reviewing the rule. **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 10:** 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 previous draft, and if a work group will be reviewing the rule. Staff expects to make additional changes following the work groups.
- **Item 11:** 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 12:** The Draft Metropolitan Greenhouse Gas Reduction Rules (Division 44) are the most recent drafts of updated rules for metropolitan scenario planning. These rules were last reviewed by the advisory committee in March. There have been changes to align the rules with updated draft Division 12 rules. Primarily this means reporting responsibilities have been streamlined and combined into Division 12.

Work Groups

After polling members of the advisory committee on key topics where additional attention is needed, staff are convening five work groups to work on rules in more detail. These work groups and the dates and times of their first meetings are:

- **Parking Reform:** Wednesday December 8, 9am – 11am
- **Transportation System Planning:** Wednesday December 8, 11am – noon
- **Climate Friendly Areas and Land Use:** Friday December 10, 9am – 11am
- **Transportation Modal Planning:** Friday December 10, 11am – noon
- **Transportation Performance Standards:** Tuesday December 14, 11am – noon

Meetings will be held virtually and links to attend have been distributed over email. Video of these meetings will be livestreamed and available for later viewing on the [DLCD YouTube channel](#). As these meetings will be held prior to the advisory committee meeting, staff expects to have reports from the work groups at the meeting. Additional meetings of some work groups may be necessary and will be scheduled as needed.

Timing of Implementation

Staff has received many comments about the timelines for implementing parts of the draft rules. A variety of timelines for certain actions are in the draft rules in OAR 660-012-0012. The [rulemaking charge](#) directs the department to act with urgency. We must balance urgency with the ability of local governments to successfully implement necessary actions.

- One option could be to allow local governments to submit a work program to reorganize the order for completing certain required actions. Different local governments have different priorities, plans, resources, and existing obligations. A work program option would continue to require urgent action but would provide some flexibility.
- The state has some resources available to assist local government implementation in the current biennium through June 2023. Some actions need to occur in this timeframe. Staff are continuing to work with state agency partners on obtaining resources to support local government implementation now and into the future.
- Another option could be to adjust rules to permit easier implementation while achieving the desired policy objectives.

Staff are interested in your thoughts and will take these options to LCDC in February for additional guidance.

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. 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 continue to be grateful for your participation in this important initiative.

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**Climate Friendly and Equitable Communities
Rulemaking Advisory Committee (RAC)
Meeting 10
December 17, 2021; 9:00am – 1:00 pm**



DRAFT AGENDA

| Time | Topic | Who |
|------------------|--|--|
| 8:45 – 9:00 am | <i>Arrive and Settle In</i> | RAC members |
| 9:00 – 9:10 am | Welcome, Opening Remarks, and Review Agenda | Nick Lelack, LCDC Commissioner Sylvia Ciborowski, Meeting Facilitator |
| 9:10 – 9:40 am | How the Draft Rules Respond to the Equitable Outcomes Statement | Evan Manvel, DLCD Staff Kevin Young, DLCD Staff |
| 9:40 – 9:55 am | Amendments to Rules for Metropolitan Greenhouse Gas Reduction Targets | Cody Meyer, DLCD Staff |
| 9:55 – 10:25 am | What We've Heard – General Comments | Matt Crall, DLCD Staff Bill Holmstrom, DLCD Staff |
| 10:25 – 10:35 am | Break | |
| 10:35 – 10:50 am | Report Out from Transportation Performance Standards Work Group | Bill Holmstrom |
| 10:50 – 11:05 | Report Out from Transportation System Planning Work Group | Cody Meyer |
| 11:05 – 11:20 | Report Out from Climate Friendly Areas Work Group | Kevin Young |
| 11:20 – 11:35 | Report Out from Transportation Modal Planning Work Group | Bill Holmstrom |
| 11:35 – 11:50 | Report Out from Parking Work Group | Evan Manvel |
| 11:50 – 12:30 | Breakout Discussion Groups | All |
| 12:30 – 12:35 | Next Steps and Wrap Up | Sylvia Ciborowski Stuart Warren, 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. Comments received at least three 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.

DRAFT

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 3: Rulemaking Schedule**
DATE: December 6, 2021

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 |
|------------------------|---|--|
| December 17 | RAC 10 <ul style="list-style-type: none"> Review of equitable outcomes in the draft rules Review regional scenario planning rules Review work group outcomes | |
| December 2021 | Practitioner Meetings <ul style="list-style-type: none"> Salem/Keizer/Turner: Wednesday, December 1, 4-6pm Bend: Thursday, December 2, 2-4pm Grants Pass and Medford Regions: Monday December 6, 1-3pm Eugene/Springfield/Coburg: Tuesday, December 7, 1-3pm Portland Metro (MTAC/TPAC): Wednesday, December 15, 9:30-noon Albany and Corvallis Regions: Thursday, December 16, 10-noon Work Groups <ul style="list-style-type: none"> Parking Reform: Wednesday December 8, 9am – 11am Transportation System Planning: Wednesday December 8, 11am – noon Climate Friendly Areas and Land Use: Friday December 10, 9am – 11am Transportation Modal Planning: Friday December 10, 11am – noon Transportation Performance Standards: Tuesday December 14, 11am – noon Staff Work <ul style="list-style-type: none"> Rules reviewed by legal team for clarity and consistency | |
| January 20, 2022 | RAC 11 <ul style="list-style-type: none"> Final rule refinements Contingent Impact Statement review | |
| February 3 and 4, 2022 | | <ul style="list-style-type: none"> Review draft rules, discuss key policy questions Requested Input: <ul style="list-style-type: none"> Direction on key policy questions |

| Date | RAC | LCDC |
|-------------------------------|---|---|
| February – March 2022 | Staff Work <ul style="list-style-type: none"> • Rules prepared per Secretary of State requirements <ul style="list-style-type: none"> February 7 – Draft rules to Department of Justice for legal review February 21 – Draft rules to Rules Coordinator March 1 – Draft rules published by Secretary of State | |
| March 31, April 1, 2022 | | <ul style="list-style-type: none"> • First public hearing to consider the draft administrative rules Requested Input: <ul style="list-style-type: none"> • Identification of any necessary corrections or amendments |
| May 19 and 20, 2022 | | <ul style="list-style-type: none"> • Final public hearing • Adoption |

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 4: Key Questions Worksheet**
DATE: December 6, 2021

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 **December 17, 2021, 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: How the Draft Rules Respond to the Equitable Outcomes Statement

1. Item 5 in the packet describes how the rules work to reach the outcomes and process principles in the Equitable Outcomes Statement. Do the draft rules adequately respond to the Equitable Outcomes Statement? If not, do you have one – or more – suggestions for how the rules should be amended to better meet equitable outcomes?

RAC Meeting Discussion Items: Transportation Performance Standards

- 2. The draft rule 660-012-0170 describes how local governments will be required to adopt more than one transportation performance standard. What are one or two things that are important to you as we work to revise this rule?

RAC Meeting Discussion Items: Transportation System Planning

- 3. The draft Transportation Planning Rules, starting with rule 0100, describes how local governments will be required to update their transportation system plans in the future. What are one or two things that are important to you as we work to revise these rules?

RAC Meeting Discussion Items: Climate Friendly Areas and Land Use Requirements

- 4. The draft rules for Climate Friendly Areas and Land Use Requirements are located in Sections 660-012-0012(5) (deadlines) and 660-012-0310 through -0330. Based on the report out from the work group, are there rule concepts that you strongly agree or disagree with? If you disagree, what alternative approach do you propose?

RAC Meeting Discussion Items: Transportation Modal Planning

- 5. The draft Transportation Planning Rules between rule 0500 and rule 0830 deal with planning for the pedestrian, bicycle, public transportation, and street systems. What are one or two things that are important to you as we work to revise these rules?

RAC Meeting Discussion Items: Parking Reform and Electric Vehicle Charging

- 6. Do you have any suggestions for how to improve the draft rules for Parking Reform and Electric Vehicle Charging?

Other Comments

- 7. Which one element of the rules do you think needs the most attention in the next month?

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

General Questions

- 9. Please share any recommendations to help improve your understanding or the productivity of future meetings.

Thank You!

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
 Evan Manvel, Land Use and Transportation Planner
SUBJECT: **RAC 10 Item 5: Equitable outcomes crosswalk**
DATE: December 6, 2021

How the Draft Rules Respond to the Equitable Outcomes Statement

As Department of Land Conservation and Development staff (DLCD) continue to refine the rules, we were rightly asked to circle back to the Equitable Outcomes Statement the RAC spent significant time developing and refining, and to compare that Statement to the draft rules.

As staff relied on the Statement while drafting the rules, much has come forward – particularly language around process and the identified list of underserved populations.

Success reaching the overall outcomes on equity and climate will depend significantly on how the rules are implemented, but the tables below indicate some of the provisions developed to most directly reach those outcomes.

Future Vision

The future vision is something we must continue to review against our actions, but ideally the rest of the Equitable Outcomes Statement captures the work to be done in this rulemaking.

Equity-Driven Processes

The draft rules attempt to bring forward much of the equity-driven process work in the Equitable Outcomes Statement through the draft provisions in OAR 660-012-0115 through 0130.

| Equitable Outcomes Statement | Rulemaking and Implementation |
|--|---|
| Prioritize community-led engagement and decision-making, with specific attention to communities most impacted by climate pollution | See OAR 660-012-0125 |
| Center the voices of people and organizations representing underserved populations | 660-012-0115(2) and (3) 660-044-0100 (community engagement plan as first step towards scenario planning) |

| | |
|--|---|
| Recognize where and how intersectional discrimination compounds disadvantages | Part of the equity analysis under 660-012-0130(2)(d) |
| Value lived experience and qualitative data, not just quantitative data | Part of the equity analysis under 660-012-0130(2)(e) 660-044-0110(11) (Report on community-based conversations) |
| Assess, document, acknowledge and address where past policies and effects of climate change have harmed and are likely to perpetuate harm to underserved populations | Part of the equity analysis required under 660-012-0130(2)(b) |
| Are in languages and formats that can be used by everyone | 660-012-0125(1)(c) |
| Are accessible to people with disabilities | 660-012-0125(1)(c) |
| Are accessible to people without computer/internet access, with limited transportation and child care options, and with schedule constraints around employment or other critical responsibilities | 660-012-0125(1)(c) |
| Build the ability of people and governments to work together and access opportunities regionally | Scenario planning rule requirements in OAR Chapter 660, Division 044 |
| Monitor and evaluate the effects and actions of local and regional policies and decisions, ensuring transportation and other community development and public investments move communities towards the future vision above | 660-012-0125(1)(d) 660-012-0315(4)(c) (Analysis of fair and equitable housing outcomes) 660-008-0050(4)(a) (Location of housing) 660-012-0012(5)(e) 660-044-0110(9)(c) (Equity performance measure) |

Underserved Populations

The Equitable Outcomes Statement:

“Climate pollution reduction efforts will prioritize actions that result in more just and equitable outcomes for all Oregonians, with a focus on historically and currently marginalized communities, using an intersectional approach that leads with race. ... [list of populations]

“These underserved populations should not just be considered in isolation, but with consideration of intersecting or compounding harms and disadvantages.”

Draft rules:

Staff brought the list of underserved populations into the rule in OAR 660-012-0120 (2) and 660-044-0005. Intersectionality is part of the equity analysis communities are required to do under 660-012-0130(2)(d).

Outcomes

The Equitable Outcomes Statement:

“The core of this work aims to *both* reduce climate pollution and increase equity by reducing driving, improving transportation choices, and creating communities where daily needs can be met by walking, biking, remote access, or taking transit.”

Draft rules aim to address this holistically.

Climate Outcomes

| Equitable Outcomes Statement | Rulemaking and Implementation |
|---|--|
| Achieving Oregon’s transportation-related greenhouse gas pollution reduction targets | OAR Chapter 660, Division 44 660-012-0160 660-012-0200 660-012-0210 660-012-0915 |
| Increased resilience to the effects of climate disruption | OAR 660-012-0125 660-012-0130 660-012-0310 660-012-0405 660-012-0510. |
| Healthy air quality and increased carbon sequestration, particularly through tree canopy and parks in urban areas | Tree canopy provisions near parking are in OAR 660-012-0405; trees and parks are referenced in climate friendly areas OAR 660-012-0320(3), and parks are identified as a key destination in 660-012-0360(f). |

Equity Outcomes

This work aims to further more inclusive communities, and these principal equity outcomes:

| Equitable Outcomes Statement | Rulemaking and Implementation |
|--|--|
| Increased stability of underserved populations, lowering the likelihood of displacement due to gentrification from public and private investments | Local governments must identify policies to mitigate or avoid displacement in climate friendly areas under 660-012-0315(4) and 660-008-0050(4)(a). |
| 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) | 660-012-0500, 660-012-0600, and 660-012-0700 work to improve choices, intersecting with 660-012-0800 and various references to key destinations throughout the rules |
| Adequate housing with access to employment, education, and culturally appropriate food, goods, services, recreational and cultural opportunities, and social spaces | Housing provisions are addressed in 660-012-0315 and 0320, and in 660-008-0010 and -0050. |

The effort also aims to further these equity outcomes:

| Equitable Outcomes Statement | Rulemaking and Implementation |
|--|---|
| Increased safety for people put in vulnerable conditions in public spaces, transportation and community development | Co-benefit of better transportation infrastructure (biking, walking, transit) |
| Equitable access to welcoming parks, nature, open spaces and public spaces | Parks, public spaces, and open spaces are identified as a key destination in 660-012-0360(f); various provisions including 660-012-0180(2)(e) and 660-012-0320(3) call for prioritizing investments improving access to these destinations; transit, bike and pedestrian sections call out these key destinations |
| Better and more racially equitable health outcomes across the lifespan, particularly those connected to transportation choices, air pollution, and food | Co-benefit of better transportation infrastructure (biking, walking, transit) |
| Recognizing and remedying impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure locating that harmed underserved populations | Local governments are directed to develop decision-making factors recognizing past inequities in 660-012-0125(1)(e) |

| | |
|---|---|
| Fairly-distributed benefits to residents and local governments across cities and counties within metropolitan areas | Measures to promote affordable housing in climate friendly areas in OAR 660-008-0050(4)(a) and (f). |
|---|---|

Action and Accountability

The staff and Commission will work towards these outcomes using administrative rules, agency guidance documents, and technical assistance. A few implementation guidelines follow:

| Equitable Outcomes Statement | Rulemaking and Implementation |
|--|--|
| Success requires resources. Achieving these more equitable process and outcomes will require allocation of significant resources at the state and local level. | DLCD continues to work with our state partners at ODOT, OHCS, DEQ and the state legislature to identify resources to assist in implementation. |
| Information must be improved. The State and its partners must work to improve quantitative and qualitative information so communities can prioritize investments to address inequitable outcomes. | DLCD is working with State of Oregon partners to lead on equity mapping. |
| Investment is critical. Budgets and spending are clear statements of priorities, and increased investment in communities of underserved populations is a required step to achieve the desired long-term outcomes. | DLCD is working with ODOT, OHCS, and DEQ to secure resources and focus them in climate friendly areas and areas with underserved populations. Also reflected in project prioritization requirements in 660-012-0520(3)(b), 660-012-0620(3)(b), and 660-012-0720(4)(b). |
| Outcomes must be measured, and the Commission and Department must develop a clear system for implementation and accountability. Staff will discuss performance measures, timelines, and responsible parties for these outcomes in rulemaking and associated guidance documents. Some elements of the listed outcomes are outside the scope of the rulemaking and LCDC/DLCD’s statutory authority, but are important to describe our desired future. | Ongoing reporting is required in OAR 660-012-0900. Reporting must include progress toward centering the voices of underserved populations. Reporting must also include performance against a range of performance measures, including those in OAR 660-012-0910. |

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 6: Summary of Feedback Received on Draft Rules**
DATE: December 6, 2021

This document includes a summary of the guidance and feedback staff have received on the full set of draft rules that were released in October at RAC meeting 9. Since that meeting, staff held community conversations with each metropolitan area, received survey responses and additional guidance from the rules advisory committee, held a work session with the Land Conservation and Development Commission (LCDC or commission), received written public testimony, and heard public testimony and received guidance from the commission at their November meeting.

The overall themes that staff heard across all of these different venues are presented below by topic area and are followed by a summary of the comments that we heard from each venue. At the advisory committee meeting in December, staff will have held meetings with planning practitioners in each region and held topic specific work groups. A summary of the feedback received at those meetings will be presented at the advisory committee meeting and in a following memo.

Overall Themes

General

- **Implementation** – The rules need to find a balance between acting with urgency and realistic implementation timelines for local governments.
- **Funding** – The rules will require a lot of funding for local planning and investments to realize the goals.
- **Balance** – Staff needs to continue to work on finding the right balance between outcomes-based and prescriptive rules. Outcomes-based rules provide flexibility but can be subjective, difficult to interpret, and tough to enforce. Prescriptive rules are objective, easy to understand and enforce, but don't account for the local planning context.

Climate Friendly Areas (CFA)

- Concern that the market for mixed-use development is weak in some areas and may not achieve desired results
- Concerns that the proposed rules are not strong enough to result in the needed outcomes
- A two-phase implementation process poses some challenges for local governments
- Allowed housing types are not likely to be owner-occupied, thereby inhibiting wealth creation from homeownership, and worsening economic disparities

Parking Reform

- Desire to move expeditiously across all MPOs, including Metro
- Desire to strengthen tree canopy provisions
- Questions about how and where provisions apply, particularly in relation to transit service levels and around narrow streets
- Questions about how reform has worked elsewhere

Transportation Planning Rules (TPR)

- More work required to clarify application of transportation performance standards
- Finding balance between safety for vulnerable users and emergency accessibility for streets
- Need to align state investments goals with local plans
- Desire for stronger rules on bike infrastructure

Summary of Comments Received in RAC Survey

Transportation Performance Standards (Rule 0170)

- Listed standards are subjective, established metrics needed
- More clarity through guidance and technical assistance
- How to balance conflicts between two standards?
- Cities will need time to make updates
- Deadlines are needed
- Flexibility (subjective) vs prescriptive (objective)

Street and Highway Rules (Rules 0800-0830)

- How to make changes to planned facilities connected to existing developments (SDCs)
- Balance narrow streets with emergency access and evacuation needs
- Balance wide streets with impacts to vulnerable users
- Clear and objective standards needed for connection to housing development

Climate Friendly Areas (Rules 0310-0325)

- Clarify if CFA designation is a land use decision
- Concern with two-step implementation process
- Need for market analysis regarding densities, etc.
- 1,000 foot minimum dimension for CFA area is too restrictive
- Rules focus on maximum height allowances, but height or FAR minimums might work better
- Concern that housing types would not be owner-occupied

Trees, Open Space, and Green Infrastructure

- Better accomplished through guidance than in rules
- General direction better than specific requirements, allowing for local flexibility
- Open space requirements conflict with density goals
- Green infrastructure and parks are needed in CFAs to reduce urban heat island effects
- Coordination with parks plans would help to achieve goals

Electric Vehicle Charging and Parking Management (Rules 0400-0450)

- Specific suggestions about parking reform language
- Concerns about cost and location of EV charging
- Interest in how parking management will work
- How will DLCD assist?

General Concerns and Suggestions

- Timelines don't account for time needed for technical analysis, community engagement, public hearing processes
- Some inconsistent and unclear language in rules
- Funding will be needed for planning and facilities
- Rules need to do a better job of addressing the needs of persons with disabilities
- Four-hour meetings are too long to sustain engagement

Themes from RAC Breakout Rooms

General Comments

- Concern was shared regarding the timeline and whether it reflects the urgency of the climate situation.
- Concern was shared on whether the rules are limiting consumer or developer choice that won't be reflective of market demands.
- The group shared consensus that the rules are on the right track, but DLCD must continue to think of the impacts or consequences and support cities in development standards.

Equity

- Achieving equity is central in the rules and must be kept in mind when talking about the rules.
- The group shared a vision for CFAs where people feel safe walking and not being in a car including for historically under-represented communities.
- The group suggested to evaluate CFAs over time in terms of affordability and displacement.
- Agreement was shared that CFAs need to have an equity focus.

Transportation

- There is a need to plan for decreasing vehicles miles traveled.
- Concern was shared on funding and development of high-quality bike/pedestrian facilities in CFAs.
- Discussed how cities will need to potentially work differently with ODOT to ensure safe travel in CFAs and recognize freight moves into areas as well.

Public Engagement

- There is a need for public engagement, and it may require extension of timeframes for implementation to get it right.
- Concern was shared about needing significant and timely public engagement.

Climate Friendly Areas

- Time is needed to look at how the rules apply to existing areas in cities, and group encourages DLCD to think through what changes are necessary to close the gap on what's been done to promote development in some areas.
- The group inquired why DLCD had not asked the RAC what CFAs should like earlier in the process.
- The group discussed what is and isn't a CFA and on what the rules might mean for tenure vs ownership. They discussed if the rules are encouraging rental stock and discouraging home owned housing; home ownership should be encouraged.
- Concern was shared on the lack of a market study and if development in some areas is actually feasible.

Summary of Public Comment to RAC and LCDC

- A very large number of groups and people in support of applying parking reform rules to Metro-area jurisdictions
- More work to do on green infrastructure
- Significant funding needed to implement walking and biking infrastructure
- Concerns about implementation timelines being too long or too short
- Desire for stronger rules on bike infrastructure

Summary of Community Conversations

To provide general and geographically focused updates on the rulemaking process, DLCD staff hosted a second series of four online community conversations in October. These conversations were focused on the state's eight metropolitan areas.

The community conversations provided some background on what agency rulemaking is trying to achieve through the draft rules, a forum for members of the community to ask questions, and included a set of breakout sessions to gather insights into community perspectives about the rulemaking process. This memo summarizes the key themes of these events.

Biggest Themes:

- Concerns about implementation (funding, resources, etc.)
- Concerns the market may not build out what we want
- Concern these rules aren't strong enough to reach our goals
- Concern ODOT investments/rules/authority may conflict with local efforts
- Desire for stronger bikeway rules
- Concerns about displacement and equity
- Desire to strengthen green infrastructure requirements
- Questions about how tradeoffs and conflicting priorities would be resolved
- Desire for more clarity on what's required by whom and when
- Concerns about enforcement and accountability
- Desire for flexibility and local control
- Think carefully about management public right-of-way; planning and transportation achieving common outcomes

Implementation

- Is it ambitious enough?
- Rules not strong enough
- Allow time for community engagement
- Can we shorten up timelines?
- Market will work against us
- Concerned about enforcement, implementation
- Need funding for projects, not just planning
- Clear communication on what is being proposed
- Concern about ability to tailor to local needs
- Timeline aggressive
- Concern about community support
- Have other communities do scenario planning (Bend, etc.)
- Have to acknowledge how hard it is to make development work
- More expertise on costs; more insights into incentives
- How to incentivize the most effective pollution-reducing actions?
- Implementation difficult; need clear instructions for city staff
- What happens if we have no transit?
- Need more progress in Metro; they shouldn't get a pass
- How demonstrate progress?
- Want to update TSP guidelines and model code to help
- Need modeling resources
- Connect to school districts for ideas
- Shifting job commutes under COVID; how address?
- Want flexibility and funding
- Concerns about public backlash

Green Infrastructure

- Parks/Open Space in CFAs: should they be required?
- Bioswales/green infrastructure to calm traffic speeds?
- Focus resources/green infrastructure on neglected areas
- Density vs trees/landscaping
- How are heat islands mitigated?

Bikeways

- Need better quality/protected bikeways that serve all ages/abilities everywhere, not just CFAs
- Wheelchair bound folks – in bikeways in future with new EV-wheelchairs?
- Focus safety on most vulnerable road users

Land Use/Climate-Friendly Areas (CFA)

- Anti-displacement, particularly in CFAs
- More than one CFA per community? (Eugene analysis: yes)
- Concern about not expanding UGBs
- Most new development should be in CFAs
- Cities have tried to do this, but market/incentives needed
- Glad tied to Housing Production Strategies
- What happens in new urban growth areas?
- Is affordable housing feasible in CFAs? Does the financing of going tall work?
- Equity between CFAs and Climate-Unfriendly Areas?
- Link with housing efforts
- Some urbanized county areas have town centers but no requirements for Housing Needs Analysis or Housing Production Strategies; weird in-between place

Roadways/Modal Prioritization

- How stop intersection widenings?
- Conflicts with freight plans
- Safeguards against wrong kind of development in CFAs?
- How do transportation planning guidelines impact ODOT plans?
- How does modal prioritization happen?
- Volume-to-Capacity standard vs other things; how choose?
- How coordinate street design if city doesn't have jurisdiction
- Conflicts between reduction in vehicle miles travelled per capita and allowing more car capacity
- What does highway impact statement look like?
- Still measure congestion too much

Parking/EVs

- Excited about parking reform
- Concern about ensuring people can get around if parking reform passes and bad transit
- Parking pricing needs to happen, including in Metro

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
Ryan Marquardt, Land Use and Transportation Planner
SUBJECT: **RAC 10 Item 7: Checklists for Jurisdictions**
DATE: December 3, 2021

Staff has prepared simplified “checklists” to aid jurisdictions with tracking the multiple compliance timelines for CFEC rulemaking. The checklists cover the compliance and reporting deadlines for the draft versions of the rules in this packet. They are intended to be generalized guides, and not step-by-step implementation guides.

There are four versions of the checklist that cover the various geographic areas for which these proposed rules apply. These are:

- Cities and Counties inside the following metropolitan areas: Albany, Bend, Corvallis, Middle Rogue, and Rogue Valley;
- Cities and Counties inside the Central Lane metropolitan area;
- Cities and Counties inside the Salem-Keizer metropolitan area; and
- Cities and Counties in Metro

Central Lane and Salem-Keizer have separate checklists based on the draft Division 44 Scenario Planning rules applicable within the metropolitan area boundaries. Metro has its own checklist since the much of the Division 44 scenario planning has already occurred, the proposed Climate Friendly Areas in Division 12 are interrelated with Metro’s 2040 centers, and reporting per draft OAR 660-012-0900 is handled regionally.

The checklists are working drafts. They will be revised based on any feedback from advisory committee members, and as needed for clarity and accuracy.

Albany, Bend, Corvallis, Middle Rogue, and Rogue Valley MPOs

Parking

- Cities within metropolitan areas (no minimum population threshold)
- Unincorporated portions of counties in UGB of cities in metropolitan area

| | | |
|----------------|--------------------------|---|
| March 31, 2023 | <input type="checkbox"/> | Adopt land use requirements for off-street parking and electric vehicle charging (OAR 660-012-0400) |
|----------------|--------------------------|---|

Climate-Friendly Areas

- Cities within metropolitan areas; population >5,000
- Unincorporated portions of counties in UGB of cities in metropolitan area; population of >5,000 within the UGB

| | | |
|---------------|--------------------------|--|
| June 30, 2023 | <input type="checkbox"/> | Designate climate friendly areas (OAR 660-012-0315(4)) |
| June 30, 2024 | <input type="checkbox"/> | Adopt land use requirements for climate friendly areas and a climate friendly comprehensive plan element (OAR 660-012-0315(5)) |

Housing Capacity Analysis Updates (not part of Climate Friendly and Equitable Communities rulemaking)

- | | |
|---------------------|----------------------------------|
| • 2022: Grants Pass | • 2027: Central Point; Corvallis |
| • 2023: Medford | • 2028: Albany |
| • 2024: Bend | • 2029: Ashland |

| | | |
|--|--------------------------|--|
| December 31 st of year listed above | <input type="checkbox"/> | Required Housing Capacity Analysis Update Timelines (no changes from CFEC) |
| | <input type="checkbox"/> | Housing Capacity Analysis to demonstrate a minimum of 30% of Housing Capacity is located in CFAs |
| One year after HCA | <input type="checkbox"/> | Housing Production Strategy Report |

Transportation System Plan (TSP)

- Cities within metropolitan areas (no minimum population threshold)
- Unincorporated portions of counties in UGB of cities in metropolitan area

| | | |
|---|--------------------------|---|
| December 31, 2022 | <input type="checkbox"/> | Select VMT reduction target approach to implement 660-012-0160 (660-0012-0012(3)) |
| When Updating the TSP | <input type="checkbox"/> | Adopt land use regulations outside of CFAs in compliance with OAR 660-012-330 |
| | <input type="checkbox"/> | Amend TSP for Compliance with OAR 660-012-100, 500, 600, 700, and 800 |
| TPR Reporting | | |
| May 31, 2023 | <input type="checkbox"/> | Report for 2022 reporting year (unless extension is requested); Major report for Corvallis MPO; minor report for all other MPOs |
| May 31 st each subsequent year | One of the following: | |
| | <input type="checkbox"/> | Major report for the year when MPO approves a regional transportation plan (OAR 660-012-0900(5)(b)) <i>Expected RTP Updates: 2023: Albany; 2024: Middle Rogue; 2025: Bend, Rogue Valley</i> |
| | -OR- | |
| | <input type="checkbox"/> | Minor report (OAR 660-012-0900(6)) |

Urban Growth Boundary

- Cities within metropolitan areas; population >5,000
- Unincorporated portions of counties in UGB of cities in metropolitan area; population of >5,000 within the UGB

| | |
|---|---|
| When expanding an UGB after June 30, 2027 | <input type="checkbox"/> Designate and zone additional CFA(s) concurrent with UGB expansion |
|---|---|

Eugene – Springfield Metropolitan Area

Parking

- All cities within metropolitan areas (no minimum population threshold)
- Unincorporated portions of counties in UGB of cities in metropolitan area

| | | |
|----------------|--------------------------|---|
| March 31, 2023 | <input type="checkbox"/> | Adopt land use requirements for off-street parking and electric vehicle charging (OAR 660-012-0400) |
|----------------|--------------------------|---|

Climate-Friendly Areas

- Cities within metropolitan areas; population >5,000
- Unincorporated portions of counties in UGB of cities in metropolitan area; population of >5,000 within the UGB

| | | |
|---------------|--------------------------|--|
| June 30, 2023 | <input type="checkbox"/> | Designate climate friendly areas (OAR 660-012-0315(4)) |
| June 30, 2024 | <input type="checkbox"/> | Adopt land use requirements for climate friendly areas and a climate friendly comprehensive plan element (OAR 660-012-0315(5)) |

Scenario Planning

- Cities and counties within the Eugene-Springfield metropolitan area

| | | |
|-------------------|--------------------------|---|
| December 31, 2022 | <input type="checkbox"/> | Submit a work program as provided in OAR 660-044-0100 |
| December 31, 2023 | <input type="checkbox"/> | Submit land use and transportation scenario plan that meets OAR 660-044-0110 and submit it for review by LCDC as provided in OAR 660-044-0120 |

Housing Capacity Analysis Updates (not part of Climate Friendly and Equitable Communities rulemaking)

- 2025 - City of Springfield; 2026 - City of Eugene

| | | |
|--|--------------------------|--|
| December 31 st of year listed above | <input type="checkbox"/> | Required Housing Capacity Analysis Update Timelines (no changes from CFEC) |
| | <input type="checkbox"/> | Housing Capacity Analysis to demonstrate a minimum of 30% of Housing Capacity is located in CFAs |
| One year after HCA | <input type="checkbox"/> | Housing Production Strategy Report |

Transportation System Plan (TSP)

- Cities within metropolitan areas (no minimum population threshold)
- Unincorporated portions of counties in UGB of cities in metropolitan area

| | | |
|--|---|--|
| December 31, 2022 | <input type="checkbox"/> | Select VMT reduction target approach to implement 660-012-0160 (660-0012-0012(3)) |
| When Updating the TSP; no later than December 31, 2024 | <input type="checkbox"/> | Adopt local amendments for the land use and transportation scenario plan as provided in OAR 660-044-0130 |
| | <input type="checkbox"/> | Adopt land use regulations outside of CFAs in compliance with OAR 660-012-330 |
| | <input type="checkbox"/> | Amend TSP for Compliance with OAR 660-012-100, 500, 600, 700, and 800 |
| TPR Reporting | | |
| May 31, 2023 | <input type="checkbox"/> | Major report for 2022 reporting year (unless extension is requested) |
| May 31 st each subsequent year | One of the following: <input type="checkbox"/> | Major report for the year when MPO approves a regional transportation plan (OAR 660-012-0900(5)(b)) <i>Central Lane RTP Expected every 4 years</i> |

| | |
|--|---|
| | -OR- <input type="checkbox"/> Minor report (OAR 660-012-0900(6)) |
|--|---|

Urban Growth Boundary

- Cities within metropolitan areas; population >5,000
- Unincorporated portions of counties in UGB of cities in metropolitan area; population of >5,000 within the UGB

| | |
|---|---|
| When expanding an UGB after June 30, 2027 | <input type="checkbox"/> Designate and zone additional CFA(s) concurrent with UGB expansion |
|---|---|

Salem-Keizer Metropolitan Area

Parking

- All cities within metropolitan areas (no minimum population threshold)
- Unincorporated portions of counties in UGB of cities in metropolitan area

| | | |
|----------------|--------------------------|---|
| March 31, 2023 | <input type="checkbox"/> | Adopt land use requirements for off-street parking and electric vehicle charging (OAR 660-012-0400) |
|----------------|--------------------------|---|

Climate-Friendly Areas

- Cities within metropolitan areas; population >5,000
- Unincorporated portions of counties in UGB of cities in metropolitan area; population of >5,000 within the UGB

| | | |
|---------------|--------------------------|--|
| June 30, 2023 | <input type="checkbox"/> | Designate climate friendly areas (OAR 660-012-0315(4)) |
| June 30, 2024 | <input type="checkbox"/> | Adopt land use requirements for climate friendly areas and a climate friendly comprehensive plan element (OAR 660-012-0315(5)) |

Scenario Planning

- Cities and counties within the Salem-Keizer metropolitan area

| | | |
|---------------|--------------------------|---|
| June 30, 2023 | <input type="checkbox"/> | Submit a Land Use and Transportation Scenario Plan work program as provided in OAR 660-044-0100 to DLCD for review |
| | <input type="checkbox"/> | Submit an Interim Report prior to scenario planning as provided in OAR 660-044-0200 and 660-044-0210 to the department |
| June 30, 2025 | <input type="checkbox"/> | Prepare a land use and transportation scenario plan based provided in OAR 660-044-0110 and submit it for review by LCDC as provided in OAR 660-044-0120 |
| June 30, 2026 | <input type="checkbox"/> | Adopt local amendments for the land use and transportation scenario plan as provided in OAR 660-044-0130 |

Housing Capacity Analysis Updates *(not part of Climate Friendly and Equitable Communities rulemaking)*

- 2024 - City of Salem and City of Keizer

| | | |
|--------------------|--------------------------|--|
| December 31, 2024 | <input type="checkbox"/> | Required Housing Capacity Analysis Update Timelines (no changes from CFEC) |
| | <input type="checkbox"/> | Housing Capacity Analysis to demonstrate a minimum of 30% of Housing Capacity is located in CFAs |
| One year after HCA | <input type="checkbox"/> | Housing Production Strategy Report |

Transportation System Plan (TSP)

- Cities within metropolitan areas (no minimum population threshold)
- Unincorporated portions of counties in UGB of cities in metropolitan area

| | | |
|--|--------------------------|--|
| December 31, 2022 | <input type="checkbox"/> | Select VMT reduction target approach to implement 660-012-0160 (660-0012-0012(3)) |
| When Updating the TSP; no later than December 31, 2024 | <input type="checkbox"/> | Adopt local amendments for the land use and transportation scenario plan as provided in OAR 660-044-0130 |
| | <input type="checkbox"/> | Adopt land use regulations outside of CFAs in compliance with OAR 660-012-330 |

| | |
|---|---|
| | <input type="checkbox"/> Amend TSP for Compliance with OAR 660-012-100, 500, 600, 700, and 800 |
| TPR Reporting | |
| May 31, 2023 | <input type="checkbox"/> Minor report (OAR 660-012-0900(6)) (unless extension is requested) |
| May 31 st each subsequent year | One of the following: <input type="checkbox"/> Major report for the year when MPO approves a regional transportation plan (OAR 660-012-0900(5)(b)) <i>Expected Salem-Keizer RTP Updates in 2023</i> -OR- <input type="checkbox"/> Minor report (OAR 660-012-0900(6)) |

Urban growth boundary

- Cities within metropolitan areas; population >5,000
- Unincorporated portions of counties in UGB of cities in metropolitan area; population of >5,000 within the UGB

| | |
|---|---|
| When expanding an UGB after June 30, 2027 | <input type="checkbox"/> Designate and zone additional CFA(s) concurrent with UGB expansion |
|---|---|

Metro Jurisdictions

Parking

- Applies to cities and counties in the Metro UGB

| | | |
|----------------|--------------------------|---|
| March 31, 2023 | <input type="checkbox"/> | Adopt land use requirements for off-street parking and electric vehicle charging (OAR 660-012-0400) |
|----------------|--------------------------|---|

Climate-Friendly Areas

- Where cities and counties have not yet complied with Metro Title 6 for Regional or Town Centers

| | | |
|-------------------|--------------------------|--|
| December 31, 2025 | <input type="checkbox"/> | Adopt Region 2040 centers and land use regulations in Urban Growth Management Functional Plan Title 6 (Metro to amend Title 6 for CFA compliance by December 31, 2024) |
|-------------------|--------------------------|--|

Housing Capacity Analysis Updates *(not part of Climate Friendly and Equitable Communities rulemaking)*

- 2022: Oregon City
- 2023: Beaverton, Gresham, Happy Valley, Hillsboro, Lake Oswego, Milwaukie, Portland, West Linn, Wilsonville
- 2025: Forest Grove
- 2026: Sherwood, Troutdale, Tualatin
- 2027: Gladstone, Cornelius, Tigard

| | | |
|--|--------------------------|--|
| December 31 st of year listed above | <input type="checkbox"/> | Required Housing Capacity Analysis Update Timelines (no changes from CFEC) |
| | <input type="checkbox"/> | Housing Capacity Analysis to demonstrate a minimum of 30% of Housing Capacity is located in CFAs |
| One year after HCA | <input type="checkbox"/> | Housing Production Strategy Report |

Transportation System Plan (TSP)

- Applies to cities and counties in the Metro UGB

| | | |
|-----------------------|--------------------------|---|
| When Updating the TSP | <input type="checkbox"/> | Adopt OAR 660-012-0330 land use regulations outside of CFAs |
| | <input type="checkbox"/> | Amend TSP for Compliance with OAR 660-012-100, 500, 600, 700, and 800 |



Climate Friendly and Equitable Communities Rulemaking: Modeling Q&A

Work on Oregon's *Climate Friendly and Equitable Communities* rulemaking process is underway, which could lead to new analysis requirements for city and county transportation system plans (TSPs).

Participants in the rulemaking process have questions about whether current transportation models could forecast anticipated reductions in vehicle miles travelled (VMT) per capita in TSPs due to an increased focus on non-motorized, transit and other travel demand management strategies. This handout generally describes the capabilities of regional travel demand models for the metropolitan areas within Oregon. Modeling capabilities in the Portland Metro, Eugene/Springfield or Salem/Keizer metropolitan areas have some enhanced features not fully described here. Questions about modeling capabilities in these regions should be directed to the appropriate metropolitan planning organization.

1. Can Oregon's travel demand models determine the effects of long-range plans for bicycle, pedestrian, and transit systems on vehicle miles travelled (VMT)?

The transportation networks represented in Oregon's trip-based models do include pedestrian, bicycle, and transit as travel options, and the models can represent trips via these modes. The Activity-Based Model (ABM) approach represents user behavior on these systems in even greater detail. So, it is possible to model the VMT outcomes of investing more in infrastructure for these modes, but limitations with modeling these modes do exist. Oregon's modelers are constantly working on improvements. An example of an area being worked on is on better representing the "quality" (or feeling of safety) of projects that improve pedestrian or bicycle travel. Related to VMT estimation; the rulemaking asks TSPs to model scenarios with higher per mile pricing policies that will also increase non-auto mode usage and impact VMT.

Key Models and Tools for TSP Analysis in Oregon

Trip-Based Travel Demand Models

Most of the metropolitan regions in Oregon have traditional "trip-based" regional travel demand models. Trip-based models, which simulate the travel behavior of groups of households, were originally conceived in the 1960's and 70's to analyze motorized vehicle traffic. Many enhancements have been made to trip-based modeling concepts over time, but the primary strength of these models still lies in their ability to evaluate roadway projects (cars, transit, and trucks) on the transportation network.

Activity-Based Model (ABM)

For the metropolitan region covering Medford and Grants Pass, ODOT has deployed an activity-based travel demand model (the first for an Oregon metropolitan region). Activity-based models (ABMs) simulate the choices and travel behaviors of individual people. When compared to traditional trip-based models, ABMs have greater capabilities in analyzing non-motorized, transit, and other emerging modes of travel. Over the next several years there are plans to establish ABMs in more metropolitan regions in Oregon.

Other Tools

Other "off model" tools may be helpful for TSP analysis. Examples include TNEXT (web-based software for visualization, analysis and reporting of transit networks), Bicycle Level of Traffic Stress (BLTS) tool for assessing the comfort and connectivity of bicycle networks, PlaceTypes tool to classify and visualize land use and transportation interactions, travel demand model post-processors that work with the EPA's Motor Vehicle Emission Simulator (MOVES), and the Tool for Operations Benefit-Cost Analysis (TOPS-BC).

Information in this handout focuses on the capabilities of ODOT's trip-based and activity-based travel demand models. For more information on other supporting tools, please see [ODOT's Greenhouse Gas Modeling and Analysis Tools Overview Report](#).

2. Can the models determine the VMT effects of policy incentives for non-motorized travel, or pricing and parking policies intended to make travel by passenger car less convenient?

Both the trip-based models and the ABM can analyze the effects of *some* pricing and parking policies, including mileage fees and congestion tolls on VMT. However, trip-based models cannot currently directly analyze the VMT effects of travel demand management, telework or incentive programs aimed at increasing walking, biking and transit use (some indirect methods have been applied in the past). The ABM may be better positioned to help analyze travel demand management strategies, but further research, model development, and testing would be needed to figure out how to represent these types of policy actions in the model.

3. Can the models determine the VMT effects of a single transportation infrastructure project, like a new sidewalk, a new bicycle lane, or a widened roadway?

The models are good tools for examining the VMT effects of major changes to the transportation network, such as a corridor redevelopment project that adds or reduces lanes, road closures, new roadway connections, regional non-motorized investment, etc. But regional models are not designed to forecast the VMT outcome of a single, smaller project, such as a new intersection turn lane, a stretch of new sidewalk, a bicycle lane, or a localized project to improve neighborhood level connectivity.

4. Can the models determine the VMT effects of adding new transit routes or increasing the frequency of service on an existing transit route?

Yes. Both the trip-based models and the ABM can be used to help with these analyses.

5. Can the models determine the VMT effects of land use and demographic changes?

Yes. Both the trip-based models and the ABM can forecast VMT outcomes from changes in a region's future housing mix, development patterns, and demographics which can have significant impacts on VMT. The travel demand models themselves do not forecast future land use or demographic patterns, but testing alternative land use inputs is a primary use and strength of Oregon's travel demand models.

6. Can the models provide information for equity analysis, such as for a subset of transportation users, or for sub-geographic areas within a metropolitan region?

Reporting frameworks in Oregon's current travel demand models are structured for use at the regional (MPO) level. Some cordoning of model outputs is possible, for example to look at the VMT contribution of households within a single city to the region's overall VMT. Income levels are currently a type of equity that can be analyzed, but further improvements in equity analysis and reporting is a known and desired area of enhancement. In addition to improving the modeling techniques, assessing equity will require that forecasts allocate specific demographic characteristics to specific neighborhoods, which is a policy challenge not a technical one.

7. What could be done to improve Oregon's modeling capabilities?

ODOT works with the Oregon Modeling Statewide Collaborative (OMSC), an interagency group helping to continuously improve travel demand modeling for Oregon MPOs. A statewide shift to ABM models for all metropolitan areas is under discussion at the OMSC. ABMs, while not a panacea, could significantly improve alternative mode and equity analysis capabilities. Additionally, the OMSC's greenhouse gas (GHG) subcommittee has identified other joint efforts on data and "off-model" tools that could improve GHG analysis capabilities. Funding and resources would need to be found before a statewide shift to ABMs and other OMSC recommendations could be fully implemented or expedited.

Contact:

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(503) 986-4104

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: **Item 9: Summary of Amendments to Rules**
DATE: December 6, 2021

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) 19

| Summary of Amendments to Housing Rules (Division 8) | | |
|--|--|--|
| Number | Rule Title | Rule Summary |
| 660-008-0010 | Allocation of Buildable Land | 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. |
| 660-008-0050 | Housing Production Strategy Report Structure | 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. |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
|--|------------|---|
| Number | Rule Title | Rule Summary |
| 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"> 0000: Updates to reflect changes across the division. 0005: Updates to reflect changes across the division. 0015: Changes to remove requirements specific to metropolitan areas. 0016: This rule only applies in metropolitan areas and will be deleted. 0035: Changes to remove requirements specific to metropolitan areas. 0045: Changes to remove requirements specific to metropolitan areas. 0060: Updates to reflect changes across the division. <p>We do not propose any alterations to the remaining existing rules in the Transportation Planning Rules.</p> |
| 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>Since the October draft amendments, this rule now includes an element addressing wildlife passage, flood waters, and natural systems along waterways and in riparian areas.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
|---|---|---|
| Number | Rule Title | Rule Summary |
| 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>Changes in section numbering are not marked in this rule.</p> <p>Since the October draft rules, the rule now includes a definition of “commercial parking lot.” The updated rule adjusts the definition of Level 2 charging station while inserting a placeholder for direct current fast chargers.</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 October draft amended rule.</p> |
| 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 have been retained in draft rule 660-012-0102. 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 October 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 October draft amended rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
|---|---|--|
| Number | Rule Title | Rule Summary |
| 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>There have been no substantive changes from the October draft amended rule.</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 October draft amended rule.</p> |
| New Rules 0011-0012: Applicability and Effective Dates | | <p>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.</p> |
| 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. 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"> OAR 660-012-0000, Purpose OAR 660-012-0005, Definitions OAR 660-012-0010, Transportation Planning OAR 660-012-0060, Plan and Land Use Regulation Amendments OAR 660-012-0065, Transportation Improvements on Rural Lands OAR 660-012-0070, Exceptions for Transportation Improvements on Rural Land <p>The latter two rules only apply to rural lands statewide.</p> <p>Since the October draft, this rule has changed to clarify that OAR 660-012-0012 only applies within metropolitan areas.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 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>There have been no substantive changes from the October draft amended rule. Staff expect to review many provisions of this rule in several work groups. Adjustments to effective dates may be made to balance urgent action with the ability to successfully implement provisions of the rules.</p> |
| 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>This rule has been renamed, but no substantive changes have been made to this rule since the October draft. The transportation system planning work group will review this rule.</p> |
| 660-012-0102 | 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>No substantive changes have been made to this rule since the October draft.</p> |
| 660-012-0105 | Transportation System Plan Updates | <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 October draft. The transportation system planning work group will review this rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 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 October draft. The transportation system planning work group will review this rule.</p> |
| 660-012-0115 | 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>No substantive changes have been made to this rule since the October draft.</p> |
| 660-012-0120 | 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.</p> <p>Since the October draft, this rule has added “refugees” as an underserved population.</p> |
| 660-012-0125 | 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 local governments to identify and engage with recognized tribes with ancestral lands in the city or county. The rule requires cities and counties to regularly assess and report on progress.</p> <p>Since the October draft, the rule has been clarified to note that “recognized tribes” means federally recognized.</p> |
| 660-012-0130 | 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>Since the October draft, this rule has changed to add a step in the equity analysis which requires assessing, acknowledging, and addressing current and past harm from racism.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 660-012-0140 | 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>No substantive changes have been made to this rule since the October draft.</p> |
| 660-012-0145 | 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>No substantive changes have been made to this rule since the October draft.</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 October draft. The transportation system planning work group will review this rule.</p> |
| 660-012-0155 | 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>No substantive changes have been made to this rule since the October draft.</p> |
| 660-012-0160 | Vehicle Miles Traveled Reduction Targets | <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>Since the October draft, this rule has changed to be more specific about future vehicle miles per capita, the include Metro where applicable, and to be clear that a plan must include a project list that meets the applicable vehicle miles per capita target. The transportation system planning work group will review this rule.</p> |
| 660-012-0165 | Evaluation and Selection of Transportation System Alternatives | <p>This rule provides criteria for cities and counties to use when evaluating and selecting between transportation system alternatives in a transportation system plan.</p> <p>No substantive changes have been made to this rule since the October draft. The transportation system planning work group will review this rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 660-012-0170 | 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>No substantive changes have been made to this rule since the October draft. The performance standards work group will review this rule.</p> |
| 660-012-0180 | Transportation Prioritization Factors | <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>Since the October draft, this rule has been changed to clarify that reducing per capita vehicle miles traveled means meeting greenhouse gas reduction targets. The transportation system planning work group will review this rule.</p> |
| 660-012-0200 | Combined and Illustrative Project Lists | <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 illustrative project list. The illustrative project list must include a set of projects that would meet targets for reductions in per capita vehicle miles traveled.</p> <p>Since the October draft, this rule has changed to clarify the process of creating a combined project list. The transportation system planning work group will review this rule.</p> |
| 660-012-0205 | 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>Since the October draft, this rule has had a name change and some changes in terminology to be consistent throughout. The transportation system planning work group will review this rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 660-012-0210 | 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>No substantive changes have been made to this rule since the October draft. The transportation system planning work group will review this rule.</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 October 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>No substantive changes have been made to this rule since the October draft. The climate friendly areas and land use work group will review this rule.</p> |
| 660-012-0315 | Designation of Climate-Friendly Areas | <p>This rule describes the process to be followed for cities and counties to designate 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.</p> <p>No substantive changes have been made to this rule since the October draft. The climate friendly areas and land use work group will review this rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 660-012-0320 | Land Use Requirements in Climate-Friendly Areas | This rule describes development codes and other land use requirements cities and counties must adopt for climate friendly areas. No substantive changes have been made to this rule since the October draft. The climate friendly areas and land use work group will review this rule. |
| 660-012-0325 | Transportation Review in Climate Friendly Areas | 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. Since the October draft, this rule has changed slightly to clarify that it applies to land use changes including those made to designate and implement climate friendly areas. The climate friendly areas and land use work group and transportation performance standards work group will review this rule. |
| 660-012-0330 | Land Use Requirements | 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 rules, particularly OAR 660-012-0045. 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. 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. No substantive changes have been made to this rule since the October draft. The climate friendly areas and land use work group will review this rule. |
| 660-012-0340 | Land Use Assumptions | 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. No substantive changes have been made to this rule since the October draft. |
| 660-012-0350 | Urban Growth Boundary Expansions | 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. No substantive changes have been made to this rule since the October draft. |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 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 October draft.</p> |
| 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>Since the October draft, this rule states all metropolitan area jurisdictions, including those in Metro, must adopt the electric vehicle charging rules. The draft rule retains has a placeholder for application of other provisions in the Metro area.</p> <p>The draft rule now also has an allowance for communities to ask for an exemption for areas with narrow streets that may have more constrained on-street parking.</p> <p>The parking reform work group will review this rule.</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 parking 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>Since the October draft, staff have added some tree canopy requirements for parking lots of a quarter-acre and larger and clarified the street trees do not need to be next to each drive aisle.</p> <p>The parking reform work group will review this rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 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>Since the October draft, the rule language clarifies we are talking about <i>service</i> capacity, and changes the provision about sufficient capacity from transformers to substations. The rule splits out percentages for both conduit and service capacity, and further differentiates between residential/mixed-use and commercial development. Conduit is the most expensive thing to retrofit, and load management is only possible with at least Level 2 technology. Hence, installing sufficient Level 2 conduit capacity at residences is emphasized. The rule also now allows those developments installing direct current fast chargers to install less conduit. The retrofit requirements for Metro-area cities between 25,000 and 50,000 population has been removed.</p> <p>The parking reform work group will review this rule as time allows.</p> |
| 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>Since the October draft, this rule has been clarified to note the availability of parking should be within two blocks of each lot or parcel, instead of “location”, and the “public” parking garage provision has shifted to a definition based on it being city-owned land.</p> <p>The parking reform work group will review this rule.</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>No substantive changes have been made to this rule since the October draft. The parking reform work group will review this rule.</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>Since the October draft, the provision in (1)(e) has been clarified to make sure parking for people with disabilities is near entrances.</p> <p>The parking reform work group will review this rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 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>Since the October draft, this rule has been reorganized and it has been clarified its provisions are effective upon the effective date of the rule. The parking reform work group will review this rule.</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>Since the October draft, this rule has clarified land adjacent to climate-friendly areas in adjacent jurisdictions is not impacted by (1)(a).</p> <p>The parking reform work group will review this rule.</p> |
| 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>Since the October draft, this rule has been reworded and clarified.</p> <p>The parking reform work group will review this rule.</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.</p> <p>Since the October draft, this rule has exempted townhouses and rowhouses from unbundling and given communities the option to move between the fair parking policy approach and the reduced regulations approach.</p> <p>The parking reform work group will review this rule.</p> |
| 660-012-0450 | Parking Management in More Populous Communities | <p>The rule aims to ensure populous communities better understand and manage their existing parking supply before requiring new parking.</p> <p>Since the October draft, this draft removes counties from the provisions, and gives cities six more months to comply via 660-012-0012, and allows cities to change their selection any time in the future.</p> <p>The parking reform work group will review this rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 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 October draft. The transportation modal planning work group will review this rule.</p> |
| 660-012-0505 | Pedestrian System Inventory | <p>This rule describes how cities must inventory their pedestrian system.</p> <p>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</p> |
| 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>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</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 October draft. transportation modal planning work group will review this rule.</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 October draft. The transportation modal planning work group will review this rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 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>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</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>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</p> |
| 660-012-0620 | Bicycle System Projects | <p>This rule guides cities in determining the list of bicycle system projects.</p> <p>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</p> |
| 660-012-0630 | Bicycle Parking | <p>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.</p> <p>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</p> |
| New Rules 0700-0750: Public Transportation System | | <p>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. This set of rules also includes requirements for a local Transportation Options plan element.</p> <p>These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.</p> |
| 660-012-0700 | Public Transportation System Planning | <p>This rule and subsequent rules describe how cities must plan for their public transportation system.</p> <p>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 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 October draft. The transportation modal planning work group will review this rule. |
| 660-012-0710 | Public Transportation System Requirements | This rule includes the minimum requirements for safe, connected, and accessible public transportation system facilities. No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule. |
| 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 October draft. The transportation modal planning work group will review this rule. |
| 660-012-0750 | Transportation Options Plan | 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. No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule. |
| 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. |
| 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 October draft. The transportation modal planning work group will review this rule. |
| 660-012-0805 | Urban Street and Highway System Inventory | This rule describes how cities must inventory their street and highway system. No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule. |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
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| Number | Rule Title | Rule Summary |
| 660-012-0810 | Street and Highway System Requirements | <p>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.</p> <p>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</p> |
| 660-012-0820 | Street and Highway System Projects | <p>This rule guides cities in determining the list of street and highway system projects.</p> <p>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</p> |
| 660-012-0830 | Authorization of Facilities That Increase Driving and Capacity | <p>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.</p> <p>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.</p> <p>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.</p> <p>No substantive changes have been made to this rule since the October draft. The transportation modal planning work group will review this rule.</p> |
| 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 October draft.</p> |

| Summary of Amendments to Transportation Planning Rules (Division 12) | | |
|---|--|--|
| Number | Rule Title | Rule Summary |
| 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 DLCD 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>Since the October draft, this rule has been reworked due to additional legal review. The substance of the review process has not changed for major (every 4-5 years) reports, however the review process has been streamlined for minor (annual) reports.</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 October 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 plan, 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 October draft.</p> |

| Summary of Amendments to the Metropolitan Greenhouse Gas Reduction Target Rules (Division 44) | | |
|---|-------------------------------------|--|
| Number | Rule Title | Rule Summary |
| Changes to Rules | | <p>The existing rules will mostly remain the same, with the largest changes as noted below:</p> <ul style="list-style-type: none"> • 0000 – New purpose statement • 0015 – Schedule for cities and counties to do scenario planning • 0100 – Work programs for scenario planning • 0110 – Required contents of a scenario plan • 0120 – Department and commission review • 0130 – Local plan amendments to implement the scenario plan |
| 660-044-0000 | Purpose | <p>This is a new purpose statement to entirely replace the existing purpose statement. 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. 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 priority 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> |
| 660-044-0005 | Definitions | <p>Every division of rules has a list of definitions. Major additions to the definitions include the RAC’s Equitable Outcomes to help operationalize the statement in this division.</p> |
| 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 preferred scenario 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> |

| Summary of Amendments to the Metropolitan Greenhouse Gas Reduction Target Rules (Division 44) | | |
|---|---|--|
| Number | Rule Title | Rule Summary |
| 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 | This is an existing rule that provides the methods by which local governments apply the greenhouse gas targets to the scenario planning process. |
| 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. |
| 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 extends 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. |
| New Rules 0100-0130: Scenario Planning in metropolitan areas outside of Portland Metro. | | These new rules provide guidance for the new requirements for other metropolitan areas. These are a parallel to the requirements that apply only to the Portland metropolitan area. |
| 660-044-0100 | Scenario Planning Work Programs | <i>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 doing conducting the greenhouse gas reduction scenario planning.</i> |

| Summary of Amendments to the Metropolitan Greenhouse Gas Reduction Target Rules (Division 44) | | |
|---|--|---|
| Number | Rule Title | Rule Summary |
| 660-044-0110 | Land use and Transportation Scenario Plan Contents | <p><i>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.</i></p> <p><i>The rule specifies how cities and counties will report and monitor plan implementation, actions taken, and on equitable outcomes.</i></p> |
| 660-044-0120 | Commission Review of a Land Use and Transportation Scenario Plan | <p><i>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.</i></p> |
| 660-044-0130 | Local Amendments to Implement Approved Land use and Transportation Scenario Plan | <p><i>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.</i></p> |

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: December 6, 2021

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 October. 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 **Since the October draft amendments, this rule now includes an element addressing wildlife passage,
16 flood waters, and natural systems along waterways and in riparian areas.**

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

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

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

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

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

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

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

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

41 (h) Protect existing and planned transportation facilities, corridors and sites for their
42 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 (1) ~~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 Oregonians of all ages and abilities.

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 October draft rules, the rule now includes a definition of “commercial parking lot.” The**
8 **updated rule adjusts the definition of Level 2 charging station while inserting a placeholder for direct**
9 **current fast chargers.**

- 10 (1) "Access Management" means measures regulating access to streets, roads and highways from
11 public roads and private driveways. Measures may include but are not limited to restrictions on
12 the siting of interchanges, restrictions on the type and amount of access to roadways, and use of
13 physical controls, such as signals and channelization including raised medians, to reduce impacts
14 of approach road traffic on the main facility.
- 15 (2) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between
16 streets or from a street to a building or other destination such as a school, park, or transit stop.
17 Accessways generally include a walkway and additional land on either side of the walkway, often
18 in the form of an easement or right-of-way, to provide clearance and separation between the
19 walkway and adjacent uses. Accessways through parking lots are generally physically separated
20 from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include
21 landscaping, trees and lighting. Where accessways cross driveways, they are generally raised,
22 paved or marked in a manner which provides convenient access for pedestrians.
- 23 (3) "Affected Local Government" means a city, county or metropolitan service district that is directly
24 impacted by a proposed transportation facility or improvement.
- 25 (4) "Approach Road" means a legally constructed, public or private connection that provides
26 vehicular access either to or from or to and from a highway and an adjoining property.
- 27 (5) "At or near a major transit stop: "At" means a parcel or ownership which is adjacent to or
28 includes a major transit stop generally including portions of such parcels or ownerships that are
29 within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300
30 feet of a major transit stop. The term "generally" is intended to allow local governments through
31 their plans and ordinances to adopt more specific definitions of these terms considering local
32 needs and circumstances consistent with the overall objective and requirement to provide
33 convenient pedestrian access to transit.
- 34 (6) “Climate Friendly Area” means an urban mixed-use area containing, or planned to contain, a
35 mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or
36 planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to
37 provide frequent and convenient connections to key destinations within the city and region. To
38 maximize community benefits these areas typically do not contain or require large parking lots,
39 and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other
40 amenities to visitors, residents, and employees. Climate friendly areas will reduce the reliance on
41 single-occupant motor vehicle trips for residents, workers, and visitors by providing more
42 proximate destinations within climate friendly areas, improved connectivity to key destinations
43 elsewhere in the community, and enhanced alternative transportation options.

- 1 (7) “Commercial parking lot” means a location without a primary use on the lot or parcel where
2 parking spaces are rented or leased to individual drivers. It does not include shared parking
3 arrangements.
- 4 (8) "Committed transportation facilities" means those proposed transportation facilities and
5 improvements which are consistent with the acknowledged comprehensive plan and have
6 approved funding for construction in a public facilities plan or the Six-Year Highway or
7 Transportation Improvement Program.
- 8 (9) “Demand management" means actions which are designed to change travel behavior in order to
9 improve performance of transportation facilities and to reduce need for additional road capacity.
10 Methods may include, but are not limited to, the use of alternative modes, ride-sharing and
11 vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid
12 parking.
- 13 (10) “Direct current fast charger” means [insert definition]
- 14 (11) “Freeway” means a limited-access highway with access points exclusively from interchanges
15 with other streets and highways. Freeways may provide very limited access for rural land uses in
16 rural areas where no other access is available.
- 17 (12) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal
18 measured on the crossroad away from the mainline.
- 19 (13) “Level 2 Electric Vehicle Charging Station” means a device or facility for delivering electricity to
20 motor vehicles that operates on at least a 40 ampere breaker on a single phase 208/240 volt AC
21 circuit.
- 22 (14) "Local streets" means streets that are functionally classified as local streets to serve primarily
23 local access to property and circulation within neighborhoods or specific areas. Local streets do
24 not include streets functionally classified as collector or arterials.
- 25 (15) "Local Street Standards" include but are not limited to standards for right-of-way, pavement
26 width, travel lanes, parking lanes, curb turning radius, and accessways.
- 27 (16) "Major" means, in general, those facilities or developments which, considering the size of the
28 urban or rural area and the range of size, capacity or service level of similar facilities or
29 developments in the area, are either larger than average, serve more than neighborhood needs or
30 have significant land use or traffic impacts on more than the immediate neighborhood:
- 31 (a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation
32 facilities means those facilities which are most important to the functioning of the system
33 or which provide a high level, volume or frequency of service;
- 34 (b) "Major" as it modifies industrial, institutional and retail development means such
35 developments which are larger than average, serve more than neighborhood needs or
36 which have traffic impacts on more than the immediate neighborhood;
- 37 (c) Application of the term "major" will vary from area to area depending upon the scale of
38 transportation improvements, transit facilities and development which occur in the area.
39 A facility considered to be major in a smaller or less densely developed area may,
40 because of the relative significance and impact of the facility or development, not be
41 considered a major facility in a larger or more densely developed area with larger or more
42 intense development or facilities.
- 43 (17) "Major transit stop" means:

- 1 (a) Existing and planned light rail stations and transit transfer stations, except for temporary
2 facilities; Other planned stops designated as major transit stops in a transportation system
3 plan and existing stops which:
- 4 (A) Have or are planned for an above average frequency of scheduled, fixed-route
5 service when compared to region wide service. In urban areas of 1,000,000 or
6 more population major transit stops are generally located along routes that have
7 or are planned for 20 minute service during the peak hour; and
- 8 (B) Are located in a transit oriented development or within 1/4 mile of an area
9 planned and zoned for:
- 10 (i) Medium or high density residential development; or
11 (ii) Intensive commercial or institutional uses within 1/4 mile of subsection
12 (i); or
13 (iii) Uses likely to generate a relatively high level of transit ridership.
- 14 (18) "Metropolitan area" means the local governments that are responsible for adopting local or
15 regional transportation system plans within a metropolitan planning organization (MPO)
16 boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.
- 17 (19) "Metropolitan Planning Organization (MPO)" means an organization located within the State of
18 Oregon and designated by the Governor to coordinate transportation planning in an urbanized
19 area of the state including such designations made subsequent to the adoption of this rule. The
20 Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the
21 purposes of this division.
- 22 (20) "Minor transportation improvements" include, but are not limited to, signalization, addition of
23 turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets,
24 transportation system management measures, modification of existing interchange facilities
25 within public right of way and design modifications located within an approved corridor. Minor
26 transportation improvements may or may not be listed as planned projects in a TSP where the
27 improvement is otherwise consistent with the TSP. Minor transportation improvements do not
28 include new interchanges; new approach roads within the influence area of an interchange; new
29 intersections on limited access roadways, highways or expressways; new collector or arterial
30 streets, road realignments or addition of travel lanes.
- 31 (21) "ODOT" means the Oregon Department of Transportation.
- 32 (22) "Parking mandates" means requirements to include a minimum number of off-street parking
33 spaces as a condition of development or redevelopment.
- 34 (23) "Parking maximums" means limits on the number of off-street parking spaces that can be
35 included in a development.
- 36 (24) "Parking Spaces" means on and off street spaces designated for automobile parking ~~in areas~~
37 ~~planned for industrial, commercial, institutional or public uses. The following are not considered~~
38 ~~parking spaces for the purposes of OAR 660-012-0045(5)(c): park and ride lots, handicapped~~
39 ~~parking, and parking spaces for carpools and vanpools, other than parking spaces reserved for~~
40 ~~carpools, vanpools, or people with disabilities.~~
- 41 (25) "Pedestrian connection" means a continuous, unobstructed, reasonably direct route between two
42 points that is intended and suitable for pedestrian use. Pedestrian connections include but are not
43 limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed
44 parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian

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

- 1 (36) "Rural community" means areas defined as resort communities and rural communities in
2 accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need
3 only meet the definitions contained in the Unincorporated Communities Rule although the area
4 may not have been designated as an unincorporated community in accordance with OAR 660-
5 022-0020.
- 6 (37) "Shared parking" means parking spaces used to meet the parking mandates for two or more uses,
7 structures, or parcels of land, to the extent that the owners or operators show the overall demand
8 for parking spaces can be met by the shared parking.
- 9 (38) "Transit-Oriented Development (TOD)" means a mix of residential, retail and office uses and a
10 supporting network of roads, bicycle and pedestrian ways focused on a major transit stop
11 designed to support a high level of transit use. The key features of transit oriented development
12 include:
- 13 (a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian
14 and bicycle travel from the surrounding area;
- 15 (b) High density of residential development proximate to the transit stop sufficient to support
16 transit operation and neighborhood commercial uses within the TOD;
- 17 (c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian
18 access within the TOD and high levels of transit use.
- 19 (39) "Transportation Facilities" means any physical facility that moves or assist in the movement of
20 people or goods including facilities identified in OAR 660-012-0020 but excluding electricity,
21 sewage and water systems.
- 22 (40) "Transportation System Management Measures" means techniques for increasing the efficiency,
23 safety, capacity or level of service of a transportation facility without increasing its size.
24 Examples include, but are not limited to, traffic signal improvements, traffic control devices
25 including installing medians and parking removal, channelization, access management, ramp
26 metering, and restriping of high occupancy vehicle (HOV) lanes.
- 27 (41) "Transportation Needs" means estimates of the movement of people and goods consistent with
28 acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on
29 projections of future travel demand resulting from a continuation of current trends as modified by
30 policy objectives, including those expressed in Goal 12 and this rule, especially those for
31 avoiding principal reliance on any one mode of transportation.
- 32 (42) "Transportation Needs, Local" means needs for movement of people and goods within
33 communities and portions of counties and the need to provide access to local destinations.
- 34 (43) "Transportation Needs, Regional" means needs for movement of people and goods between and
35 through communities and accessibility to regional destinations within a metropolitan area, county
36 or associated group of counties.
- 37 (44) "Transportation Needs, State" means needs for movement of people and goods between and
38 through regions of the state and between the state and other states.
- 39 (45) "Transportation Project Development" means implementing the transportation system plan (TSP)
40 by determining the precise location, alignment, and preliminary design of improvements included
41 in the TSP based on site-specific engineering and environmental studies.
- 42 (46) "Transportation Service" means a service for moving people and goods, such as intercity bus
43 service and passenger rail service.

- 1 (47) "Transportation System Plan (TSP)" means a plan for one or more transportation facilities that are
 2 planned, developed, operated and maintained in a coordinated manner to supply continuity of
 3 movement between modes, and within and between geographic and jurisdictional areas.
- 4 (48) "Urban Area" means lands within an urban growth boundary, two or more contiguous urban
 5 growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9).
 6 For the purposes of this division, the area need only meet the definition contained in the
 7 Unincorporated Communities Rule although the area may not have been designated as an
 8 unincorporated community in accordance with 660-022-0020.
- 9 (49) "Unbundled parking" means a requirement that parking spaces for each unit in a development be
 10 leased or sold separately from the unit itself. That requirement must include requirements for the
 11 parking space(s) to be rented or sold at market rates for comparable local off-street parking, and
 12 for the renter of the unit to be able to opt out of renting or buying the parking space(s);
- 13 (50) "Urban Fringe" means:
 14 (a) Areas outside the urban growth boundary that are within 5 miles of the urban growth
 15 boundary of an MPO area; and
 16 (b) Areas outside the urban growth boundary within 2 miles of the urban growth boundary of
 17 an urban area containing a population greater than 25,000.
- 18 (51) Vehicle Miles of Travel (VMT): means automobile vehicle miles of travel. Automobiles, for
 19 purposes of this definition, include automobiles, light trucks, and other similar vehicles used for
 20 movement of people. The definition does not include buses, heavy trucks and trips that involve
 21 commercial movement of goods. VMT includes trips with an origin and a destination within the
 22 MPO boundary and excludes pass through trips (i.e., trips with a beginning and end point outside
 23 of the MPO) and external trips (i.e., trips with a beginning or end point outside of the MPO
 24 boundary). VMT is estimated prospectively through the use of metropolitan area transportation
 25 models.
- 26 (52) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including
 27 sidewalks and surfaced portions of accessways.

28 **0015: Preparation and Coordination of Transportation System Plans**

29 We propose to alter this existing rule. The existing rule gives overarching direction to local governments
 30 in how to prepare and coordinate development of local and regional transportation system plans. We
 31 propose to delete some parts of this rule pertaining only to metropolitan areas. This rule will apply to
 32 local governments outside of metropolitan areas. New rules will direct how local governments in
 33 metropolitan areas prepare and coordinate development of local transportation system plans.

34 There have been no substantive changes from the October draft amended rule.

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

1 and affected local governments shall be resolved in the manner established in that
2 division.

3 (2) ~~MPOs and counties~~ Counties shall prepare and amend regional TSPs in compliance with this
4 division. ~~MPOs shall prepare regional TSPs for facilities of regional significance within their~~
5 ~~jurisdiction.~~ Counties shall prepare regional TSPs for all other areas and facilities:

6 (a) Regional TSPs shall establish a system of transportation facilities and services adequate
7 to meet identified regional transportation needs and shall be consistent with adopted
8 elements of the state TSP;

9 (b) Where elements of the state TSP have not been adopted, the ~~MPO or~~ county shall
10 coordinate the preparation of the regional TSP with ODOT to assure that state
11 transportation needs are accommodated;

12 (c) ~~Regional TSPs prepared by MPOs other than metropolitan service districts shall be~~
13 ~~adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan~~
14 ~~service districts shall adopt a regional TSP for areas within their jurisdiction;~~

15 (d) (c) Regional TSPs prepared by counties shall be adopted by the county.

16 (3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning
17 jurisdiction in compliance with this division:

18 (a) Local TSPs shall establish a system of transportation facilities and services adequate to
19 meet identified local transportation needs and shall be consistent with regional TSPs and
20 adopted elements of the state TSP;

21 (b) Where the regional TSP or elements of the state TSP have not been adopted, the city or
22 county shall coordinate the preparation of the local TSP with the regional transportation
23 planning body and ODOT to assure that regional and state transportation needs are
24 accommodated.

25 (4) Cities and counties shall adopt regional and local TSPs required by this division as part of their
26 comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be
27 adopted as a supporting document to the comprehensive plan.

28 (5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local
29 governments, special districts, and private providers of transportation services.

30 (6) Mass transit, transportation, airport and port districts shall participate in the development of TSPs
31 for those transportation facilities and services they provide. These districts shall prepare and
32 adopt plans for transportation facilities and services they provide. Such plans shall be consistent
33 with and adequate to carry out relevant portions of applicable regional and local TSPs.
34 Cooperative agreements executed under ORS 197.185(2) shall include the requirement that mass
35 transit, transportation, airport and port districts adopt a plan consistent with the requirements of
36 this section.

37 (7) Where conflicts are identified between proposed regional TSPs and acknowledged
38 comprehensive plans, representatives of affected local governments shall meet to discuss means
39 to resolve the conflicts. These may include:

40 (a) Changing the draft TSP to eliminate the conflicts; or

41 (b) Amending acknowledged comprehensive plan provision to eliminate the conflicts;

42 (c) ~~For MPOs which are not metropolitan service districts, if conflicts persist between~~
43 ~~regional TSPs and acknowledged comprehensive plans after efforts to achieve~~

1 compatibility, an affected local government may petition the Commission to resolve the
2 dispute.

3 **0016: Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas**

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

7 We expect to use some of the elements in this rule in our updated rules in order to encourage regional
8 planning efforts. Updated local transportation planning requirements in metropolitan areas will require
9 advanced local actions, including the development of financially-constrained local plans, that will inform
10 federally-required RTPs. In the Portland Metropolitan Area, many of these regional planning
11 requirements have been retained in draft rule 660-012-0102. Additionally, metropolitan areas will be
12 required to undertake regional scenario planning, which is required in the Metropolitan Greenhouse Gas
13 Reduction Rules (OAR Chapter 660, Division 44).

14 There have been no substantive changes from the October draft amended rule.

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

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

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

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

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

- 1 ~~(3) — Adoption or amendment of a regional transportation plan relates to compliance with this division~~
2 ~~for purposes of section (2) if it does one or more of the following:~~
- 3 ~~(a) — Changes plan policies;~~
4 ~~(b) — Adds or deletes a project from the list of planned transportation facilities, services or~~
5 ~~improvements or from the financially constrained project list required by federal law;~~
6 ~~(c) — Modifies the general location of a planned transportation facility or improvement;~~
7 ~~(d) — Changes the functional classification of a transportation facility; or~~
8 ~~(e) — Changes the planning period or adopts or modifies the population or employment forecast~~
9 ~~or allocation upon which the plan is based.~~
- 10 ~~(4) — The following amendments to a regional transportation plan do not relate to compliance with this~~
11 ~~division for purposes of section (2):~~
- 12 ~~(a) — Adoption of an air quality conformity determination;~~
13 ~~(b) — Changes to a federal revenue projection;~~
14 ~~(c) — Changes to estimated cost of a planned transportation project; or~~
15 ~~(d) — Deletion of a project from the list of planned projects where the project has been~~
16 ~~constructed or completed.~~
- 17 ~~(5) — Adoption or amendment of a regional transportation plan that extends the planning period beyond~~
18 ~~that specified in the applicable acknowledged comprehensive plan or regional transportation~~
19 ~~system plan is consistent with the requirements of this rule where the following conditions are~~
20 ~~met:~~
- 21 ~~(a) — The future year population forecast is consistent with those issued or adopted under ORS~~
22 ~~195.033 or 195.036;~~
- 23 ~~(b) — Land needed to accommodate future urban density population and employment and other~~
24 ~~urban uses is identified in a manner consistent with Goal 14 and relevant rules;~~
- 25 ~~(c) — Urban density population and employment are allocated to designated centers and other~~
26 ~~identified areas to provide for implementation of the metropolitan area's integrated land~~
27 ~~use and transportation plan or strategy; and~~
- 28 ~~(d) — Urban density population and employment or other urban uses are allocated to areas~~
29 ~~outside of an acknowledged urban growth boundary only where:~~
- 30 ~~(A) — The allocation is done in conjunction with consideration by local governments of~~
31 ~~possible urban growth boundary amendments consistent with Goal 14 and~~
32 ~~relevant rules, and~~
- 33 ~~(B) — The RTP clearly identifies the proposed UGB amendments and any related~~
34 ~~projects as illustrative and subject to further review and approval by the affected~~
35 ~~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 October 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 ~~cycling 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 ~~eyeling, 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 There have been no substantive changes from the October draft amended rule.

7 (1) Each local government shall amend its land use regulations to implement the TSP.

8 (a) The following transportation facilities, services and improvements need not be subject to
9 land use regulations except as necessary to implement the TSP and, under ordinary
10 circumstances do not have a significant impact on land use:

11 (A) Operation, maintenance, and repair of existing transportation facilities identified
12 in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and
13 major regional pipelines and terminals;

14 (B) Dedication of right-of-way, authorization of construction and the construction of
15 facilities and improvements, where the improvements are consistent with clear
16 and objective dimensional standards;

17 (C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k),
18 consistent with the provisions of OAR 660-012-0065; and

19 (D) Changes in the frequency of transit, rail and airport services.

20 (b) To the extent, if any, that a transportation facility, service or improvement concerns the
21 application of a comprehensive plan provision or land use regulation, it may be allowed
22 without further land use review if it is permitted outright or if it is subject to standards
23 that do not require interpretation or the exercise of factual, policy or legal judgment;

24 (c) In the event that a transportation facility, service or improvement is determined to have a
25 significant impact on land use or to concern the application of a comprehensive plan or
26 land use regulation and to be subject to standards that require interpretation or the
27 exercise of factual, policy or legal judgment, the local government shall provide a review
28 and approval process that is consistent with OAR 660-012-0050. To facilitate
29 implementation of the TSP, each local government shall amend its land use regulations to
30 provide for consolidated review of land use decisions required to permit a transportation
31 project.

32 (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with
33 applicable federal and state requirements, to protect transportation facilities, corridors and sites
34 for their identified functions. Such regulations shall include:

35 (a) Access control measures, for example, driveway and public road spacing, median control
36 and signal spacing standards, which are consistent with the functional classification of
37 roads and consistent with limiting development on rural lands to rural uses and densities;

38 (b) Standards to protect future operation of roads, transitways and major transit corridors;

39 (c) Measures to protect public use airports by controlling land uses within airport noise
40 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 a reasonably direct route of travel between destinations such as between
24 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) Walkways shall be provided connecting building entrances and streets adjoining
42 the site;

- 1 (B) Pedestrian connections to adjoining properties shall be provided except where
2 such a connection is impracticable as provided for in OAR 660-012-
3 0045(3)(b)(E). Pedestrian connections shall connect the on-site circulation
4 system to existing or proposed streets, walkways, and driveways that abut the
5 property. Where adjacent properties are undeveloped or have potential for
6 redevelopment, streets, accessways and walkways on site shall be laid out or
7 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) A reasonably direct pedestrian connection between the transit stop and
14 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 and safer bicycle or pedestrian travel within and between residential areas and
33 neighborhood activity centers (i.e., schools, shopping, transit stops). Specific measures include,
34 for example, constructing walkways between cul-de-sacs and adjacent roads, providing walkways
35 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 October 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.

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

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

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

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

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

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

1 consistent with the ~~function, capacity, and~~ performance standards of
2 transportation facilities.

3 (D) Findings showing how the proposed amendment meets the requirements of
4 subsection (a) of this section.

5 (E) Findings showing that the benefits of the proposed amendment outweigh the
6 negative effects on transportation facilities.

7 **New Rules 0011-0012: Applicability and Effective Dates**

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

12 **0011: Applicable Rules**

13 This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-
14 0100 and above. Local governments in other parts of the state will continue to use the existing rules,
15 although cities outside metropolitan areas may opt into using the updated rules if they wish.

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

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

19 OAR 660-012-0000, Purpose

20 OAR 660-012-0005, Definitions

21 OAR 660-012-0010, Transportation Planning

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

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

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

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

26 **Since the October draft, this rule has changed to clarify that OAR 660-012-0012 only applies within**
27 **metropolitan areas.**

28 (1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-
29 012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide, where this division is
30 applicable.

31 (2) OAR 660-012-0012 and OAR 660-012-0100 through OAR 660-012-0915 apply to the following
32 local governments:

33 (a) Cities within metropolitan areas;

34 (b) Portions of counties within Urban Growth Boundaries of cities in metropolitan areas; and

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

10 **0012: Effective Dates**

11 This rule lists the effective dates of some provisions of the Transportation Planning Rules. Most

12 provisions will take effect shortly after the commission adopts the rule amendments, but the

13 implementation of some provisions will be phased in over time.

14 There have been no substantive changes from the October draft amended rule. Staff expect to review

15 many provisions of this rule in several work groups. Adjustments to effective dates may be made to

16 balance urgent action with the ability to successfully implement provisions of the rules.

- 17 (1) The rules in this division adopted on [May XX, 2022], and amendments to rules in this division
- 18 adopted on that date, are effective [June XX, 2022], except as provided in this rule.
- 19 (2) A city or county adopting, amending, or updating a transportation system plan that is required to
- 20 meet the requirements as provided in OAR 660-012-0100 may instead use existing requirements
- 21 as provided in OAR 660-012-0015 if the city or county has submitted notice of the proposed
- 22 change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later
- 23 than December 31, 2022.
- 24 (3) Cities and counties must make their selection of approach to plan for reducing vehicle miles
- 25 traveled per capita as provided in OAR 660-012-0160(6) no later than December 31, 2022. Cities
- 26 and counties must notify the director of their selection prior to this date.
- 27 (4) The provisions of OAR 660-012-0170 requiring the adoption of multiple transportation
- 28 performance standards take effect on January 1, 2023.
- 29 (5) Cities and Counties shall designate climate friendly areas as provided in OAR 660-012-0310 and
- 30 adopt land use requirements for climate friendly areas and a climate friendly comprehensive plan
- 31 element as provided in OAR 660-012-0315 as follows:
 - 32 (a) A city or county outside a metropolitan service district with a population of more than
 - 33 5,000 but less than 10,000 within the urban growth boundary that is subject to the
 - 34 requirements of OAR 660-012-0310(1) shall designate climate friendly areas as provided
 - 35 in OAR 660-012-0315(3) by June 30, 2023. The city or county shall adopt land use
 - 36 requirements for climate friendly areas and a climate friendly comprehensive plan
 - 37 element by June 30, 2024, as provided in OAR 660-012-0315(4). The city or county may
 - 38 choose to adopt development standards for climate friendly areas and a climate friendly
 - 39 comprehensive plan element concurrent with designation of climate friendly areas by
 - 40 June 30, 2023.

- 1 (b) A city or county outside a metropolitan service district with a population of 10,000 or
2 more within the urban growth boundary that is subject to the requirements of OAR 660-
3 012-0310(1) shall designate climate friendly areas as provided in OAR 660-012-0315(3)
4 by June 30, 2023. The city or county shall adopt land use requirements for climate
5 friendly areas and a climate friendly comprehensive plan element by June 30, 2024, as
6 provided in OAR 660-012-0315(4). The city or county may choose to adopt development
7 standards for climate friendly areas and a climate friendly comprehensive plan element
8 concurrent with designation of climate friendly areas by June 30, 2023.
- 9 (c) Within the urban growth boundary of a metropolitan service district, the metropolitan
10 service district shall amend the urban growth management functional plan (UGMFP) in
11 conjunction with its next growth management analysis under ORS 197.296 and no later
12 than December 31, 2024, to require local government adoption of Region 2040 centers
13 and land use regulations as described in Title 6 of the UGMFP. Within the metropolitan
14 service district, a county with planning jurisdiction in unincorporated areas provided with
15 urban water, sanitary sewer, stormwater, and transportation services; or a city shall
16 comply with the adopted requirements of the UGMFP by December 31, 2025.
- 17 (d) After June 30, 2023, a city or county outside a metropolitan service district with a
18 population within an urban growth boundary exceeding 5,000 shall designate climate
19 friendly areas as provided in OAR 660-012-0315 within two years of reaching a
20 population exceeding 5,000.
- 21 (e) After June 30, 2023, a city or county outside a metropolitan service district with a
22 population exceeding 10,000 within an urban growth boundary shall designate climate
23 friendly areas as provided in OAR 660-012-0315. Cities and counties outside a
24 metropolitan service district shall maintain sufficient lands within climate friendly areas
25 as their population grows, as provided in OAR 660-012-0315. For cities also subject to
26 OAR 660-008-0045, compliance with this requirement shall be demonstrated in each
27 Housing Capacity Analysis following the initial designation of climate friendly areas.
28 Land use requirements for climate friendly areas shall be established concurrent or prior
29 to the adoption of the Housing Capacity Analysis as provided in OAR 660-012-0320.
30 Counties subject to this rule shall coordinate with cities to address climate friendly area
31 requirements within an urban growth boundary.
- 32 (6) Cities and counties must adopt comprehensive plan amendments and land use regulations meeting
33 requirements as provided in OAR 660-012-0400 no later than March 31, 2023. Those cities and
34 counties who fail to do so may not apply parking mandates after that date. Cities and counties
35 required to adopt parking maximums under OAR 660-012-0415 must do so when updating their
36 transportation system plan. Cities and counties that pass population thresholds in OAR 660-012-
37 0410, OAR 660-012-0415 or OAR 660-012-0450 must adopt comprehensive plan amendments
38 and land use regulations meeting requirements within 12 months of passing those population
39 thresholds. If adopting an approach in OAR 660-012-0445, policies must take effect no later than
40 June 30, 2023.
- 41 (7) Cities and counties choosing to report on the share of on-street parking spaces that are priced as
42 provided in OAR 660-012-0450(1)(B) must:
- 43 (a) Demonstrate at least 5% of on-street parking spaces are priced by September 30, 2023;
44 and
- 45 (b) Demonstrate at least 10% of on-street parking spaces are priced by September 30, 2025.

- 1 (8) Cities and counties must implement the requirements for electric vehicle charging as provided in
2 OAR 660-012-0410 by March 31, 2023.
- 3 (9) Requirements as provided in OAR 660-012-0900 are modified as follows:
- 4 (a) The first reporting year for the reporting requirements as provided in OAR 660-012-0900
5 is 2022, with reports due no later than May 31, 2023.
- 6 (b) Cities and counties otherwise required to complete a major report for the 2022 reporting
7 year as provided in OAR 660-012-0900 may delay submission of the major report until
8 the 2023 reporting year. A city or county electing to do so must submit a minor report for
9 the 2022 reporting year and cite this provision in that report.

10 **New Rules 0100-0210: General Provisions**

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

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

17 ***0100: Transportation System Plans in Metropolitan Areas***

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

22 This rule has been renamed, but no substantive changes have been made to this rule since the October
23 draft. The transportation system planning work group will review this rule.

- 24 (1) Cities shall develop and adopt an transportation system plan. A transportation system plan
25 includes the following elements:
- 26 (a) The core transportation system plan elements as provided in section (2) of this rule;
- 27 (b) Transportation System Inventories as provided in OAR 660-012-0150;
- 28 (c) A pedestrian system element as provided in OAR 660-012-0500;
- 29 (d) A bicycle system element as provided in OAR 660-012-0600;
- 30 (e) A public transportation system element as provided in OAR 660-012-0700;
- 31 (f) A street and highway system element as provided in OAR 660-012-0800;
- 32 (g) Funding projections as provided in OAR 660-012-0205; and
- 33 (h) A financially-constrained project list as provided in OAR 660-012-0210.

- 1 (2) Transportation system plans must also include the following core elements:
- 2 (a) Major core elements to be updated with major updates to a transportation system plan as
3 provided in OAR 660-012-0105:
- 4 (A) The base and planning horizon years for the plan as provided in section (3) of
5 this rule;
- 6 (B) The land use assumptions used in development of the transportation system plan,
7 as developed under OAR 660-012-0340;
- 8 (b) Minor core elements to be updated with major or minor updates to a transportation
9 system plan as provided in OAR 660-012-0105:
- 10 (A) A list of all components of the plan, and the date of adoption or amendment of
11 each;
- 12 (B) The policies in the city's comprehensive plan that apply to coordinated land use
13 and transportation system planning;
- 14 (C) The goals and policies of the transportation system plan;
- 15 (D) Those areas designated by the city with concentrations of underserved
16 populations as provided in OAR 660-012-0120;
- 17 (E) A record of the engagement, involvement, and decision-making processes used in
18 development of the plan, as provided in OAR 660-012-0125, and an equity
19 analysis as provided in OAR 660-012-0130.
- 20 (F) The dates of each report made to the director as provided in OAR 660-012-0900.
21 These must include all reports made for the planning area, including city and
22 county reports, if applicable.
- 23 (3) The base and horizon years of transportation system plans shall be determined as follows:
- 24 (a) The base year for a transportation system plan is the present or past year which is used
25 for the development of plan elements. The base year must be the year of adoption of a
26 major update to the Transportation System Update, or no earlier than five years prior.
- 27 (b) The horizon year for a transportation system plan is the future year for which the plan
28 contains potential projects. The horizon year is a minimum of twenty years from the year
29 of adoption of a major update to the transportation system plan.
- 30 (4) Cities must coordinate the development of transportation system plans with counties,
31 transportation facility owners, and transportation service providers.
- 32 (5) Cities must develop transportation system plans and amendments to those plans consistent with
33 the provisions of OAR 660-012-0105 through OAR 660-012-0140.
- 34 (6) Adoption or amendment of a transportation system plan shall constitute the land use decision
35 regarding the need for transportation facilities, services, and major improvements; and their
36 function, mode, and general location.
- 37 (7) Findings of compliance with applicable statewide planning goals and acknowledged
38 comprehensive plan policies and land use regulations shall be developed in conjunction with the
39 adoption or amendment of the transportation system plan.
- 40 (8) Cities in the Portland Metropolitan area must meet the requirements as provided in OAR 660-
41 012-0102.

1 **0102: 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 No substantive changes have been made to this rule since the October draft.

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

- 1 (C) Modifies the general location of a planned transportation facility or
2 improvement;
- 3 (D) Changes the functional classification of a transportation facility; or
- 4 (E) Changes the planning period or adopts or modifies the population or employment
5 forecast or allocation upon which the plan is based.
- 6 (c) The following amendments to the regional transportation plan do not relate to compliance
7 with this division for purposes of section (3):
- 8 (A) Adoption of an air quality conformity determination;
- 9 (B) Changes to a federal revenue projection;
- 10 (C) Changes to estimated cost of a planned transportation project; or
- 11 (D) Deletion of a project from the list of planned projects where the project has been
12 constructed or completed.
- 13 (4) Notwithstanding any requirement in this division, Metro may adopt provisions into a regional
14 functional plan that require cities and counties:
- 15 (a) To meet an additional requirement for transportation system planning where Metro finds
16 that the additional requirement is necessary to meet regional planning objectives and
17 supports the purposes of this division; and
- 18 (b) To meet an alternative requirement for transportation system planning in lieu of a
19 requirement as provided in this division, where Metro finds that the alternative
20 requirement meets the objectives of the original requirement, is necessary to meet
21 regional planning objectives, and supports the purposes of this division.
- 22 (5) Notwithstanding requirements for transportation system planning areas as provided in OAR 660-
23 012-0110:
- 24 (a) Metro shall work cooperatively with cities and counties to determine responsibility for
25 planning areas in the urbanizable area. All lands within the Metro Urban Growth
26 Boundary must be within the planning area of either a city or county. Where a county has
27 responsibility for a planning area, the county must meet the requirements as provided for
28 counties in OAR 660-012-0110;
- 29 (b) Counties planning for unincorporated areas with the urban growth boundary shall meet
30 all applicable requirements based on the population of the planning area; and
- 31 (c) Counties and cities need not have the same planning horizon year.
- 32 (6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-
33 0150, Metro shall prescribe inventory requirements in transportation system plans for cities and
34 counties in a regional functional plan.

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 October draft. The transportation system
8 planning work group will review this rule.

- 9 (1) Cities may adopt a major update to a transportation system plan as provided in section (2), or a
10 minor update as provided in section (3).
- 11 (2) A major update to a transportation system plan is any update that:
- 12 (a) Includes a change to the horizon year of the plan;
- 13 (b) Any update where the adoption date is fewer than [five] years prior to January 1 of the
14 planning horizon year of the acknowledged plan; or
- 15 (c) Includes a facility authorized as provided in OAR 660-012-0830.
- 16 (3) A city making a major update to a transportation system plan must:
- 17 (a) Include an update to the core transportation system plan elements as provided in OAR
18 660-012-0100, and include all other applicable elements as provided in OAR 660-012-
19 0100.
- 20 (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the
21 major update to the transportation system plan.
- 22 (c) Complete the review of any Vehicle Miles Traveled-Increasing facilities in the plan as
23 provided in OAR 660-012-0830 prior to adoption in the transportation system plan.
- 24 (4) A minor update to a transportation system plan is any update which is not a major update as
25 provided in section (2) of this rule. A city making a minor update to a transportation system plan
26 must:
- 27 (a) Include, at minimum, an update to core transportation system plan elements as provided
28 in OAR 660-012-0100.
- 29 (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the
30 minor update to the transportation system plan.
- 31 (5) Notwithstanding any other provision in this rule, cities having an acknowledged transportation
32 system plan adopted as provided in OAR 660-012-0015 shall adopt a major update to the
33 transportation system plan. Cities may use any part of existing acknowledged plans to meet the
34 applicable requirements.
- 35 (6) Notwithstanding any other provision in this rule, cities that do not have an acknowledged
36 transportation system plan shall adopt a new plan in the manner of adopting a major update to a
37 transportation system plan. Cities may use any part of existing acknowledged plans to meet the
38 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 October draft. The transportation system
7 planning work group will review this rule.

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

32 **0115: Transportation System Planning Engagement**

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

35 No substantive changes have been made to this rule since the October draft.

- 36 (1) Cities and counties must develop transportation system plans using methods of engaging the
37 public and making decisions consistent with the statewide planning goals and provisions of the
38 local comprehensive plan.

- 1 (2) Public engagement and decision making must place an increased emphasis on centering the
2 voices of underserved populations as provided in OAR 660-012-0120.
- 3 (3) Cities or counties engaged in a major update of the transportation system plan as provided in
4 OAR 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-
5 012-0340, must make a special effort to ensure underserved populations, as provided in OAR
6 660-012-0120, are informed about the choices that need to be made in the planning process, given
7 a meaningful opportunity to inform the planning process, and to the extent possible, have an
8 equitable share of the decision-making power over key decisions.

9 **0120: Underserved Populations**

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

15 This rule sets out a Definition of underserved populations for use in transportation and land use
16 planning consistent with the Equitable Outcomes Statement developed by the Rules Advisory
17 Committee. The rule also requires cities and counties to identify areas with concentrations of
18 underserved populations.

19 **Since the October draft, this rule has added “refugees” as an underserved population.**

- 20 (1) In order to implement provisions of this division, cities and counties must prioritize community-
21 led engagement and decision-making, with specific attention to the underserved populations listed
22 in section (2) of this rule.
- 23 (2) When updating or amending a transportation systems plan, cities and counties must identify
24 populations of people living in the community who need prioritized attention with regard to
25 transportation and land use planning due to historic and current marginalization. Underserved
26 populations include, but are not limited to:
 - 27 (a) Black and African American people;
 - 28 (b) Indigenous people (including Tribes, American Indian/Alaska Native and Hawaii
29 Native);
 - 30 (c) People of Color (including but not limited to Hispanic, Latina/o/x, Asian, Arabic or North
31 African, Middle Eastern, Pacific Islander, and mixed-race or mixed-ethnicity
32 populations);
 - 33 (d) Immigrants, including undocumented immigrants and refugees;
 - 34 (e) People with limited English proficiency;
 - 35 (f) People with disabilities;
 - 36 (g) People experiencing homelessness;
 - 37 (h) Low-income and low-wealth community members;
 - 38 (i) Low- and moderate-income renters and homeowners;
 - 39 (j) Single parents;

- 1 (k) Lesbian, gay, bisexual, transgender, queer, intersex, asexual, or two-spirit community
- 2 members; and
- 3 (l) Youth and seniors.
- 4 (3) Cities and counties must identify geographic areas with above average concentrations of
- 5 underserved populations.

6 **0125: Decision-Making with Underserved Populations**

7 This rule directs how local governments center underserved populations in decision-making. The rule
 8 requires local governments to implement an involvement program with a range of activities to ensure
 9 equitable participation in decision-making and work toward equitable outcomes. The rule requires local
 10 governments to identify and engage with recognized tribes with ancestral lands in the city or county.
 11 The rule requires cities and counties to regularly assess and report on progress.

12 **Since the October draft, the rule has been clarified to note that “recognized tribes” means federally**
 13 **recognized.**

- 14 (1) Cities and counties must, as a part of an involvement program required as provided in OAR 660-
- 15 015-0000(1), center the voices of underserved populations in processes at all levels of decision-
- 16 making under this division. Actions that may accomplish this include, but are not limited to:
 - 17 (a) Regularly reporting on progress made under this rule as provided by section (3);
 - 18 (b) Conducting equity analyses as provided in OAR 660-012-0130;
 - 19 (c) Engaging in additional outreach activities with underserved populations and in areas with
 - 20 concentrations of underserved populations. Such outreach activities should include
 - 21 activities in multiple languages and formats, be accessible to people with disabilities, and
 - 22 be accessible to people without internet access, with limited transportation and child care
 - 23 options, and with schedule constraints around employment or other critical
 - 24 responsibilities;
 - 25 (d) Considering the effect on underserved populations when developing plans, including land
 - 26 use plans and plans for public investment; and
 - 27 (e) Developing decision-making factors that recognize historic and current inequities, and
 - 28 work to reduce them.
- 29 (2) Cities and counties must identify those federally recognized sovereign tribes whose ancestral
- 30 lands include the area now within the city or county. The city or county must engage with
- 31 affected tribes to notify them of coordinated land use and transportation planning activities and
- 32 projects under this division. Cities and counties must engage in consultation with affected tribal
- 33 governments if requested by tribal governments.
- 34 (3) Cities and counties must regularly assess and report on progress made under this rule by:
 - 35 (a) Reporting to the department annually as provided in OAR 660-012-0900;
 - 36 (b) Making regular reports to the planning commission and governing body of the city or
 - 37 county; and
 - 38 (c) Making regular public reports to the community.

1 **0130: Equity Analysis**

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

6 **Since the October draft, this rule has changed to add a step in the equity analysis which requires**
7 **assessing, acknowledging, and addressing current and past harm from racism.**

- 8 (1) Cities and counties must ensure that land use and transportation plans required in this division
9 improve outcomes for underserved populations by using an equity analysis. An equity analysis is
10 intended to determine benefits and burdens on underserved populations, as provided in OAR 660-
11 012-0120.
- 12 (2) A city or county engaging in an equity analysis must:
- 13 (a) Engage with people in the community who are members of underserved populations as
14 provided in OAR 660-012-0120 to develop key community outcomes;
 - 15 (b) Assess, document, acknowledge, and address where past policies and effects of climate
16 change have harmed and are likely to perpetuate harm to underserved populations;
 - 17 (c) Assess, document, acknowledge and address where current and past racism has harmed
18 and continues to harm underserved populations;
 - 19 (d) Recognize where and how intersectional discrimination compounds disadvantages;
 - 20 (e) Gather lived experience, qualitative, and quantitative information from the community on
21 how the proposed change benefits or burdens underserved populations;
 - 22 (f) Analyze the proposed changes for impacts and alignment with desired key community
23 outcomes;
 - 24 (g) Develop strategies to create greater equity or minimize unintended consequences;
 - 25 (h) Develop and track key indicators over time and continue to communicate with and
26 involve the people in the community who are members of underserved populations; and
 - 27 (i) Report back and share the information learned from the analysis and unresolved issues
28 with people in the community who are members of underserved populations.

29 **0140: Transportation System Refinement Plans**

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

33 No substantive changes have been made to this rule since the October draft.

- 34 (1) A city or county may, when adopting a major update to the transportation system plan as
35 provided in OAR 660-012-0100, defer decisions regarding function, general location, and mode
36 of a refinement plan if findings are adopted that:
- 37 (a) Identify the transportation need for which decisions regarding function, general location, or
38 mode are being deferred;

- 1 (b) Demonstrate why information required to make final determinations regarding function,
2 general location, or mode cannot reasonably be made available within the time allowed for
3 preparation of the transportation system plan;
- 4 (c) Explain how deferral does not invalidate the assumptions upon which the transportation
5 system plan is based or preclude implementation of the remainder of the transportation
6 system plan;
- 7 (d) Describe the nature of the findings which will be needed to resolve issues deferred to a
8 refinement plan; and
- 9 (e) Set a deadline for adoption of a refinement plan no more than five years after the adoption of
10 the major update to the transportation system plan.
- 11 (2) A city or county may not defer decisions to a refinement plan for transportation facilities within a
12 climate friendly area.
- 13 (3) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements
14 of the National Environmental Policy Act of 1969, the development of the refinement plan shall
15 be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted
16 prior to the issuance of the Final EIS.

17 **0145: Temporary Projects**

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

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

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

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 October draft. The transportation system
7 planning work group will review this rule.

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

25 **0155: Transportation Modeling and Analysis**

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

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

- 29 (1) If a city or county is relying on transportation models or mathematical analysis of the
30 transportation system to make a land use decision, then the city or county shall do so consistent
31 with this rule.
- 32 (2) The model or analysis must account for changes in vehicle miles traveled that would result from
33 any transportation projects proposed as a part of the land use decision, including latent and
34 induced travel of additional roadway capacity.
- 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 will not affect vehicle miles traveled per capita or will decrease vehicle
38 miles traveled per capita.

1 **0160: Vehicle Miles Traveled Reduction Targets**

2 This rule requires cities and counties to use vehicle miles travelled as a proxy for greenhouse gas
3 pollution for cities and counties that do not yet have an approved regional scenario plan. The rule
4 applies when adopting a TSP and requires the city or county to adopt a TSP that is projected to reduce
5 vehicle miles travelled. Vehicle miles traveled per capita is defined as any light duty vehicle trip
6 originating from either a city or metropolitan region.

7 **Since the October draft, this rule has changed to be more specific about future vehicle miles per**
8 **capita, the include Metro where applicable, and to be clear that a plan must include a project list that**
9 **meets the applicable vehicle miles per capita target.** The transportation system planning work group
10 will review this rule.

- 11 (1) When a city, county, or Metro is making a major update to a transportation system plan as
12 provided in OAR 660-012-0105, they shall project vehicle miles traveled per capita at the horizon
13 year.
- 14 (2) The city, county, or Metro must prepare separate projection using two different lists of future
15 projects:
- 16 (a) A projection that estimates changes in future vehicle miles traveled per capita from the
17 base year that would result from projects on the financially-constrained project list as
18 provided in OAR 660-012-0210, including latent and induced travel of additional
19 roadway capacity; and
- 20 (b) A projection that estimates changes in future vehicle miles traveled per capita from the
21 base year that would result from projects on the illustrative project list as provided in
22 OAR 660-012-0200, including latent and induced travel of additional roadway capacity.
- 23 (3) The projections must be based on:
- 24 (a) land use and transportation policies in an acknowledged comprehensive plan and in the
25 proposed transportation system plan;
- 26 (b) local actions consistent with the adopted performance targets as provided under OAR
27 660-12-0915, and regional outcomes under OAR 660-044-0120;
- 28 (c) forecast land use patterns that meet OAR 660-012-0340; and
- 29 (d) state and federal actions included in a land use and transportation scenario plan approved
30 as provided in OAR 660-044-0120, or included in the Statewide Transportation Strategy
31 as adopted by the Oregon Transportation Commission, including the following state-led
32 actions that affect auto operating costs:
- 33 (A) state-led pricing policies, and energy prices; and
- 34 (B) vehicle and fuel technology, including vehicle mix, vehicle fuel efficiency, fuel
35 mix, and fuel carbon intensity.
- 36 (4) Cities, counties, and Metro may only adopt a transportation system plan if the projected vehicle
37 miles traveled per capita at the horizon year using the financially-constrained project list is lower
38 than estimated vehicle miles travelled per capita in the base year.
- 39 (5) If a city, county, or Metro has an adopted regional scenario plan approved under OAR 660-044-
40 0050 or OAR 660-044-120, then the transportation system plan must include projected vehicle
41 miles traveled per capita at the horizon year that is lower than the estimated vehicle miles traveled
42 per capita at the base year by an amount that is consistent with the regional scenario plan.

- 1 (6) If a city, county, or Metro does not have an adopted regional scenario plan approved under OAR
 2 660-044-0050 or OAR 660-044-0120, then the city or county may only adopt a transportation
 3 system plan that meets one of the following options:
- 4 (a) The transportation system plan includes a financially constrained or illustrative project
 5 list that would result in projected vehicle miles traveled per capita at the horizon year that
 6 is lower than the estimated vehicle miles traveled per capita in 2005 by the percentage
 7 that is the target for reducing greenhouse gas emissions provided in OAR 660-044-0020
 8 or 660-044-0025; or
- 9 (b) The transportation system plan is adopted as part of a regionally coordinated
 10 transportation planning process that includes:
- 11 (A) A regional transportation plan that includes a projection for regional vehicle
 12 miles traveled per capita at the horizon year that is lower than the estimated
 13 vehicle miles traveled per capita in 2005 by the percentage that is the target for
 14 reducing greenhouse gas emissions provided in OAR 660-044-0020 or 660-044-
 15 0025; and
- 16 (B) All the cities and counties in the metropolitan area are adopting local
 17 transportation system plans consistent with the regional transportation plan.

18 **0165: Evaluation and Selection of Transportation System Alternatives**

19 This rule provides criteria for cities and counties to use when evaluating and selecting between
 20 transportation system alternatives in a transportation system plan.

21 No substantive changes have been made to this rule since the October draft. The transportation system
 22 planning work group will review this rule.

- 23 (1) The transportation system plan shall be based upon evaluation of potential impacts of system
 24 alternatives that can reasonably be expected to meet the identified transportation needs in a safe
 25 manner and at a reasonable cost with available technology. The following shall be evaluated as
 26 components of system alternatives:
- 27 (a) Improvements to existing facilities or services;
- 28 (b) New facilities and services, including different modes or combinations of modes that
 29 could reasonably meet identified transportation needs;
- 30 (c) Transportation system management strategies;
- 31 (d) Demand management strategies; and
- 32 (e) A no-build system alternative required by the National Environmental Policy Act of 1969
 33 or other laws.
- 34 (2) The following standards shall be used to evaluate and select alternatives:
- 35 (a) The transportation system shall support development by providing types and levels of
 36 transportation facilities and services appropriate to serve the land uses identified in the
 37 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 avoid principal reliance on the
 10 automobile.
- 11 (3) Cities and counties must design transportation system plans to achieve transportation
 12 performance targets as provided in OAR 660-012-0915 for increasing transportation choices,
 13 avoid principal reliance on the automobile, and reducing transportation-related climate pollution.

14 **0170: Transportation Performance Standards**

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

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

22 No substantive changes have been made to this rule since the October draft. The performance
 23 standards work group will review this rule.

- 24 (1) This rule applies to performance standards that cities and counties use to review comprehensive
 25 plan and land use regulation amendments as provided in OAR 660-012-0060, and to review an
 26 application for development as provided in acknowledged local comprehensive plans and land
 27 use regulations. This rule applies to performance standards that Metro uses to review functional
 28 plan amendments as provided in OAR 660-012-0060.
- 29 (2) Cities and counties shall adopt performance standards as an element of a local transportation
 30 system plan. The performance standards must be consistent with the acknowledged local
 31 comprehensive plan. The performance standards must support meeting the targets for
 32 performance measures provided in OAR 660-012-0910. The transportation system plan must
 33 include the elements listed below.
- 34 (a) What characteristics of the transportation system will be measured, estimated or
 35 projected, and the methods to calculate performance.
- 36 (b) Thresholds to determine whether the measured, estimated, or projected performance
 37 meets the performance standard. Thresholds may vary by facility type, location, or other
 38 factors.
- 39 (c) Findings for how the performance standard supports meeting the targets for performance
 40 measures provided in OAR 660-012-0910.

- 1 (3) Cities, counties, Metro, and state agencies shall adopt two or more performance standards. At
2 least one of the performance standards must support increasing transportation choices and
3 avoiding principal reliance on the automobile. The transportation system plan must clearly state
4 how to apply the multiple performance standards to a proposal that meets some, but not all, of the
5 performance standards. The performance standards must evaluate at least two of the following
6 objectives for the transportation system, for any or all modes of transportation:
- 7 (a) Reducing climate pollution;
 - 8 (b) Equity;
 - 9 (c) Safety;
 - 10 (d) Network connectivity;
 - 11 (e) Accessibility;
 - 12 (f) Efficiency;
 - 13 (g) Reliability; and
 - 14 (h) Mobility.

15 **0180: Transportation Prioritization Framework**

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

20 **Since the October draft, this rule has been changed to clarify that reducing per capita vehicle miles**
21 **traveled means meeting greenhouse gas reduction targets.** The transportation system planning work
22 group will review this rule.

- 23 (1) Cities, counties, Metro, and state agencies shall use the framework in this rule to make decisions
24 about prioritization of transportation facilities and services when making decisions as provided in
25 this division. Cities, counties, Metro, and state agencies must consider the following:
- 26 (a) Prioritization factors as provided in section (2);
 - 27 (b) Classification of facilities or segments as provided in section (3);
 - 28 (c) The planned land use context as provided in section (4); and
 - 29 (d) Expected primary users as provided in section (5).
- 30 (2) Cities, counties, Metro, and state agencies shall use the following factors to prioritize
31 transportation facilities and services. Transportation facilities and services supporting each of
32 these factors must be prioritized.
- 33 (a) Meeting greenhouse gas reduction targets, including:
 - 34 (A) Reducing per-capita vehicle miles traveled to meet greenhouse gas reduction
35 targets as provided in OAR 660-044-0020 and 660-044-0025;
 - 36 (B) Supporting compact, pedestrian-friendly patterns of development in urban areas,
37 particularly in Climate-Friendly Areas;
 - 38 (C) Reducing single-occupant vehicle travel as a share of overall travel; and

- 1 (D) Meeting performance targets as provided in OAR 660-012-0910.
- 2 (b) Improving equitable outcomes for underserved populations as provided in OAR 660-012-
3 0120;
- 4 (c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;
- 5 (d) Improving access for people with disabilities;
- 6 (e) Improving access to destinations, particularly key destinations as provided in OAR 660-
7 012-0360;
- 8 (f) Completing the multimodal transportation network, including filling gaps and making
9 connections; and
- 10 (g) Supporting the economies of the community, region, and state.
- 11 (3) Cities, counties, Metro, and state agencies shall consider the functional classification of planned
12 or existing transportation facilities or segments when making decisions about appropriate
13 transportation facilities and services. Cities, counties, Metro, and state agencies may establish
14 different functional classifications for each mode on any facility or segment that they own and
15 operate.
- 16 (4) Cities, counties, Metro, and state agencies shall consider the planned land use context around an
17 existing or planned transportation facility or segment when making decisions about appropriate
18 transportation facilities and services. In particular:
- 19 (a) Within Climate-Friendly Areas, cities, counties, Metro, and state agencies shall prioritize
20 pedestrian, bicycle, and public transportation facilities and services. Cities, counties,
21 Metro, and state agencies must ensure facilities are planned for these modes to experience
22 reliable, low-stress travel within Climate-Friendly Areas with minimal interference from
23 motor vehicle traffic.
- 24 (b) In areas with concentrations of underserved populations, cities, counties, Metro, and state
25 agencies shall prioritize projects addressing historic and current marginalization.
26 Proposed projects in these areas must work to rectify previous harms inflicted and
27 prevent future harms from occurring. These areas may have been subject to harms from
28 disinvestment or malinvestment, including transportation system investments. Harms
29 include but are not limited to displacement and increased exposure to pollutants.
- 30 (5) Cities, counties, Metro, and state agencies shall consider the expected primary users of an
31 existing or planned transportation facility or segment when making decisions about appropriate
32 transportation facilities and services. In particular:
- 33 (a) In areas near schools or other locations with expected concentrations of children, or areas
34 with expected concentrations of elderly people or people with disabilities, cities, counties,
35 Metro, and state agencies must prioritize safe, protected, and continuous pedestrian and
36 bicycle networks connecting to key destinations, including transit stops.
- 37 (b) In industrial areas, and along routes accessing key freight terminals, cities, counties,
38 Metro, and state agencies must consider the needs of freight users. Pedestrian, bicycle,
39 and public transportation system connections must be provided in industrial areas at a
40 level that provides safe access for workers.

1 **0200: Combined and Illustrative Project Lists**

2 This rule describes how cities and counties take the combined list of projects developed in the modal
3 elements of the transportation system plan, develop multimodal projects, and produce a combined
4 project list. The rule requires cities and counties to use the combined project list to develop an
5 illustrative project list. The Illustrative project list must include a set of projects that would meet targets
6 for reductions in per capita vehicle miles traveled.

7 **Since the October draft, this rule has changed to clarify the process of creating a combined project list.**
8 The transportation system planning work group will review this rule.

- 9 (1) Cities and counties shall create a combined project list by combining:
- 10 (a) The pedestrian project list developed as provided in OAR 660-012-0520;
 - 11 (b) The bicycle project list developed as provided in OAR 660-012-0620;
 - 12 (c) The public transportation project list developed as provided in OAR 660-012-0720; and
 - 13 (d) The streets and highways project list developed as provided in OAR 660-012-0820.
- 14 (2) Cities and counties shall review the project lists to determine if there are opportunities to combine
15 proposed projects from multiple single-mode lists into a single multimodal project, and then add
16 that project to combined project list.
- 17 (3) Cities and counties shall review the combined project list and remove projects as necessary to
18 meet the requirements of this section to develop the illustrative project list.
- 19 (a) There is no limit to the number of projects which may be included on the illustrative
20 project list.
 - 21 (b) The city or county must ensure the illustrative project list meets the vehicle miles traveled
22 per capita targets as provided in OAR 660-012-0160.
- 23 (4) Cities and counties shall develop a method of prioritizing projects on the illustrative project list.
24 Each project on the illustrative project list must be individually ranked. Cities and counties must
25 meet the following requirements when developing a method of prioritizing projects on the
26 illustrative project list:
- 27 (a) The project will help reduce vehicle miles traveled;
 - 28 (b) The project burdens underserved populations less than and benefit as much as the city or
29 county population as a whole;
 - 30 (c) The project will help achieve the performance targets as provided in OAR 660-012-0910;
31 and
 - 32 (a) Cities and counties shall describe the method used to prioritize the illustrative project list
33 in the transportation system plan.
- 34 (5) Cities and counties shall develop planning-level cost estimates for the top ranked projects on the
35 prioritized illustrative project list as provided in section (4) of this rule. The city or county must
36 make estimates for as many projects as the city or county reasonably believes could be funded in
37 the planning period. The city or county need not make cost estimates for every project on the
38 illustrative project list.

1 **0205: Funding Projections**

2 This rule describes how cities develop finding 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 October draft, this rule has had a name change and some changes in terminology to be**
6 **consistent throughout.** The transportation system planning work group will review this rule.

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

1 **0210: 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 No substantive changes have been made to this rule since the October draft. The transportation system
12 planning work group will review this rule.

- 13 (1) Cities and counties shall include a financially-constrained project list in a transportation system
14 plan. Cities and counties shall use the prioritized illustrative project list developed as provided in
15 OAR 660-012-0200 and the amount of funding available developed as provided in OAR 660-
16 012-0205 to produce the financially-constrained project list.
- 17 (2) Cities and counties shall take the top available projects on the prioritized illustrative project list,
18 using the planning-level cost estimates developed as provided in OAR 660-012-0200, up to 125%
19 of the funding available. Using this list, cities and counties shall:
- 20 (a) Review the list of projects to determine if the city or county may reasonably demonstrate
21 that the list of projects would result in a reduction of per capita vehicle miles traveled, as
22 provided in OAR 660-012-0160;
- 23 (b) Review the list of projects to ensure that it would result in burdens on underserved
24 populations less than and benefit as much as the city or county population as a whole to
25 determine if the outcomes of the project list are equitable; and
- 26 (c) Review the list of projects against the targets set for each performance measure as
27 provided in OAR 660-012-0910 or OAR 660-044-0110 to determine if the list results in
28 progress toward meeting the targets.
- 29 (3) If the list of projects cannot meet each test in section (2), the city or county must remove one or
30 more projects from the list and add the next highest ranked project or projects from the prioritized
31 project list and review the updated list as provided in section (2). The city or county shall repeat
32 this process until a list is produced that meets each test. This shall be the financially-constrained
33 project list.
- 34 (4) Cities or counties making a major or minor amendment to the transportation system plan as
35 provided in OAR 660-012-0105 which includes an update to any project list, must update the
36 financially-constrained project list as provided in this rule.
- 37 (5) Cities and counties shall prioritize the implementation of projects from the financially-
38 constrained project list for their ability to reduce climate pollution and improve equitable
39 outcomes using the criteria provided in section (2) of this rule.

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

2 The Transportation Planning Rules are, at their heart, a guide for local governments to make
3 coordinated plans for both land use and their transportation system. This part of the Transportation
4 Planning Rules focus on land use requirements, including requirements for climate friendly areas.

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

6 **0300: Coordinated Land Use and Transportation System Planning**

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

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

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

20 **0310: Designation of Climate Friendly Areas**

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

24 No substantive changes have been made to this rule since the October draft. The climate friendly areas
25 and land use work group will review this rule.

- 26 (1) “Climate friendly area” is defined in OAR 660-012-0005(6). Cities and counties shall designate
27 climate friendly areas in places that contain, or are planned to contain, a mixture of allowed uses
28 as provided in OAR 660-012-0325. Climate friendly areas may be designated in centers,
29 including planned or existing downtowns, neighborhood centers, or other districts. Climate
30 friendly areas shall be designated in areas that are served, or planned for service, by high quality
31 pedestrian, bicycle, and transit services. Cities and counties may not designate climate friendly
32 areas where development is not allowed under authority of Statewide Planning Goal 7. Climate
33 friendly areas may be designated in areas subject to Statewide Planning Goal 7 if the local
34 government has adopted requirements for development that will mitigate potential hazards to life
35 and property.

- 1 (2) Cities and counties outside a metropolitan service district shall designate climate friendly areas as
2 provided in OAR 660-012-0012. Counties with planning jurisdiction in areas provided with urban
3 water, sanitary sewer, stormwater, and transportation services within an identified urban growth
4 boundary shall coordinate with the respective city or cities to address climate friendly area
5 requirements for those areas as provided in OAR 660-012-0012. County areas outside urban
6 growth boundaries or where planning jurisdiction has been granted to cities for areas within urban
7 growth boundaries are not subject to this rule.
- 8 (3) A metropolitan service district and cities and counties within the urban growth boundary of a
9 metropolitan service district shall address applicable requirements as provided in OAR 660-012-
10 0012.
- 11 (4) If a city, metropolitan service district, or county has not designated sufficient climate friendly
12 areas as provided in this rule, the commission may:
 - 13 (a) Initiate periodic review for the subject local government to address the requirement; or
 - 14 (b) Issue an enforcement order to the local government, consistent with ORS 197.646

15 **0315: Designation of Climate Friendly Areas**

16 This rule describes the process to be followed for cities and counties to designate climate friendly areas,
17 including consideration for, and mitigation of, potential inequitable impacts that might result from CFA
18 designation, such as the displacement of underserved populations.

19 No substantive changes have been made to this rule since the October draft. The climate friendly areas
20 and land use work group will review this rule.

- 21 (1) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of
22 10,000 or more shall designate climate friendly areas sufficient to accommodate at least thirty
23 percent of the total identified number of housing units necessary to meet all current and future
24 housing needs over the planning period by using the calculations in Section (2). A local
25 government may designate one or several climate friendly areas in order to accommodate at least
26 thirty percent of housing units. No portion of a climate friendly area required by this Section may
27 be narrower than 1,000 feet in width.
- 28 (2) Cities and counties subject to Section (1) shall calculate the housing that can be accommodated in
29 climate friendly areas by estimating the buildable square footage within climate friendly areas,
30 based on net zoned area, allowed building heights, setbacks, and any other relevant development
31 standards that would limit buildable square footage established within climate friendly areas.
32 Where the local government has not established a maximum building height, assumed building
33 height shall be 85 feet. Local governments may assume that residential dwellings will occupy
34 thirty percent of the full buildable square footage within climate friendly areas. Local
35 governments may assume an average dwelling unit size of nine hundred square feet in order to
36 convert the estimated residential building area into an estimate of the number of dwelling units
37 that may be accommodated in climate friendly areas. Local governments that include height
38 bonuses for affordable housing to serve households with an income of 60% or less of the area
39 median household income may include 25 percent of the additional building envelope allowance
40 in their calculations of buildable square footage.

- 1 (3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of more
2 than 5,000 but less than 10,000 shall designate at least twenty-five acres of land as climate
3 friendly area, as provided in Sections (4) and (5). No portion of a climate friendly area required
4 by this Section may be narrower than 500 feet in width.
- 5 (4) Designation of climate friendly areas - Cities and counties shall designate climate friendly areas
6 as provided in this rule and in OAR 660-012-0012(6). Designation shall include the following
7 actions:
- 8 (a) Cities and counties subject to Section (1) shall provide maps showing the preliminary
9 location of all climate friendly areas, including calculations to demonstrate that climate
10 friendly areas are sufficient to accommodate thirty percent of total housing units, based
11 on existing or anticipated land use requirements in these areas as applied to Section (2) of
12 this rule. Cities and counties subject to Section (3) shall provide maps showing the
13 preliminary location of the climate friendly area.
- 14 (b) A narrative summary of the public engagement process used to consider and designate
15 climate friendly areas, consistent with the requirements of OAR 660-012-0115 through
16 660-012-0130.
- 17 (c) Plans for achieving fair and equitable housing outcomes within Climate friendly areas, as
18 identified in OAR 660-008-0050(4)(a) - (f). Analysis of OAR 660-008-0050(4)(f) shall
19 include analysis of spatial and other data to determine if potential climate friendly areas
20 would be likely to displace residents who are members of state and federal protected
21 classes. The local government shall also identify actions that will be employed to mitigate
22 or avoid potential displacement.
- 23 (5) Land use requirements and comprehensive plan amendments for climate friendly areas – Cities
24 and counties shall adopt land use requirements as provided in OAR 660-012-0320, and climate
25 friendly elements to their comprehensive plans as provided in OAR 660-012-0012(6). Adoption
26 of land use requirements and the climate friendly element of the comprehensive plan shall include
27 the following:
- 28 (a) Cities and counties subject to Section (1) shall provide maps showing the location of all
29 climate friendly areas, including calculations to demonstrate that climate friendly areas
30 are sufficient to accommodate thirty percent of total housing units, as provided in Section
31 (2) of this rule, and based on adopted land use requirements in these areas as provided in
32 OAR 660-012-0320. Cities and counties subject to Section (3) shall provide maps
33 showing the location of the climate friendly area. Any adjustments made between the
34 preliminary and final designated climate friendly areas shall include findings
35 demonstrating compliance with the provisions of Section (4).
- 36 (b) Documentation of the number of existing dwelling units and income-restricted dwelling
37 units within all climate friendly areas.
- 38 (c) Documentation that all adopted and applicable land use requirements for climate friendly
39 areas are consistent with the provisions of OAR 660-012-0320.
- 40 (d) Adoption of a climate friendly element into the comprehensive plan containing findings
41 and analysis summarizing the local government decision process and demonstration of
42 compliance with the provisions of OAR 660-012-0310 through -0325.
- 43 (6) For cities and counties identified in Section (1), the information provided in compliance with
44 OAR 660-012-0315(5)(b) shall provide a basis for subsequent Housing Production Strategy
45 Reports to assess progress towards fair and equitable housing production goals in climate friendly
46 areas, per 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.

4 No substantive changes have been made to this rule since the October draft. The climate friendly areas
5 and land use work group will review this rule.

6 Cities and counties shall incorporate the requirements in Sections (1), (2), (3), and (4) of this rule into
7 development regulations that apply in all climate friendly areas. Cities and counties shall either
8 incorporate the provisions in Section (5) into development regulations for climate friendly areas, or shall
9 demonstrate with adopted findings and analysis that alternative development regulations for climate
10 friendly areas will result in equal or higher levels of development in climate friendly areas, per target
11 residential and employment levels provided in Section (6).

12 (1) Except as noted in Section (2), development regulations for a climate friendly area shall allow
13 mixed-use development within individual buildings or on development sites, including the
14 following outright permitted uses:

- 15 (a) Multifamily residential;
- 16 (b) Office;
- 17 (c) Non-auto dependent retail, services, and other commercial uses;
- 18 (d) Child care, schools, and public uses, including government services.

19 (2) Residential or employment-oriented zoned areas within ½ mile of a mixed use area zoned as
20 provided in Section (1) may be included within a climate friendly area, if in compliance with (a)
21 or (b).

- 22 (a) Residential areas with minimum residential densities or existing residential development
23 equal to or greater than the densities provided in Section (6); or
- 24 (b) Existing employment uses equal to or greater than the number of jobs per acre provided
25 in Section (6).

26 (3) Local governments shall prioritize locating government facilities that serve the public within
27 climate friendly areas and shall prioritize locating parks, open space, plazas, and similar public
28 amenities in or near climate friendly areas that do not contain sufficient parks, open space, plazas,
29 or similar public amenities.

30 (4) Local governments shall address the following requirements in climate friendly areas:

- 31 (a) The land use requirements as provided in OAR 660-012-0330;
- 32 (b) The applicable parking requirements as provided in OAR 660-012-0410;
- 33 (c) The applicable pedestrian system planning requirements as provided in OAR 660-012-
34 0510;
- 35 (d) The applicable bicycle system planning requirements as provided in OAR 660-012-0610;
- 36 (e) The applicable bicycle parking requirements as provided in OAR 660-012-0630;
- 37 (f) The applicable public transportation system planning requirements as in OAR 660-012-
38 0710; and
- 39 (g) The applicable street and highway system planning requirements in OAR 660-012-0810.

- 1 (5) Local governments may adopt the following provisions into development regulations for climate
 2 friendly areas, or may follow the requirements in Section (6).
- 3 (a) Local governments with a population of 5,000 to 24,999 shall adopt the following
 4 development regulations for climate-friendly areas:
- 5 (A) A minimum residential density requirement of 15 dwelling units per net acre;
 6 (B) Maximum building height no less than 50 feet.
- 7 (b) Local governments with a population of 25,000 to 49,999 shall adopt the following
 8 development regulations for climate-friendly areas:
- 9 (A) A minimum residential density requirement of 20 dwelling units per net acre;
 10 (B) Maximum building height no less than 60 feet.
- 11 (c) Local governments with a population of 50,000 to 99,999 shall adopt the following
 12 development regulations for climate-friendly areas:
- 13 (A) A minimum residential density requirement of 25 dwelling units per net acre;
 14 (B) Maximum building height no less than 85 feet in at least one climate friendly
 15 area. Maximum building height no less than 60 feet in all other climate friendly
 16 areas.
- 17 (d) Local governments with a population of 100,000 or more shall adopt the following
 18 development regulations for climate-friendly areas:
- 19 (A) A minimum residential density requirement of 30 dwelling units per net acre;
 20 (B) Maximum building height no less than 85 feet in at least one climate friendly
 21 area. Maximum building height no less than 60 feet in all other climate friendly
 22 areas.
- 23 (6) As an alternative to adopting the development regulations in Section (5), local governments may
 24 demonstrate with adopted findings and analysis that their adopted development regulations for
 25 climate friendly areas will result in equal or higher levels of development in climate friendly
 26 areas, per the following target residential and employment levels:
- 27 (a) Local governments with a population of 5,000 to 24,999 shall adopt development
 28 regulations in climate friendly areas to facilitate at least 20 homes and jobs per net acre.
- 29 (b) Local governments with a population of 25,000 to 49,999 shall adopt development
 30 regulations in climate friendly areas to facilitate at least 30 homes and jobs per net acre.
- 31 (c) Local governments with a population of 50,000 to 99,999 shall adopt development
 32 regulations in climate friendly areas to facilitate at least 40 homes and jobs per net acre.
- 33 (d) Local governments with a population of 100,000 or more shall adopt development
 34 regulations in climate friendly areas to facilitate at least 50 homes and jobs per net acre.

1 **0325: Transportation Review in Climate Friendly Areas**

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

5 **Since the October draft, this rule has changed slightly to clarify that it applies to land use changes**
6 **including those made to designate and implement climate friendly areas.** The climate friendly areas
7 and land use work group and transportation performance standards work group will review this rule.

- 8 (1) Cities or counties must use this rule to review amendments to comprehensive plans or land use
9 regulations within a climate friendly area designated as provided in OAR 660-012-0315, and land
10 use decisions made as provided in OAR 660-012-0310 through OAR 660-012-0320. Cities and
11 counties are exempt from requirements as provided in OAR 660-012-0060 when reviewing
12 amendments to comprehensive plans or land use regulations within a designated climate friendly
13 area.
- 14 (2) Cities and counties making amendments to comprehensive plans or land use regulations to meet
15 requirements as provided in OAR 660-012-0320 must either:
- 16 (a) Amend the transportation system plan as provided in 660-012-0100 and include a
17 multimodal transportation gap summary as provided in section (3) of this rule,
18 considering the proposed land uses in the climate friendly area; or
- 19 (b) Develop and adopt a multimodal transportation gap summary in coordination with
20 impacted transportation facility providers and transportation service providers as
21 provided in section (3) to meet requirements in OAR 660-012-0320.
- 22 (3) A multimodal transportation gap summary must be coordinated between the local jurisdiction,
23 transportation facility providers, and transportation services providers to consider multimodal
24 transportation needs in each climate friendly area as provided in OAR 660-012-0320. The
25 multimodal transportation gap summary must include:
- 26 (a) A summary of the existing multimodal transportation network within the climate friendly
27 area;
- 28 (b) A summary of the gaps in the pedestrian and bicycle networks in the climate friendly area
29 based on the summary of the existing multimodal transportation network;
- 30 (c) If applicable as provided in section (4), a highway impacts summary as provided in
31 section (5); and
- 32 (d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).
- 33 (4) A city or county shall include a highway impacts summary in the multimodal transportation gap
34 summary if the designated climate friendly area as provided in OAR 660-012-0315 contains a
35 ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.
- 36 (5) A highway impacts summary must identify how the transportation system may be affected by
37 implementation of the climate friendly area. The highway impacts summary must include:
- 38 (a) A summary of the existing and proposed development capacity of the climate friendly
39 area based on the proposed changes to the comprehensive plan and land use regulations;

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

19 **0330: Land Use Requirements**

20 These land use requirements apply to cities and counties within metropolitan areas and have to do with
 21 how land use interacts with the transportation system. Many of these requirements are in the existing
 22 rules, particularly OAR 660-012-0045. However, this rule extends and adds to the existing requirements.
 23 These requirements apply across the urban area and are in addition to the climate friendly area specific
 24 requirements in those areas.

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

29 No substantive changes have been made to this rule since the October draft. The climate friendly areas
 30 and land use work group will review this rule.

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

- 1 (2) Cities and counties must have land use regulations that provide for pedestrian-friendly and
2 connected neighborhoods. Land use regulations must meet the following requirements for
3 neighborhood design and access:
- 4 (a) Neighborhoods must be designed with connected networks of streets, paths, accessways,
5 and other facilities to provide circulation within the neighborhood and pedestrian and
6 bicycle system connectivity to adjacent districts. A connected street network is desirable
7 for motor vehicle traffic but may be discontinuous where necessary to limit excessive
8 through travel, or to protect a safe environment for walking, using mobility devices, and
9 bicycling in the neighborhood.
 - 10 (b) Neighborhoods must be designed with direct pedestrian access to key destinations as
11 provided in OAR 660-012-0360 via sidewalks, pedestrian crossings, pedestrian
12 accessways, or paths.
 - 13 (c) Cities and counties must set block length and block perimeter standards at distances that
14 will provide for pedestrian network connectivity. Pedestrian accessways or pedestrian-
15 oriented public alleys through a block may be used to meet a block length or perimeter
16 standard. Cities and counties may choose to provide for exemptions in cases where
17 topography, natural features, railroads, or expressways would make these provisions
18 prohibitive. In these cases, the city or county must ensure that the block length and
19 perimeter are as short as possible.
 - 20 (d) Cities and counties shall set standards to reduce out-of-direction travel for people using
21 the pedestrian or bicycle networks.
- 22 (3) Cities and counties must have land use regulations in commercial and mixed-use districts that
23 provide for a compact character and easy ability to walk or use mobility devices, and allow direct
24 access on the pedestrian, bicycle, and public transportation networks. Land use regulations must
25 meet the following requirements for commercial or mixed-use site design:
- 26 (a) Primary pedestrian entrances to buildings shall be oriented to a public street. An
27 uninterrupted accessway, courtyard, plaza, or other pedestrian-oriented space must be
28 provided between primary pedestrian entrances and the public sidewalk, except where the
29 entrance opens directly to the sidewalk. All pedestrian entrances shall be designed to be
30 barrier-free. Where a building has more than one ground-floor business, each business
31 shall have at least one pedestrian entrance that meets the requirements of this subsection.
 - 32 (b) No vehicular parking, circulation, access, or loading shall be permitted on-site between
33 buildings and public streets. Bicycle parking may be permitted.
 - 34 (c) On-site accessways shall be provided to directly connect key pedestrian entrances to
35 public sidewalks, to any on-site parking, and to adjacent properties, as applicable.
 - 36 (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary
37 pedestrian entrances as required in this section. Primary pedestrian entrances must be
38 open during business hours.
 - 39 (e) Large sites must be designed with a connected network of public streets to meet the
40 requirements of this section.
 - 41 (f) Sites adjacent to a transit stop or station on a priority transit corridor must be oriented to
42 the transit stop or station. The site design must provide a high level of pedestrian
43 connectivity and amenities adjacent to the stop or station. Cities and counties must
44 require an easement or dedication for a transit shelter if there is inadequate space in the
45 existing right of way.

- 1 (4) Cities and counties must have land use regulations in residential neighborhoods that provide for
2 slow neighborhood streets comfortable for families, efficient and sociable development patterns,
3 and provide for connectivity within the neighborhood and to adjacent districts. Land use
4 regulations in residential neighborhoods must include:
- 5 (a) Front yard and street side yard setbacks must be limited or zero. Where a setback more
6 than zero is required, the city or county must set a standard that aims to minimize the
7 total width of the existing or planned street right of way and required setback on each
8 side of the street. Cities or counties may consider a standard related to the required
9 building height.
- 10 (b) Buildings must be designed to face the street, with direct pedestrian access from building
11 entrances to the sidewalk. Driveways and garages must be limited in width and must be
12 off alleys where possible.
- 13 (5) Cities and counties must have land use regulations that ensure auto-oriented land uses are
14 compatible with a community where it is easy to walk or use a mobility device. Land use
15 regulations must include:
- 16 (a) Auto-oriented land uses must meet the site design requirements in this rule.
- 17 (b) Auto-oriented land uses that provide goods or services not directly related to the
18 operation of an automobile must provide safe and convenient access opportunities for
19 people walking, using a mobility device, or riding a bicycle. Access to goods and services
20 must be equivalent to people driving a motor vehicle.
- 21 (c) Outside of climate friendly areas, where a permitted auto-oriented land use may not
22 reasonably meet a site design standard prescribed in this rule due to the nature of the use,
23 the city or county may prescribe an alternate standard. Alternate standards must protect
24 pedestrian facilities.
- 25 (6) Cities and counties with an urban area over 100,000 in population must have reasonable land use
26 regulations that allow for development of low-car districts. These districts must be developed
27 with no-car or low-car streets, where walking or using mobility devices are the primary methods
28 of travel within the district. Cities and counties must make provisions for emergency vehicle
29 access and local freight delivery. Low-car districts must be permitted in locations where
30 residential or mixed-use development is permitted.
- 31 (7) Cities and counties must implement land use regulations to protect transportation facilities,
32 corridors, and sites for their identified functions. These regulations must include, but are not
33 limited to:
- 34 (a) Access control actions consistent with the function of the transportation facility,
35 including but not limited to driveway spacing, median control, and signal spacing;
- 36 (b) Standards to protect future construction and operation of streets, transitways, paths, and
37 other transportation facilities;
- 38 (c) Standards to protect public use airports as provided in OAR 660-013-0080;
- 39 (d) Processes to make a coordinated review of future land use decisions affecting
40 transportation facilities, corridors, or sites;
- 41 (e) Processes to apply conditions to development proposals in order to minimize impacts and
42 protect transportation facilities, corridors or sites;

- 1 (f) Regulations to provide notice to public agencies providing transportation facilities and
- 2 services, Metropolitan Planning Organizations, the Oregon Department of
- 3 Transportation, and the Oregon Department of Aviation of:
- 4 (A) Land use applications that require public hearings;
- 5 (B) Subdivision and partition applications;
- 6 (C) Other applications which affect private access to roads; and
- 7 (D) Other applications within airport noise corridors and imaginary surfaces which
- 8 affect airport operations.
- 9 (g) Regulations assuring that amendments to land use designations, densities, and design
- 10 standards are consistent with the functions, capacities and performance standards of
- 11 facilities identified in the TSP.

12 **0340: Land Use Assumptions**

13 This rule describes how cities and counties make assumptions about the future development of the

14 urban area, for purposes of transportation planning. These assumptions are based on the required

15 population forecasts, existing comprehensive plans and land use regulations, and other provisions in the

16 Transportation Planning Rules. These assumptions are used to help make coordinated land use and

17 transportation plans.

18 No substantive changes have been made to this rule since the October draft.

- 19 (1) When a city or county is preparing a transportation system plan, the city or county shall develop
- 20 and adopt future land use assumptions consistent with this rule. Future land use assumptions must
- 21 include the planning horizon year of the transportation system plan and a common horizon year
- 22 for all jurisdictions within the metropolitan area.
- 23 (2) Future land use assumptions must be consistent with the most recent final population forecast as
- 24 provided in OAR 660-032-0020.
- 25 (3) Future land use assumptions must assume existing acknowledged comprehensive plan
- 26 designations and policies, and existing land use regulations remaining in force throughout the
- 27 planning period; except where these designations, policies, or regulations are superseded by
- 28 statute or rule. Future land use assumptions must assume existing acknowledged urban growth
- 29 boundaries throughout the planning period.
- 30 (4) Where applicable, future land use assumptions must allocate growth assumptions within the
- 31 capacity of jobs and housing within climate friendly areas designated as provided in OAR 660-
- 32 012-0310 before allocating growth to other parts of the city or county. Notwithstanding section
- 33 (3), future land use assumptions may assume reasonable levels of development as provided in
- 34 OAR 660-012-0325 within climate friendly areas.
- 35 (5) Future land use assumptions must be developed at approximately a block-level of detail to
- 36 understand where future development is expected. Future land use assumptions are used for
- 37 transportation system development and analysis.

1 **0350: Urban Growth Boundary Expansions**

2 This rule includes requirements for local jurisdictions to ensure they are being consistent with
3 coordinated transportation planning requirements when proposing to expand an urban growth
4 boundary. The rules provide for requirements prior to undertaking an urban growth boundary
5 expansion, and requirements as part of the process of expanding the urban growth boundary.

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

- 7 (1) A city and county must meet the following requirements prior to undertaking an urban growth
8 boundary expansion as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 9 (a) The city must have an acknowledged transportation system plan as provided in OAR
10 660-012-0100. If the county has responsibility for planning in urban unincorporated areas
11 as provided in OAR 660-012-0110, the county must also have an acknowledged
12 transportation system plan for the urban area as provided in OAR 660-012-0100.
- 13 (b) The city and county must have submitted all regular reports as provided in OAR 660-
14 012-0900 and have had each report approved by order as provided in OAR 660-012-
15 0905.
- 16 (c) The city and county must have designated climate friendly areas as provided in OAR
17 660-012-0310 and must demonstrate compliance with OAR 660-008-0010(2).
- 18 (d) The city and county must have adopted land use regulations as provided in OAR 660-
19 012-0330.
- 20 (2) A city and county must meet the following requirements as part of the urban growth boundary
21 expansion process as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 22 (a) The city and county must assess the ability of lands within the existing urban growth
23 boundary to accommodate the additional levels of growth expected. Cities and counties
24 must assume that the future development of climate friendly areas and more land-
25 efficient and transportation-efficient patterns of development across the urban area will
26 be different and more intensive than existing patterns of development.
- 27 (b) Lands otherwise of the same level of priority category for an urban growth boundary
28 expansion as provided in OAR 660-024-0067 or OAR 660-038-0170 may be prioritized
29 by determining the potential level of access to existing urban pedestrian, bicycle, and
30 transit networks, and the ability of those networks to be extended to the candidate areas
31 for expansion.
- 32 (c) Transportation system planning assumptions developed to make decisions about an urban
33 growth boundary expansion must be consistent with targets set under measures as
34 provided in OAR 660-012-0910 and must result in a reduction in Vehicle Miles Traveled
35 per capita.
- 36 (d) Transportation system planning assumptions developed to make decisions about an urban
37 growth boundary expansion may not assume the construction of any facility required to
38 be authorized as provided in OAR 660-012-0830.
- 39 (e) The city and county must determine if the designation of additional lands as part of
40 climate friendly areas will be required to meet the targets for households within these
41 areas, as provided in OAR 660-012-0310.

- 1 (3) Where an urban growth boundary is intended to follow an existing or planned street, road, or
2 highway right-of-way, the boundary shall be placed on the rural side of the right-of-way or
3 planned right-of-way, so that the right-of-way is inside the urban growth boundary.
- 4 (4) Cities and counties with areas added to an urban growth boundary where the requirements of
5 OAR 660-012-0060 are not applied at the time of urban growth boundary amendment as provided
6 in OAR 660-024-0020 or OAR 660-038-0020 must update the land use assumptions as provided
7 in OAR 660-012-0340 prior to an update of the transportation system plan as provided in OAR
8 660-012-0105.

9 **0360: Key Destinations**

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

12 No substantive changes have been made to this rule since the October draft.

- 13 (1) Cities and counties shall use the key destinations described in this rule, as well as other
14 destinations determined locally, for purposes of coordinated land use and transportation planning.
- 15 (2) Key destinations include, but are not limited to:
- 16 (a) climate friendly areas;
 - 17 (b) Pedestrian-oriented commercial areas outside of climate friendly areas;
 - 18 (c) Transit stations, stops, and terminals;
 - 19 (d) Retail and service establishments, including grocery stores;
 - 20 (e) Child care facilities, schools, and colleges;
 - 21 (f) Parks, recreation centers, paths, trails, and open spaces;
 - 22 (g) Farmers markets;
 - 23 (h) Libraries, government offices, community centers, arts facilities, post offices, social
24 service centers, and other civic destinations;
 - 25 (i) Medical or dental clinics and hospitals;
 - 26 (j) Major employers;
 - 27 (k) Gyms and health clubs;
 - 28 (l) Major sports or performance venues; and
 - 29 (m) Other key destinations determined locally.

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

2 This part of the Transportation Planning Rules relates to how cities and counties address and manage
3 parking. The rules follow current best practice and move cities and counties away from one-size-fits-all
4 mandates for developers to build a large amount of costly and land-intensive off-street parking, towards
5 more targeted management strategy. This approach provides more deference to builders and property
6 owners to provide parking for the diversity of development types as the market dictates.

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

8 **0400: Parking Management**

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

12 **Since the October draft, this rule states all metropolitan area jurisdictions, including those in Metro,**
13 **must adopt the electric vehicle charging rules. The draft rule retains has a placeholder for application**
14 **of other provisions in the Metro area.**

15 **The draft rule now also has an allowance for communities to ask for an exemption for areas with**
16 **narrow streets that may have more constrained on-street parking.**

17 The parking reform work group will review this rule.

- 18 (1) Cities and counties shall adopt comprehensive plans and land use regulations that implement
19 provisions of OAR 660-012-0410.
- 20 (2) Cities and counties not in the metropolitan service district shall adopt comprehensive plans and
21 land use regulations that implement the provisions of OAR 660-012-0405 and OAR 660-012-
22 0415.
- 23 (3) Cities and counties not in the metropolitan service district shall remove parking mandates under
24 OAR 660-012-0420. In lieu of removing parking mandates, cities and counties may amend their
25 comprehensive plans and land use regulations to implement provisions of OAR 660-012-0425,
26 OAR 660-012-0430, OAR 660-012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR
27 660-012-0450.
- 28 (4) [Placeholder for how the rules apply in the Portland Metro region]
- 29 (5) Cities and counties with streets under 22 feet width on the effective date of this rule may apply to
30 the Department for exemptions for new development that solely fronts those existing streets from
31 provisions in OAR 660-012-0430(1), OAR 660-012-0435, OAR 660-012-0440, and OAR 660-
32 012-0445. The director shall decide whether to grant the exemption.

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

8 **Since the October draft, staff have added some tree canopy requirements for parking lots of a**
9 **quarter-acre and larger and clarified the street trees do not need to be next to each drive aisle.**

10 The parking reform work group will review this rule.

- 11 (1) Cities and counties shall adopt and enforce land use regulations as provided in this section:
- 12 (a) Designated employee parking areas in new developments shall provide preferential
13 parking for carpools and vanpools; and
- 14 (b) Property owners shall be allowed to redevelop any portion of existing off-street parking
15 areas for bicycle-oriented and transit-oriented facilities and developments, including
16 bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, transit-
17 oriented developments, and similar facilities. In such circumstances, codes must allow
18 property owners to go below existing mandated minimum parking supply, and access for
19 emergency vehicles must be retained.
- 20 (2) Cities and counties shall adopt policies and land use regulations that allow and encourage the
21 conversion of existing underused parking areas to other uses.
- 22 (3) Cities and counties shall adopt policies and land use regulations that allow and encourage shared
23 parking.
- 24 (4) Cities and counties shall adopt land use regulations for new developments that include more than
25 one acre of surface parking as provided below:
- 26 (a) Developments must provide one of the following:
- 27 (A) Installation of solar panels with a generation capacity of at least 0.5 kW per
28 parking space on the property. In lieu of developing solar on site, cities may
29 allow developers to pay \$1,500 per parking space in the development into a city
30 fund dedicated to equitable solar or wind energy development or a fund at the
31 Oregon Department of Energy designated for such purpose. Developments
32 subject to OAR 330-135-0010 shall be exempt; or
- 33 (B) Creation of tree canopy covering at least 50% of the parking lot at maturity but
34 no more than 15 years after planting. Trees planted under this requirement must
35 meet the standards in subsection (4)(b).
- 36 (b) Developments must provide street trees along driveways but not drive aisles. The tree
37 species planted must be the largest appropriate for the site. Trees must be planted and
38 maintained to maximize their root health and chances for survival, including having
39 ample high-quality soil, space for root growth, and reliable irrigation. Trees should be
40 planted in continuous trenches where possible. The city or county shall have minimum
41 standards for planting and tree care no lower than 2021 American National Standards

- 1 Institute A300 standards, and a process to ensure ongoing compliance with tree planting
2 and maintenance provisions; and
- 3 (c) Developments must provide street-like design and features along driveways including
4 curbs, sidewalks, and buildings built to the sidewalk.
- 5 (5) Cities and counties shall adopt land use regulations for new developments that include more than
6 one-quarter acre of surface parking to require creation of tree canopy covering at least 20% of the
7 parking lot at maturity by no more than 15 years after planting. Trees planted under this
8 requirement must meet the standards in subsection (4)(b).

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 October draft, the rule language clarifies we are talking about service capacity, and changes
17 the provision about sufficient capacity from transformers to substations. The rule splits out
18 percentages for both conduit and service capacity, and further differentiates between
19 residential/mixed-use and commercial development. Conduit is the most expensive thing to retrofit,
20 and load management is only possible with at least Level 2 technology. Hence, installing sufficient
21 Level 2 conduit capacity at residences is emphasized. The rule also now allows those developments
22 installing direct current fast chargers to install less conduit. The retrofit requirements for Metro-area
23 cities between 25,000 and 50,000 population has been removed.**

24 The parking reform work group will review this rule as time allows.

- 25 (1) Cities and counties shall adopt regulations requiring new development to support electric vehicle
26 charging.
- 27 (a) For new construction with five or more parking spaces in a parking lot or parking garage
28 on a lot or parcel, cities and counties shall require the installation of:
- 29 (A) Sufficient dedicated electrical service capacity to accommodate Level 2 or above
30 electric vehicle charging stations serving 20% of all parking spaces for
31 residential buildings, mixed-use buildings consisting of commercial space and
32 residential units, and commercial buildings;
- 33 (B) Sufficient dedicated conduit to accommodate Level 2 or above electric vehicle
34 charging stations serving 50% of all parking spaces for residential buildings and
35 mixed-use buildings consisting of commercial space and residential units; and
- 36 (C) Sufficient dedicated conduit to accommodate Level 2 or above electric vehicle
37 charging stations serving 20% of all parking spaces for commercial buildings.
- 38 (b) Cities and counties may allow developers of commercial buildings who provide direct
39 current fast charger or above charging stations to provide conduit for only 10% of spaces
40 if developers install the chargers for those spaces.

- 1 (c) In areas with insufficient substation capacity, where meeting the requirements of this
 2 ordinance would require significant utility upgrades, cities and counties may allow
 3 construction to provide electrical service capacity at Level 1 charging levels.
- 4 (2) Cities with populations over 50,000, and counties with populations over 50,000 in the urban area
 5 but outside of incorporated cities, shall require sufficient dedicated electrical service capacity and
 6 conduit to accommodate electric vehicle charging upon major remodel or renovation of certain
 7 buildings or parking lots.
- 8 (a) For the purposes of this section, major remodel or renovation means the value of the
 9 proposed alterations on the site is 20% or more of existing building valuation, or more
 10 than \$200,000. If there is no building on the lot or parcel, major remodel or renovation
 11 means the value of the proposed alterations on the site is 20% or more of the property
 12 value.
- 13 (b) Requirements shall apply to existing parking garages or commercial buildings with more
 14 than 40 parking spots, residential developments with five or more parking spaces on a lot
 15 or parcel, and mixed-use buildings with five or more parking spaces on a lot or parcel.
- 16 (c) In non-residential parking garages and commercial buildings, dedicated electrical service
 17 capacity and conduit must be sufficient to accommodate Level 2 or above electric vehicle
 18 charging stations.
- 19 (d) In residential and mixed-use buildings, dedicated electrical service capacity and conduit
 20 must be sufficient to accommodate Level 1 or above electric vehicle charging stations.
- 21 (e) At least 20% of parking spots must have dedicated electrical service capacity and
 22 conduit.
- 23 (f) Local governments may grant an exemption if the cost of the installation of electrical
 24 service capacity and conduit exceeds 20% of the cost of the proposed alterations.

25 **0415: Parking Maximums and Evaluation in More Populous Communities**

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

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

31 **Since the October draft, this rule has been clarified to note the availability of parking should be within**
 32 **two blocks of each lot or parcel, instead of “location”, and the “public” parking garage provision has**
 33 **shifted to a definition based on it being city-owned land.**

34 The parking reform work group will review this rule.

- 35 (1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits
 36 but within the urban growth boundary [under discussion: and cities with populations over 25,000
 37 within a metropolitan service district], shall study local conditions and set appropriate parking
 38 maximums to encourage development in climate-friendly areas, [under discussion: how this
 39 applies in Metro], and along priority transit corridors. Parking maximums shall include visitor
 40 parking and be no higher than 1.2 off-street parking spaces per studio unit and 2 off-street parking
 41 spaces per non-studio residential unit in a multi-unit development in such areas.

- 1 (2) Cities with populations over 150,000 shall, in addition to requirements in section (1) of this rule:
- 2 (a) Study use of priced on-street timed parking spaces at least every three years and adjust
- 3 prices to ensure availability of on-street parking spaces within two blocks of each lot or
- 4 parcel at all hours. This shall include metered spaces but need not include spaces where a
- 5 paid residential permit is required;
- 6 (b) Using permits, meters, or another method, price on-street parking spots in an area at least
- 7 one year before authorizing any new structured parking on city-owned land including
- 8 more than 100 spaces in that area after March 31, 2023;
- 9 (c) Adopt procedures ensuring prior to approval of construction of additional structured
- 10 parking projects of more than 300 parking spots designed to serve existing uses,
- 11 developer of that parking structure must implement transportation demand management
- 12 strategies for a period of at least six months designed to shift at least 10% of existing
- 13 vehicle trips ending within one-quarter mile of the proposed parking structure to other
- 14 modes; and
- 15 (d) Adopt design requirements requiring applicants to demonstrate the ground floor of new
- 16 private and public structured parking that fronts a public street and includes more than
- 17 100 parking spaces would be convertible to other uses in the future.

18 **0420: Exemption for Communities without Parking Mandates**

19 This clarifies the remainder of the 0400 parking series of rules apply only to those communities choosing

20 to continue to mandate parking.

21 No substantive changes have been made to this rule since the October draft. The parking reform work

22 group will review this rule.

- 23 (1) Cities and counties that adopt land use regulations that do not include parking mandates are
- 24 exempt from OAR 660-012-0425 through OAR 660-012-0450.

25 **0425: Reducing the Burden of Parking Mandates**

26 This rule allows builders to meet parking mandates by a variety of approaches, including taking action to

27 reduce climate pollution.

28 **Since the October draft, the provision in (1)(e) has been clarified to make sure parking for people with**

29 **disabilities is near entrances.**

30 The parking reform work group will review this rule.

- 31 (1) Cities and counties shall adopt and enforce land use regulations as provided in this section. Cities
- 32 and counties shall not enforce regulations contrary to this section:
- 33 (a) Garages and carports shall not be required for residential developments;
- 34 (b) Garage parking spaces shall count towards off-street parking mandates;
- 35 (c) Provision of on-street parking shall be allowed to meet parking mandates where there are
- 36 no adopted plans to remove the on-street parking. Cities and counties may limit this to the
- 37 on-street parking adjacent to the property frontage;
- 38 (d) Provision of shared parking shall be allowed to meet parking mandates;

- 1 (e) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a
 2 site. If any parking is provided on site, required parking for parking for people with
 3 disabilities shall be on site. If all parking is off-site, parking for people with disabilities
 4 must be located within the shortest possible distance of an accessible entrance via an
 5 accessible path and no greater than 200 feet from that entrance;
- 6 (f) Parking mandates shall be reduced by one off-street parking space for each 3 kilowatts of
 7 capacity in solar panels or wind power that will be provided in a development;
- 8 (g) Parking mandates shall be reduced by one off-street parking space for each dedicated car-
 9 sharing parking space in a development. Dedicated car-sharing parking spaces shall count
 10 toward as spaces for parking mandates; and
- 11 (h) Parking mandates shall be reduced by two off-street parking spaces for every electric
 12 vehicle charging station that will be provided in a development.
- 13 (2) Any reductions under section (1) shall be cumulative and not capped.

14 **0430: Reduction of Parking Mandates for Development Types**

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

18 **Since the October draft, this rule has been reorganized and it has been clarified its provisions are**
 19 **effective upon the effective date of the rule.** The parking reform work group will review this rule.

- 20 (1) Cities and counties shall adopt land use regulations that do not require more than one parking
 21 space per unit in residential developments with more than one unit. Notwithstanding this
 22 requirement, cities must meet requirements as provided in OAR 660-046-0220.
- 23 (2) Cities and counties shall adopt land use regulations that do not require parking for the following
 24 development types:
- 25 (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or
 26 developmental disabilities, including but not limited to residential care facilities,
 27 residential training facilities, residential treatment facilities, residential training homes,
 28 residential treatment homes, and conversion facilities as defined in ORS 443.400;
- 29 (b) Childcare facilities as defined under ORS 329A.250;
- 30 (c) Single-room occupancy housing;
- 31 (d) Residential units smaller than 750 square feet;
- 32 (e) Affordable housing units as defined in OAR 660-039-0010;
- 33 (f) Publicly-supported housing as defined in ORS 456.250;
- 34 (g) Emergency and transitional shelters for people experiencing homelessness; and
- 35 (h) Domestic violence shelters.
- 36 (3) Until cities and counties adopt regulations meeting sections (1) and (2), they shall not enforce
 37 parking mandates for the development types in section (2) or require more than one parking space
 38 per unit in residential developments with more than one unit.

1 **0435: Parking Reform in Climate Friendly Areas**

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

4 **Since the October draft, this rule has clarified land adjacent to climate-friendly areas in adjacent**
5 **jurisdictions is not impacted by (1)(a).**

6 The parking reform work group will review this rule.

- 7 (1) Cities and counties shall adopt land use regulations addressing parking mandates in climate
8 friendly areas as provided in OAR 660-012-0305. [Under discussion: how this applies in Metro].
9 In each such area, cities and counties shall either:
- 10 (a) Remove all parking mandates within the area and on parcels in its jurisdiction that
11 include land within one-quarter mile distance of those areas; or
- 12 (b) Manage parking by:
- 13 (A) Adopting a parking benefit district with metered on-street parking and some
14 revenues dedicated to public improvements in the area;
- 15 (B) Adopting land use amendments to require no more than one-half off-street
16 parking space per new housing unit in the area; and
- 17 (C) Not enforcing parking mandates for commercial developments.
- 18 (2) Cities and counties that opt to retain parking mandates under OAR 660-012-0400(3) shall adopt
19 requirements requiring the parking for multi-family residential units in climate-friendly areas
20 [under discussion: how this applies in Metro] be unbundled parking.

21 **0440: Parking Reform near Transit Corridors**

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

24 **Since the October draft, this rule has been reworded and clarified.**

25 The parking reform work group will review this rule.

- 26 (1) Cities and counties shall not require parking spaces for developments within one-half mile of
27 priority transit corridors or three-quarters mile of rail transit stops.
- 28 (2) Until cities and counties designate priority transit corridors under OAR 660-012-0710 and amend
29 land use regulations as provided in section (1), cities and counties shall not enforce parking
30 mandates for developments within one-half mile of:
- 31 (a) Bus service arriving with a frequency of at least four times an hour during peak service;
32 and
- 33 (b) The most frequent transit routes in the community if the scheduled frequency is at least
34 once per hour during peak service.
- 35 (3) Cities and counties that opt to retain parking mandates under OAR 660-012-0400(3) shall adopt
36 requirements requiring the parking for multi-family residential units in the areas in sections (1)
37 and (2) be unbundled parking.

1 **0445: Parking Management Alternative Approaches**

2 For those communities not repealing parking mandates, this rule provides two options for improved
3 parking management.

4 **Since the October draft, this rule has exempted townhouses and rowhouses from unbundling and**
5 **given communities the option to move between the fair parking policy approach and the reduced**
6 **regulations approach.**

7 The parking reform work group will review this rule.

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

12 (a) A fair parking policy approach shall include at least three of the following five
13 provisions:

14 (A) A requirement that parking spaces for each residential unit in developments
15 including five or more leased or sold residential units on a lot or parcel be
16 unbundled parking. Cities and counties may exempt townhouse and rowhouse
17 development from this requirement;

18 (B) A requirement that parking spaces serving leased commercial developments be
19 unbundled parking;

20 (C) A requirement for employers of 50 or more employees who provide free or
21 subsidized parking to their employees at the workplace provide a flexible
22 commute benefit of \$50 per month or the fair market value of that parking,
23 whichever is greater, to those employees eligible for that free or subsidized
24 parking who regularly commute via other modes instead of using that parking;

25 (D) A tax on the revenue from commercial parking lots collecting no less than 10%
26 of income, with revenues dedicated to improving transportation alternatives to
27 drive-alone travel; and

28 (E) A reduction of parking mandates for new multifamily residential development to
29 no higher than 0.5 space per unit, including visitor parking.

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

31 (A) A repeal of all parking mandates within ½ mile pedestrian travel of climate
32 friendly areas;

33 (B) A repeal of parking mandates for transit-oriented development and mixed-use
34 development;

35 (C) A repeal of parking mandates for group quarters, including but not limited to
36 dormitories, religious group quarters, adult care facilities, retirement homes, and
37 other congregate housing;

38 (D) A repeal of parking mandates for studio apartments, one-bedroom apartments
39 and condominiums in residential developments of five or more units on a lot or
40 parcel;

41 (E) A repeal of parking mandates for change of use of, or redevelopment of,
42 buildings vacant for more than two years;

- 1 (F) A repeal of requirements to provide additional parking for change of use,
2 redevelopment, or expansion of existing businesses;
- 3 (G) A repeal of parking mandates for buildings within a National Historic District, on
4 the National Register of Historic Places, or on a local inventory of historic
5 resources or buildings;
- 6 (H) A repeal of parking mandates for properties that have fewer than ten on-site
7 employees or 3000 square feet floor space;
- 8 (I) A repeal of parking mandates for developments built under the Oregon
9 Residential Reach Code;
- 10 (J) A repeal of parking mandates for developments seeking certification under any
11 Leadership in Energy and Environmental Design (LEED) rating system, as
12 evidenced by either proof of pre-certification or registration and submittal of a
13 complete scorecard;
- 14 (K) A repeal of parking mandates for schools;
- 15 (L) A repeal of parking mandates for bars;
- 16 (M) Setting parking maximums in climate friendly areas and transit-oriented
17 developments. Parking maximums shall include visitor parking and be no higher
18 than 1.2 off-street parking spaces per studio unit and 2 off-street parking spaces
19 per residential unit in a multi-unit development in such areas;
20 and
- 21 (N) Designation of at least one residential parking district or parking benefit district
22 where on-street parking is managed through permits, meters, or time limits.
- 23 (2) Cities and counties may change their selection between sections (1)(a) and (1)(b) at any time.

24 ***0450: Parking Management in More Populous Communities***

25 The rule aims to ensure populous communities better understand and manage their existing parking
26 supply before requiring new parking.

27 **Since the October draft, this draft removes counties from the provisions, and gives cities six more
28 months to comply via 660-012-0012, and allows cities to change their selection any time in the future.**

29 The parking reform work group will review this rule.

- 30 (1) Cities with populations over 100,000 shall either:
- 31 (a) Adopt land use regulations without mandates to provide parking spaces, other than
32 parking spaces reserved for people with disabilities, parking required for electric vehicles
33 when parking is provided, or parking for carpools and vanpools; or
- 34 (b) Price at least the percentage of on-street parking spaces specified in OAR 660-012-0012,
35 and report the percentage of on-street parking spaces that are priced as provided in OAR
36 660-012-0900. Residential parking permits priced at lower than \$15 per month or 50
37 cents per day per space do not count towards this total.
- 38 (2) Cities may change their selection made between sections (1)(a) and (1)(b) at any time.

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

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

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

7 **0500: Pedestrian System Planning**

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

11 No substantive changes have been made to this rule since the October draft. The transportation modal
12 planning work group will review this rule.

- 13 (1) Transportation system plans must include a pedestrian system element that meets the
14 requirements of this rule. For the purposes of this division, the pedestrian system is intended to
15 serve people walking, as well as people using mobility devices, or other devices or vehicles that
16 operate at a similar speed and scale as people walking. The pedestrian system is intended to serve
17 most short trips under one mile in cities.
- 18 (2) A pedestrian system element must include the following elements:
- 19 (a) The complete pedestrian system as described in section (3) of this rule that includes the
20 full buildout of the pedestrian system within the Urban Growth Boundary;
 - 21 (b) Identification of gaps and deficiencies in the pedestrian system as described in section (4)
22 of this rule;
 - 23 (c) Locations of key pedestrian destinations as described in OAR 660-012-0360; and
 - 24 (d) A list of prioritized pedestrian system projects as described in OAR 660-012-0520.
- 25 (3) The complete pedestrian system is the full build out of a complete pedestrian system within the
26 planning area. A city determines the complete pedestrian system plan by:
- 27 (a) Using the pedestrian system inventory developed under OAR 660-012-0505 as a base;
 - 28 (b) Adding the minimum pedestrian facilities to places that do not presently meet the
29 minimum pedestrian system requirements in OAR 660-012-0510; and
 - 30 (c) Adding enhanced facilities above the minimum pedestrian system requirements where the
31 city finds that enhanced facilities are necessary or desirable to meet the goals of the city's
32 comprehensive plan.
- 33 (4) Cities must identify gaps and deficiencies in the pedestrian system by comparing the complete
34 pedestrian system plan with the pedestrian system inventory developed under OAR 660-012-
35 0505. Any part of the complete pedestrian system not presently built to the standard in the
36 complete pedestrian system plan must be identified as a gap or deficiency.

1 **0505: Pedestrian System Inventory**

2 This rule describes how cities must inventory their pedestrian system.
3 No substantive changes have been made to this rule since the October draft. The transportation modal
4 planning work group will review this rule.

- 5 (1) Pedestrian system inventories must include information on sidewalks and street crossings for all
6 areas within climate friendly areas, within ¼ mile of all schools, and along all arterials and
7 collectors. Pedestrian system inventories must also include information on all pedestrian
8 connections, including shared use paths.
- 9 (a) Inventories of sidewalks and paths must include information on width and condition.
10 (b) Inventories of street crossings must include crossing distances, the type of crossing,
11 closed crossings, curb ramps, and distance between crossings.
- 12 (2) Pedestrian system inventories must include the crash risk factors of inventoried pedestrian
13 facilities, including but not limited to speed, volume, and roadway width. Pedestrian system
14 inventories must also include the location of all reported injuries and deaths of people walking or
15 using a mobility device. This must include all reported incidents from at least 10 years prior to the
16 transportation system plan base year to the year of adoption of the pedestrian system inventory.

17 **0510: Pedestrian System Requirements**

18 This rule provides the minimum requirements for the planned pedestrian system. Cities may choose to
19 exceed the standards in this rule.
20 No substantive changes have been made to this rule since the October draft. The transportation modal
21 planning work group will review this rule.

- 22 (1) Pedestrian facility owners must design, build, and maintain pedestrian facilities to permit
23 comfortable travel for all people, including people with disabilities.
- 24 (2) All streets and highways, other than expressways, shall have sidewalks, as provided in ORS
25 366.514.
- 26 (a) Sidewalks must be planned for both sides of each street.
27 (b) Cities must plan for progressively wider and more protected sidewalks and pedestrian
28 areas in the following contexts:
- 29 (A) Arterials must have wider and more protected sidewalks than collector streets,
30 which must have wider and more protected sidewalks than local streets.
- 31 (B) Streets and highways in climate friendly areas and in areas with concentrations of
32 underserved populations as provided in OAR 660-012-0120 must be planned for
33 wider and more protected sidewalks and more enhanced crossings than on similar
34 facilities outside of these areas.
- 35 (C) A substantial portion of the right-of-way in climate friendly areas must be
36 dedicated to pedestrian uses, including but not limited to sidewalks, pedestrian
37 plazas, and protective buffers.

- 1 (c) Cities must plan for enhanced tree canopy and other infrastructure that uses natural and
- 2 living materials in pedestrian spaces in climate friendly areas and areas with
- 3 concentrations of underserved populations as provided in OAR 660-012-0120.
- 4 (3) Off-street multi-use paths must be designed to permit comfortable joint or separated use for
- 5 people walking, using mobility devices, and cycling.
- 6 (4) Enhanced crossings are pedestrian facilities to cross streets or highways that provide a high level
- 7 of safety and priority to people crossing the street. Enhanced crossings must have adequate
- 8 nighttime illumination to see pedestrians from all vehicular approaches. Enhanced crossings must
- 9 be provided, at minimum, in the following locations:
- 10 (a) Closely spaced along arterial streets in climate friendly areas;
- 11 (b) Near transit stops on access-focused arterial or collector street in a climate friendly area
- 12 or on a priority transit corridor; and
- 13 (c) At off-street path or trail crossings of any arterial or collector street.
- 14 (5) Cities may take exemptions to the standards in this rule through findings in the transportation
- 15 system plan, for each location where an exemption is desired, for the following reasons:
- 16 (a) A city may plan for a sidewalk on one side of local streets in locations where topography
- 17 would make it difficult to build a sidewalk on the other side of the street. Enhanced street
- 18 crossings must be provided at each end of sections where there is a sidewalk on only one
- 19 side of the street.
- 20 (b) A city may plan for no sidewalks on local streets that are sufficiently narrow, and carry
- 21 little or no vehicular traffic, so that pedestrians are the primary users of the street.

22 **0520: Pedestrian System Projects**

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

24 No substantive changes have been made to this rule since the October draft. transportation modal
 25 planning work group will review this rule.

- 26 (1) Cities must develop a list of pedestrian system projects that would address all the gaps and
- 27 deficiencies in the pedestrian system identified by the city under OAR 660-012-0500(4).
- 28 (2) Cities must develop pedestrian project prioritization factors that are able to sort the list of
- 29 pedestrian system projects into a prioritized list of pedestrian system projects. Cities must develop
- 30 pedestrian project prioritization factors by engaging underserved populations as provided in OAR
- 31 660-012-0125.
- 32 (3) Cities must use pedestrian project prioritization factors to prioritize the following factors above
- 33 other factors:
- 34 (a) Pedestrian system investments in climate friendly areas;
- 35 (b) Pedestrian system investments in areas with concentrations of underserved populations,
- 36 as provided in OAR 660-012-0120;
- 37 (c) Pedestrian system investments in areas pedestrian safety risk factors such as roadways
- 38 with high speeds and high traffic volumes

- 1 (d) Pedestrian system investments in areas with reported pedestrian serious injuries and
- 2 deaths;
- 3 (e) Pedestrian system investments that provide access to key pedestrian destinations;
- 4 (f) Pedestrian system investments that will connect to, fill gaps in, and expand the existing
- 5 pedestrian network;
- 6 (g) Pedestrian system investments that prioritize pedestrian travel consistent with the
- 7 prioritization factors in OAR 660-012-0180; and
- 8 (h) Where applicable, pedestrian system investments that implement a scenario plan
- 9 approved by order as provided in OAR 660-044-0120.
- 10 (4) The transportation system plan must include a description of the prioritization factors and method
- 11 of prioritizing pedestrian projects used to develop the prioritized list of pedestrian system
- 12 projects.

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

14 This part of the Transportation Planning Rules relates to planning for a safe, accessible, and connected

15 bicycle system. The bicycle system is intended to serve people riding bicycles, as well as people using

16 other types of vehicles that operate at a bicycle speed and scale. These rules also include updated

17 requirements for bicycle parking.

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

19 **0600: Bicycle System Planning**

20 This rule, and subsequent rules, describe how cities must plan for a safe, accessible, and connected

21 bicycle network that serves a variety of users. The rule requires a bicycle system element that provides

22 for a substantial portion of short urban trips under 3 miles to be by bicycle.

23 No substantive changes have been made to this rule since the October draft. The transportation modal

24 planning work group will review this rule.

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

- 1 (3) The complete bicycle system is the full build out of a complete bicycle system within the
- 2 planning area. A city determines the complete bicycle system plan by:
- 3 (a) Using the bicycle system inventory developed under OAR 660-012-0605 as a base;
- 4 (b) Adding the minimum bicycle facilities to places that do not presently meet the minimum
- 5 bicycle system requirements in OAR 550-012-0610; and
- 6 (c) Adding enhanced facilities above the minimum bicycle 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 bicycle system by comparing the complete
- 10 bicycle system with the bicycle system inventory developed under OAR 660-012-0605. Any part
- 11 of the complete bicycle system not presently built to the standard in the complete bicycle plan
- 12 must be identified as a gap or deficiency.

13 **0605: Bicycle System Inventory**

14 This rule describes how cities must inventory their bicycle system. The rule requires an inventory of

15 bicycle facilities in key areas, including multi-use paths.

16 No substantive changes have been made to this rule since the October draft. The transportation modal

17 planning work group will review this rule.

- 18 (1) Bicycle system inventories must include information on bicycle lanes, bicycle routes, paths, and
- 19 other types of bicycle facilities, including pedestrian connections that may be used by bicycles.
- 20 Inventories must include information on width, type, and condition.
- 21 (2) Bicycle system inventories must include information on bicycle facilities of all types within
- 22 climate friendly areas, within ¼ mile of all schools, on designated neighborhood bikeways, and
- 23 along all arterials and collectors.
- 24 (3) Bicycle system inventories must include the crash risk factors of inventoried bicycle facilities,
- 25 including but not limited to speed, volume, separation, and roadway width. Bicycle system
- 26 inventories must also include the location of all reported injuries and deaths of people on
- 27 bicycles. This must include all reported incidents from at least 10 years prior to the transportation
- 28 system plan base year to the year of adoption of the bicycle system inventory.

29 **0610: Bicycle System Requirements**

30 This rule includes the minimum requirements for the bicycle system. We expect to build a bicycle system

31 that meets a substantial portion of local travel needs under three miles. Updated requirements ensure

32 cities and counties will plan for higher levels of separation beyond a standard bike lane for people riding

33 bicycles on higher speed and volume roadways. These facilities have been shown to be necessary to

34 allow the widest range of people to safely ride bikes within communities. The rules require the

35 development of connected network of safe bicycle facilities.

36 No substantive changes have been made to this rule since the October draft. The transportation modal

37 planning work group will review this rule.

- 38 (1) This rule describes the minimum planned bicycle facilities that must be included in plans. Cities
- 39 may choose to exceed the standards in this rule.

- 1 (2) Higher levels of protection and separation are necessary for bicycle facilities on higher speed and
2 volume streets and highways, such as arterials and collectors. Bicycle facilities include:
- 3 (a) Separated or protected bicycle facilities, which are on-street facilities that are physically
4 protected from motorized traffic by barriers that prevent intrusion into the bicycle
5 facility. Physical protection may include parked motor vehicles. Protected bicycle
6 facilities may be unidirectional or two-way. Protected bicycle facilities minimize
7 conflicting traffic at intersections and other vehicular accesses to the street or highway.
8 Bicycle traffic is highlighted and prioritized in locations where motor vehicle traffic does
9 cross the protected facility.
- 10 (b) Bicycle boulevards, which are local streets with very little to no motorized traffic that are
11 designated, signed, and prioritized for bicycle through travel. Protected or enhanced
12 crossings are located where bicycle boulevards cross arterial or collector streets.
- 13 (c) Bicycle paths, which are off-street facilities exclusively for the use of people cycling.
- 14 (d) Multi-use paths, which are off-street facilities for the use of people walking, using
15 mobility devices, and cycling.
- 16 (e) Buffered bicycle lanes, which are on-street bike facilities with a marked but not physical
17 buffer between the bike lane and traffic; and
- 18 (f) Bicycle lanes, which are on-street bicycle facilities without physical or buffered
19 protection from motorized traffic.
- 20 (3) Cities and counties must plan for a connected network of bicycle facilities that provides a safe
21 and comfortable experience for people of all ages and abilities. A connected network is
22 comprised of both the ability to access key destinations within a community and enough coverage
23 of safe and comfortable facilities to ensure most people within the community can travel by
24 bicycle.
- 25 (a) Cities and counties must develop an all ages, low stress, connected network of bicycle
26 facilities that provide protection and separate considering the context of the parallel street
27 or highway facility and land uses. This includes but is not limited to:
- 28 (A) Planning for higher levels of protection along and across arterials and collectors;
- 29 (B) Planning for connections to key destinations as provided in OAR 660-012-0360;
30 and
- 31 (C) Planning for a connected network of bicycle boulevards on low volume streets
32 and in residential districts.
- 33 (b) Cities and counties must plan for separated or protected bicycle facilities on arterials and
34 collectors in climate friendly areas.
- 35 (c) Cities and counties must plan a minimum of a buffered bicycle lane on arterials or
36 collectors where separated or protected bicycle facilities are not otherwise planned.

1 **0620: Bicycle System Projects**

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

3 No substantive changes have been made to this rule since the October draft. The transportation modal
4 planning work group will review this rule.

- 5 (1) Cities must develop a list of bicycle system projects that would address all the gaps and
6 deficiencies in the bicycle system identified by the city under OAR 660-012-0600(4).
- 7 (2) Cities must develop bicycle project prioritization factors that are able to sort the list of bicycle
8 system projects into a prioritized list of bicycle system projects. Cities must develop bicycle
9 project prioritization factors by engaging underserved populations as provided in OAR 660-012-
10 0125.
- 11 (3) Cities must use bicycle project prioritization factors to prioritize the following factors above other
12 factors:
- 13 (a) Bicycle system investments in climate friendly areas;
 - 14 (b) Bicycle system investments in areas with concentrations of underserved populations, as
15 determined under OAR 660-012-0120;
 - 16 (c) Bicycle system investments in areas with safety risk factors such as roadways with high
17 speeds and high traffic volumes;
 - 18 (d) Bicycle system investments in areas with reported serious injuries and deaths to people
19 riding bicycles;
 - 20 (e) Bicycle system investments that provide access to key bicycle destinations;
 - 21 (f) Bicycle system investments system investments that will connect to, fill gaps in, and
22 expand the existing bicycle system network;
 - 23 (g) Bicycle system investments that prioritize bicycle travel consistent with the prioritization
24 factors in OAR 660-012-0180; and
 - 25 (h) Where applicable, bicycle system investments that implement a scenario plan approved
26 by order as provided in OAR 660-044-0120.
- 27 (4) The transportation system plan must include a description of the prioritization factors and method
28 of prioritizing bicycle projects used to develop the prioritized list of bicycle system projects.

29 **0630: Bicycle Parking**

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

35 No substantive changes have been made to this rule since the October draft. The transportation modal
36 planning work group will review this rule.

- 37 (1) Cities and counties must require and plan for adequate bicycle parking to meet the increasing need
38 for travel by bicycle.

- 1 (2) Cities and counties shall require covered, secure bicycle parking for all new multifamily
2 development or mixed-use development of four units or more, and new office and institutional
3 developments. Such bicycle parking must include at least one bicycle parking space for each
4 residential unit and facilities for charging electric bicycles, electric wheelchairs, and other small-
5 scale electric mobility devices. Charging must be available for simultaneous charge of electric
6 mobility devices parked in 40% of spaces.
- 7 (3) Cities and counties shall require covered, secure bicycle parking for all new retail development.
8 Such bicycle parking shall be located within 100 feet of the main retail entrance.
- 9 (4) Cities and counties shall require covered, secure bicycle parking for all major transit stations and
10 park-and-ride lots.
- 11 (5) Cities and counties must require covered, secure bicycle parking in climate friendly areas, and near
12 key destinations as provided in OAR 660-012-0360.
- 13 (6) Cities and counties must allow and provide for parking and ancillary facilities for shared bicycles or
14 other small-scale mobility devices in climate friendly areas, and near key destinations as provided
15 in OAR 660-012-0360.
- 16 (7) For any use, cities and counties must require at least as many bicycle parking spaces as mandated
17 off-street motor vehicle parking spaces.
- 18 (8) Cities and counties must ensure that all bicycle parking provided must:
- 19 (a) Allow ways to secure at least two points on a bicycle;
- 20 (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position
21 where it may be secured without conflicts from other parked bicycles, walls, or other
22 obstructions;
- 23 (c) Be in a location that is convenient and well-lit; and
- 24 (d) Include sufficient bicycle parking spaces to accommodate large bicycles, including
25 family and cargo bicycles.

1 **New Rules 0700-0750: Public Transportation System**

2 This part of the Transportation Planning Rules relates to planning for the public transportation system.
3 The public transportation system is intended to serve people riding transit within urban areas, as well as
4 travel within regions or between cities. This set of rules also includes requirements for a local
5 Transportation Options plan element.

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

7 **0700: Public Transportation System Planning**

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

9 No substantive changes have been made to this rule since the October draft. The transportation modal
10 planning work group will review this rule.

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

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

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

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

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

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

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

31 (a) The complete public transportation system as described in section (3) that includes the
32 full buildout and provision of services of the public transportation system within the
33 Urban Growth Boundary;

34 (b) Identification of gaps and deficiencies in the public transportation system as described in
35 section (4);

36 (c) Locations of key public transportation destinations as described in OAR 660-012-0360;

37 (d) A list of prioritized public transportation system projects as described in OAR 660-012-
38 0720; and

39 (e) The Transportation Options plan as provided in OAR 660-012-0750.

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

20 **0705: Public Transportation System Inventory**

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

22 No substantive changes have been made to this rule since the October draft. The transportation modal
 23 planning work group will review this rule.

- 24 (1) The public transportation system inventory must include information on local and intercity transit
 25 services, including the location of routes, major stations, transit stops, transitways, transit lanes,
 26 transit priority signals, queue jumps, on-route charging, and other transit supportive facilities not
 27 otherwise inventoried. Accessibility for people with disabilities must be inventoried where
 28 applicable.
- 29 (2) The public transportation system inventory must include the identification of existing service
 30 characteristics, including frequency and span of service for all services along identified transit
 31 priority corridors, serving key destinations, and serving major transit stations.
- 32 (3) Where local or intercity transit services travel outside of the planning area to other cities, the
 33 public transportation system inventory must include the identification of routes connecting to the
 34 next nearest cities with a population exceeding 9,000, as well as key destinations and major
 35 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 No substantive changes have been made to this rule since the October draft. The transportation modal
5 planning work group will review this rule.

- 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: sidewalk repair and extension, signage, lighting, benches, and shelters.
 - 26 (b) Cities shall limit on-street parking at transit stop locations at the request of a transit
27 service provider.
- 28 (4) Cities must coordinate with transit service providers to identify needs for intercity transit services
29 at a level appropriate to the size of the urban area and the size and distance of intercity markets.
- 30 (5) Cities must coordinate with transit service providers to identify gaps in transit service provided in
31 the transportation system plan, and gaps for each priority transit corridor and other transit
32 corridors.

33 **0720: Public Transportation System Projects**

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

35 No substantive changes have been made to this rule since the October draft. The transportation modal
36 planning work group will review this rule.

- 37 (1) Cities must develop a list of public transportation projects that would address all the gaps and
38 deficiencies in the public transportation system identified by the city under OAR 660-012-
39 0700(4).

- 1 (2) Cities must coordinate with transit service providers to identify the gaps in transit service
 2 provided in the transportation system plan and those identified in a land use and transportation
 3 scenario plan as provided in OAR 660-044-0110 or in the Statewide Transportation Strategy as
 4 adopted by the Oregon Transportation Commission, including the gap in transit miles per capita,
 5 and gaps for each priority transit corridor and other transit corridors. The purpose of identifying
 6 these gaps is to illustrate the need for transit service operating funds for services operated within
 7 the planning area. The transportation system plan need not make provisions for funding
 8 operations of transit services directly.
- 9 (3) Cities must develop public transportation system project prioritization factors that are able to sort
 10 the list of public transportation system projects into a prioritized list of public transportation
 11 system projects. Cities must develop public transportation project prioritization factors by
 12 engaging underserved populations as provided in OAR 660-012-0125.
- 13 (4) Cities must use public transportation project prioritization factors to prioritize the following
 14 factors above other factors:
- 15 (a) Public transportation system investments in climate friendly areas;
- 16 (b) Public transportation system investments in areas with concentrations of underserved
 17 populations, as determined under OAR 660-012-0120, particularly in areas with
 18 concentrations of people dependent on public transportation;
- 19 (c) Public transportation system investments that provide access to key public transportation
 20 destinations;
- 21 (d) Public transportation system investments that will connect to, fill gaps in, and expand the
 22 existing public transportation network;
- 23 (e) Public transportation system investments that prioritize transit travel consistent with the
 24 prioritization factors in OAR 660-012-0180; and
- 25 (f) Where applicable, public transportation system investments that implement a scenario
 26 plan approved by order as provided in OAR 660-044-0120.
- 27 (5) The transportation system plan must include a description of the prioritization factors and method
 28 of prioritizing public transportation projects used to develop the prioritized list of public
 29 transportation projects.

30 **0750: Transportation Options Plan**

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

35 No substantive changes have been made to this rule since the October draft. The transportation modal
 36 planning work group will review this rule.

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

- 1 (2) Cities and counties shall coordinate with transportation options providers, public transportation
- 2 service providers, and other cities and counties to identify existing transportation options and
- 3 transportation demand management programs, services, and projects. This must include, but is
- 4 not limited to:
 - 5 (a) The identification of education, outreach, and other transportation demand management
 - 6 programs and services that focus on multi-modal forms of transportation;
 - 7 (b) The identification of transportation demand management programs and policies that
 - 8 discourage the use of single occupancy vehicles; and
 - 9 (c) The identification of the transportation options needs of underserved populations.
- 10 (3) Cities and counties shall coordinate with transportation options providers, public transportation
- 11 service providers, and other cities and counties to identify future transportation demand
- 12 management needs. This must include, but is not limited to:
 - 13 (a) Commute Trip Reduction consultation and promotion of programs such as the provision
 - 14 of transit passes;
 - 15 (b) Physical improvements such as carpool parking spaces and park and ride locations; and
 - 16 (c) Regional solutions for intercity travel.

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

18 This part of the Transportation Planning Rules relates to planning for the street and highway system. The

19 rules consider that the street and highway system is mostly fully built out. Future planning must assume

20 a reduction in the amount of driving people do, in favor of increased travel in other modes.

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

22 ***0800: Street and Highway System Planning***

23 This rule, and subsequent rules, describes how cities must plan for their street and highway

24 transportation system.

25 No substantive changes have been made to this rule since the October draft. The transportation modal

26 planning work group will review this rule.

- 27 (1) Transportation System Plans must include a street and highway system element that meet the
- 28 requirements of this rule.
- 29 (2) A street and highway system element must include the following elements:
 - 30 (a) The complete street and highway system as described in section (3) that includes the full
 - 31 buildout of the street and highway system within the Urban Growth Boundary.
 - 32 (b) Identification of gaps or deficiencies in the street and highway system as described in
 - 33 section (4);
 - 34 (c) Locations of key destinations as described in OAR 660-012-0360; and
 - 35 (d) A list of prioritized street and highway system projects as described in OAR 660-012-
 - 36 0820.

- 1 (3) The complete street and highway system is the full build out of a complete street and highway
 2 system within the planning area. A city determines the ultimate street and highway system plan
 3 by:
- 4 (a) Using the street and highway system inventory developed under OAR 660-012-0805 as a
 5 base;
 - 6 (b) Adding the minimum street and highway facilities to places that do not presently meet the
 7 minimum street and highway system requirements in OAR 660-012-0810; and
 - 8 (c) Accommodating the reallocation of right of way on facilities where this is deemed
 9 necessary as provided in this division.
- 10 (4) Cities must identify gaps and deficiencies in the street and highway system by comparing the
 11 complete street and highway system with the street and highway system inventory developed
 12 under OAR 660-012-0805. Any part of the complete street and highway system not presently
 13 built to the standard in the ultimate street and highway plan must be identified as a gap or
 14 deficiency.

15 **0805: Street and Highway System Inventory**

16 This rule describes how cities must inventory their street and highway system.
 17 No substantive changes have been made to this rule since the October draft. The transportation modal
 18 planning work group will review this rule.

- 19 (1) Street and highway system inventories must include information on all streets and highways,
 20 including the functional classification of each facility.
 - 21 (a) For local streets, inventories must include location.
 - 22 (b) For collector streets, inventories must include location, condition, and number of general-
 23 purpose travel lanes, and turn lanes.
 - 24 (c) For arterial streets, inventories must include location, condition, and number of general-
 25 purpose travel lanes, turn lanes, and lane width.
 - 26 (d) For expressways and other limited-access highways, inventories must include location,
 27 condition, number of general-purpose travel lanes, and lane width. Inventories must also
 28 include locations and type of interchanges.
- 29 (2) Street and highway system inventories must include the location of all reported serious injuries
 30 and deaths of people related to vehicular crashes. This must include all reported incidents for at
 31 least 10 years prior to the transportation system plan base year.
- 32 (3) Street and highway system inventories must include an overview of pricing strategies in use,
 33 including specific facility pricing, area or cordon pricing, and parking pricing. Inventories must
 34 include pricing mechanisms and rates.
- 35 (4) Street and highway system inventories must include the location of designated freight routes, and
 36 the location of all key freight terminals within the planning area, including intermodal terminals.

1 **0810: Street and Highway System Requirements**

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

6 No substantive changes have been made to this rule since the October draft. The transportation modal
7 planning work group will review this rule.

- 8 (1) Cities and counties must plan, design, build, and maintain a connected streets and highway
9 network in a manner that respects the prioritization factors in OAR 660-012-0180.
- 10 (a) Cities and counties must plan and streets and highways for the minimum size necessary
11 for the identified function, land use context, and expected users of the facility.
- 12 (b) Cities and counties must consider and reduce excessive standards for local streets and
13 accessways in order to reduce the cost of construction, increase safety, provide for more
14 efficient use of urban land, provide for emergency vehicle access while discouraging
15 inappropriate traffic volumes and speeds, and support connected and safe pedestrian and
16 bicycle networks.
- 17 (c) Cities and counties must plan for an equitable allocation of right-of-way consistent with
18 the prioritization factors as provided in OAR 660-012-0180. Streets in Climate-Friendly
19 Areas and along priority transit corridors must be designed to prioritize pedestrian,
20 bicycle, and transit systems, as provided in OAR 660-012-0510, OAR 660-012-0610, and
21 OAR 660-012-0710.
- 22 (2) Cities and counties must plan local streets to provide local access to property and localized
23 circulation within neighborhoods.
- 24 (a) Cities and counties must plan and design local streets for low and safe travel speeds
25 compatible with shared pedestrian and bicycle use.
- 26 (b) Cities and counties shall establish standards for local streets with pavement width and
27 right-of-way width as narrow as practical to meet needs, reduce the cost of construction,
28 efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve
29 safety, and accommodate convenient pedestrian and bicycle circulation. Local street
30 standards may allow pavement 28-foot wide where on-street parking is provided on both
31 sides of the street and narrower widths where on-street parking is not permitted. Local
32 street standards adopted by a city or county must be developed as provided in ORS
33 368.039.
- 34 (c) Cities and counties must plan and design a complete and connected network of local
35 streets. Cities may plan for chicanes, diverters, or other strategies or devices in local
36 street networks where needed to prevent excessive speed or through travel. These
37 measures must continue to provide for connected and pedestrian and bicycle networks.
- 38 (d) Cities and counties must avoid planning or designing local streets with a dead end. Dead
39 end local streets may be permitted in locations with topographic or other barriers, or
40 where the street is planned to continue to a connected network in the future.
- 41 (e) Cities and counties must plan for multimodal travel on local streets as provided in OAR
42 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710. Cities and counties must
43 plan local streets in climate-friendly areas to prioritize pedestrian and bicycle systems,
44 and be limited to local access for motor vehicles.

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

- 1 (5) Cities and counties must plan freeways to provide travel between urban areas. Cities and counties
 2 must carefully consider new or expanded freeways considering goals for reductions in vehicle
 3 miles traveled per capita.
- 4 (a) Cities and counties must plan for high-occupancy vehicle lanes, including transit lanes,
 5 and managed priced lanes on expressways.
- 6 (b) Pedestrian and bicycle facilities should be parallel to expressways, rather than on them.
 7 Transit facilities on or along expressways must be designed for direct transit vehicle
 8 access.
- 9 (6) Notwithstanding other provisions of this rule, where appropriate, cities and counties must plan
 10 and design streets and highways to accommodate:
- 11 (a) Transit vehicles on a segment of a priority transit corridor or transit corridor without
 12 dedicated transit lanes or transitway.
- 13 (b) Freight travel on designated freight routes and key freight terminals inventoried as
 14 provided in OAR 660-012-0805.
- 15 (c) Agricultural equipment on streets or highways connecting to agriculturally zoned land
 16 used for agricultural purposes where equipment access is necessary.

17 **0820: Street and Highway System Projects**

18 This rule guides cities in determining the list of street and highway system projects.
 19 No substantive changes have been made to this rule since the October draft. The transportation modal
 20 planning work group will review this rule.

- 21 (1) Cities must develop a list of street and highway system projects that would address the gaps and
 22 deficiencies in the street and highway system.
- 23 (2) Cities must develop street and highway project prioritization factors that are able to sort the list of
 24 street and highway system projects into a prioritized list of street and highway system projects.
 25 Cities must develop street and highway project prioritization factors by engaging underserved
 26 populations as provided in OAR 660-012-0125.
- 27 (3) Cities must use street and highway project prioritization factors to prioritize the following factors
 28 above other factors:
- 29 (a) Street and highway investments that reallocate right-of-way from facilities dedicated to
 30 moving motor vehicles to those for use by the pedestrian, bicycle, and public
 31 transportation systems, particularly:
- 32 (A) In climate-friendly areas;
- 33 (B) In areas with concentrations of underserved populations, as provided in OAR
 34 660-012-0120; and
- 35 (C) In areas with reported serious injuries and deaths.
- 36 (b) Street and highway system investments that will fill gaps in the existing street network;
- 37 (c) Street and highway system investments consistent with the prioritization factors in OAR
 38 660-012-0180;
- 39 (d) Street and highway system investments that will help meet the performance targets as
 40 provided in OAR 660-012-0910; and

- 1 (e) Street and highway system investments consistent with a scenario plan approved by order
2 as provided in OAR 660-044-0120.
- 3 (4) The transportation system plan must include a description of the prioritization factors and method
4 of prioritizing street and highway projects used to develop the prioritized list of street and
5 highway system projects.
- 6 (5) Cities choosing to include a proposed facility requiring authorization as provided in OAR 660-
7 012-0830 in the transportation system plan must first meet the requirements as provided in OAR
8 660-012-0830.

9 **0830: Authorization of Facilities That Increase Driving and Capacity**

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

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

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

19 No substantive changes have been made to this rule since the October draft. The transportation modal
20 planning work group will review this rule.

- 21 (1) Cities and counties choosing to include any of the proposed facilities listed in this section as a
22 planned project or illustrative project in any part of the local comprehensive plan, including the
23 transportation system plan, must authorize the proposed facility as provided in this rule.
- 24 (a) A new or extended arterial street, highway, or freeway;
- 25 (b) New or expanded interchanges; or
- 26 (c) An increase in capacity for any existing collector or arterial street or highway, or
27 freeway, but not including reallocation of right-of-way to provide more space for
28 pedestrian, bicycle, transit, or high-occupancy vehicle facilities.
- 29 (2) Cities and counties choosing to authorize a proposed facility as provided in this rule must:
- 30 (a) Initiate the authorization process thorough action of the governing body of the city or
31 county;
- 32 (b) Include the authorization process as part of an update to a transportation system plan to
33 meet the requirements as provided in OAR 660-012-0100, or have an existing
34 acknowledged transportation system plan meeting these requirements;
- 35 (c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;
- 36 (d) Designate the project limits and characteristics of the proposed facility, including length,
37 number of lanes, or other key features;
- 38 (e) Designate a facility impact area and determine affected jurisdictions as provided in
39 section (3);

- 1 (f) Initiate an equity analysis of the proposed facility as provided in OAR 660-012-0130;
- 2 (g) Develop a public involvement strategy as provided in section (4);
- 3 (h) Conduct an alternatives review as provided in sections (5) and (6);
- 4 (i) Choose to move forward with an authorization report as provided in section (7);
- 5 (j) Complete an authorization report as provided in section (8); and
- 6 (k) Publish the authorization report as provided in section (9).
- 7 (3) A city or county choosing to designate a facility impact area and determine affected jurisdictions
- 8 must:
- 9 (a) Coordinate with all cities and counties with planning jurisdictions within 2 miles of the
- 10 limits of the proposed facility to determine the extent of the facility impact area;
- 11 (b) Review the extent of the impact of the proposed facility by including all areas where
- 12 implementation of the proposed facility is expected to change levels or patterns of traffic
- 13 or otherwise change the transportation system or land use development patterns;
- 14 (c) Take particular care when reviewing the facility impact area in places with concentrations
- 15 of underserved populations as provided in OAR 660-012-0120. The city or county must
- 16 consider the special impact of new Vehicle Miles Travelled per Capita-Increasing
- 17 facilities in the context of historic patterns of discrimination, disinvestment, and
- 18 malinvestment;
- 19 (d) Designate a facility impact area to include, at minimum, areas within one mile of the
- 20 proposed facility.
- 21 (e) Determine affected jurisdictions by including all cities or counties with planning
- 22 jurisdictions in the designated facility impact area.
- 23 (4) A city or county choosing to develop a public involvement strategy must, in coordination with
- 24 affected jurisdictions:
- 25 (a) Develop the public involvement strategy as provided in OAR 660-012-0125.
- 26 (b) Ensure the public involvement strategy provides for opportunities for meaningful public
- 27 participation in decision-making over the course of the authorization process;
- 28 (c) Ensure the public involvement strategy includes regular reports to the affected governing
- 29 bodies, planning commissions, and the public on the progress of the authorization
- 30 process.
- 31 (5) A city or county choosing to undertake an alternatives review must, in coordination with affected
- 32 jurisdictions:
- 33 (a) Have designated the facility impact area, determined affected jurisdictions, transit service
- 34 providers, and transportation options providers; and developed a public consultation
- 35 strategy as provided in this rule;
- 36 (b) Develop a summary of the expected impacts of the proposed facility on underserved
- 37 populations as provided in OAR 660-012-0120, particularly, but not exclusively, in
- 38 neighborhoods with concentrations of underserved populations. These impacts must
- 39 include, but are not limited to, additional household costs, and changes in the ability to
- 40 access jobs and services without the use of a motor vehicle.

- 1 (c) Develop a summary of the estimated additional motor vehicle travel that is expected to be
2 induced by implementation of the proposed facility over the first 20 years of service,
3 using best available science;
- 4 (d) Investigate alternatives to the proposed facility through investments in the pedestrian and
5 bicycle systems. The city or county must:
- 6 (A) Review the transportation system plan for identified gaps and deficiencies in
7 pedestrian and bicycle facilities within the facility impact area;
- 8 (B) Determine how much of the need for the proposed facility may be met through
9 enhanced investments in the pedestrian and bicycle networks;
- 10 (C) Identify pedestrian and bicycle system investments that could contribute to
11 meeting the identified need which do not require implementation of the proposed
12 facility; and
- 13 (D) Identify pedestrian and bicycle system investments that could contribute to
14 meeting the identified need which may be implemented without the proposed
15 facility, and may be retained if the proposed facility is implemented.
- 16 (e) Investigate alternatives to the proposed facility through investments in the public
17 transportation system. The city or county must:
- 18 (A) Review the transportation system plan for identified gaps and deficiencies in
19 public transportation facilities and services within the facility impact area;
- 20 (B) Coordinate with transit service providers to identify opportunities for providing
21 additional transit service within or to the facility impact area; and
- 22 (C) Identify potential transit facility and service investments that contribute to
23 meeting the identified need which may be implemented without the proposed
24 facility.
- 25 (f) Investigate alternatives to the proposed facility through investments in transportation
26 options programs; or other means to reduce demand for motor vehicle travel. The city or
27 county must:
- 28 (A) Review the transportation system plan for identified existing and needed
29 transportation demand management services within the facility impact area;
- 30 (B) Coordinate with transportation options providers to identify opportunities for
31 providing transportation demand management services in and around the facility
32 impact area;
- 33 (C) Identify potential transportation options program investments that contribute to
34 meeting the identified need which may be implemented without the proposed
35 facility.
- 36 (g) Investigate alternatives to the proposed facility that include system pricing. The city or
37 county must:
- 38 (A) Determine if various types of pricing could substantially reduce the need for the
39 proposed facility;
- 40 (B) Investigate a range of pricing methods, including, but not limited to: parking
41 pricing, facility pricing, cordon pricing, or congestion pricing; and

- 1 (C) Identify pricing methods where it is reasonably expected to meet the need for the
2 facility, may reasonably be implemented, and can be expected to generate
3 sufficient revenue to cover the costs of operating the collection apparatus.
- 4 (6) A city or county choosing to complete an alternatives review must, in coordination with affected
5 jurisdictions:
- 6 (a) Review the projects identified in section (5) to determine sets of investments that may be
7 made that could substantially meet the need for the proposed facility without
8 implementation of the proposed facility. A city or county must consider adopted state,
9 regional, and local targets for reduction of vehicle miles traveled to reduce greenhouse
10 gas emissions when making determinations of substantially meeting the need for the
11 proposed facility; and
- 12 (b) Complete an alternatives review report upon completion of the alternatives review phase.
13 The alternatives review report must include a description of the effectiveness of identified
14 alternatives. The alternatives review report must include the summaries developed in
15 section (5), subsections (b) and (c). The alternatives review report must be provided to
16 the public, and the governing bodies and planning commissions of each affected city or
17 county. The alternatives review report must also be included in the next annual report to
18 the director as provided in OAR 660-012-0900.
- 19 (7) The governing body of the city or county shall review the alternatives review report and may
20 either:
- 21 (a) Select a set of investments reviewed in the alternatives review report intended to
22 substantially meet the identified need for the proposed facility. These investments may be
23 added to the multimodal project list of the transportation system plan as provided in OAR
24 660-012-0200; or
- 25 (b) Choose to complete the authorization report for the proposed facility, as provided in
26 section (8).
- 27 (8) A city or county choosing to complete an authorization report as provided in section (7) must,
28 after completion of the alternatives review, include the following within the authorization report:
- 29 (a) A record of the initiation of the authorization process by the governing body;
- 30 (b) The public involvement strategy developed as provided in section (5), and how each part
31 of the public involvement strategy was met;
- 32 (c) The alternatives review report;
- 33 (d) A summary of the estimated additional long-term costs of maintaining the proposed
34 facility, including expected funding sources and responsible transportation facility
35 operator.
- 36 (9) A city or county, upon completing an authorization report, must publish the authorization report
37 and provide it to the public and governing bodies of each affected jurisdiction.
- 38 (10) A city or county, having completed and published an authorization report, is permitted to place
39 the proposed project on a prioritized project list with other projects as provided in OAR 660-012-
40 0200. A proposed project authorized as provided in this rule may remain on a project list in the
41 transportation system plan as long there are no substantial changes to the proposed project as
42 described in the authorization report.

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

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

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

7 **0900: Monitoring and Reporting**

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

12 No substantive changes have been made to this rule since the October draft.

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

- 1 (d) The findings from reports made in the reporting year for progress towards centering the
2 voices of underserved populations in processes at all levels of decision-making as
3 provided in OAR 660-012-0125 and a summary of any equity analyses conducted as
4 provided in OAR 660-012-0130;
- 5 (e) Any temporary projects implemented as provided in OAR 660-012-0145;
- 6 (f) Any alternatives reviews undertaken as provided in OAR 660-012-0830, including those
7 underway or completed; and
- 8 (g) For reporting cities and counties:
- 9 (A) A description of what immediate actions the city or county has considered to be
10 taken to reduce greenhouse gas emissions as provided in ORS 184.899(2); and
- 11 (B) A description of the consultations with the metropolitan planning organization on
12 how the regional transportation plan could be altered to reduce greenhouse gas
13 emissions as provided in ORS 184.899(2).
- 14 (7) A major report must include the following information:
- 15 (a) All information required in a minor report as provided in section (6);
- 16 (b) Reporting for each regional and local performance measures as provided in OAR 660-
17 012-0910 or OAR 660-044-0110 including:
- 18 (A) Baseline data;
- 19 (B) Baseline projections of expected outcomes from existing adopted plans;
- 20 (C) An assessment of whether the city, county, or Metro has met or is on track to
21 meet each performance target for each reporting year between the base year and
22 planning horizon year as provided in OAR 660-012-0915;
- 23 (D) For any performance targets that were not met, a proposal for the corrective
24 actions that will be taken to meet the performance target by the next major report;
- 25 (E) An assessment of whether the reporting city or county has adopted local
26 amendments to implement the approved land use and transportation scenario plan
27 as provided in OAR 660-044-0130;
- 28 (F) For any amendments to implement the approved land use and transportation
29 scenario plan as provided in OAR 660-044-0130 that have not yet been adopted,
30 a proposal for the corrective actions that will be taken to adopt the amendments;
31 and
- 32 (G) Status of any corrective actions identified in prior reports.
- 33 (8) Upon a written request for an exemption submitted to the department prior to the due date of a
34 report, the director may grant a city or county an exemption to a requirement to include any
35 required element of a report under sections (6) or (7) when the director determines that the
36 requestor has established that collection and reporting of the information would not be possible or
37 would place an undue burden on the city or county.
- 38 (9) Counties need only report for those portions of the county within an Urban Growth Boundary
39 inside the metropolitan area. A county may jointly report with a city for the entire urban growth
40 area of the city.
- 41 (10) Reports as provided by this rule are not land use decisions.

1 **0905: Orders Approving a Report**

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

6 **Since the October draft, this rule has been reworked due to additional legal review. The substance of**
7 **the review process has not changed for major (every 4-5 years) reports, however the review process**
8 **has been streamlined for minor (annual) reports.**

- 9 (1) For the purposes of this rule, “local government” means a city, county, or Metro that is
10 submitting a report as required by OAR 660-012-0900.
- 11 (2) Upon receipt of a submitted minor report as provided in OAR 660-012-0900(6);
- 12 (a) The director shall make a preliminary of completeness within 30 calendar days of receipt
13 and shall notify the reporting local government of any missing items required under OAR
14 660-012-0900(6) that is not subject to an exemption under OAR 660-012-0900(8).
- 15 (b) The reporting local government must submit information to the department within 30
16 days of the director’s notification under subsection (a), unless the local government
17 requests, and the director grants, an extension of time to submit the missing information,
18 for a period not to exceed 90 additional days.
- 19 (c) If the local government does not submit the missing information within the time allotted
20 by the director, the director may request the commission to take action as provided in
21 OAR 660-012-0905(11).
- 22 (d) Once a report submitted as provided in OAR 660-012-0900(6) is determined to be
23 complete, the report is final.
- 24 (3) Upon receipt of a submitted major report as provided in OAR 660-012-0900(7);
- 25 (a) The director shall make a preliminary determination of completeness within 30 calendar
26 days of receipt and shall notify the reporting local government of any missing items
27 required under OAR 660-012-0900(7) that is not subject to an exemption under OAR
28 660-012-0900(8).
- 29 (b) The reporting local government must submit information to the department within 30
30 days of the director’s notification under subsection (a), unless the local government
31 requests, and the director grants, an extension of time to submit the missing information,
32 for a period not to exceed 90 additional days. If the reporting local government does not
33 submit additional information, the director shall proceed with review of the submission as
34 provided in sections (4) and (5).
- 35 (c) If the director does not notify the reporting local government of missing items within 30
36 days of submittal, the director shall proceed with review of the submission as provided in
37 sections (4) and (5).
- 38 (4) Upon completion of the process in section (3), the director shall:
- 39 (a) Post a complete copy of the submitted report on the department’s website along with the
40 alternative findings the director may make in section (5), and a statement that any person
41 may file a written comment regarding the submitted report no more than 21 days after the
42 posting of the report.

- 1 (b) Provide notice to persons described under ORS 197.615(3)(a), directing them to the
 2 posting described in subsection (a) and informing them that they may file a written
 3 comment regarding the submitted report no more than 21 days after the posting of the
 4 report.
- 5 (5) Within 60 days of completion of the process in section (3), the director shall;
- 6 (a) Find that the local government has met the performance targets, and has adopted local
 7 amendments to implement any approved land use and transportation scenario plan as
 8 provided in OAR 660-044-0130;
- 9 (b) Find that the local government has proposed adequate corrective actions to address any
 10 performance targets that were not met and adequate to implement any approved land use
 11 and transportation scenario plan as provided in OAR 660-044-0130;
- 12 (c) Find, that the local government has not met any performance targets and that the local
 13 government has proposed inadequate corrective actions; or
- 14 (d) Find that the local government has not implemented an approved land use and
 15 transportation scenario plan as provided in OAR 660-044-0130 and that the local
 16 government proposed inadequate corrective actions.
- 17 (6) If the director has made findings described in subsections (5)(a) or (b);
- 18 (a) The director shall issue an order approving the report. The department shall post an
 19 approval order on a public website and send notice to the reporting local government, and
 20 persons who provided written comment under section (4). The order must include
 21 information on the process to appeal the director's order as described in this rule.
- 22 (b) A person who has provided written comment under section (4) may appeal the director's
 23 order to the commission. For the appeal to be valid, the appeal must clearly identify a
 24 deficiency in the submitted report based on the requirements of this division and may not
 25 raise issues that were not raised in the person's written comments regarding the submitted
 26 report.
- 27 (c) The director shall determine if the appeal filed is valid, and the director's determination
 28 of validity is final.
- 29 (d) If no valid appeals are filed in response to the director's order, the order is final.
- 30 (e) If any valid appeals are filed in response to the director's order, the director shall
 31 schedule a compliance hearing before the Land Conservation and Development
 32 Commission at its next regularly scheduled meeting. If the next regularly scheduled
 33 meeting begins less than 30 days after the date a valid appeal is filed with the department,
 34 the director shall schedule the hearing for the next subsequent regularly scheduled
 35 meeting.
- 36 (7) If the director has made findings described in subsections (5)(c) or (d);
- 37 (a) The director shall schedule a compliance hearing before the Land Conservation and
 38 Development Commission at its next regularly scheduled meeting. If the next regularly
 39 scheduled meeting begins less than 30 days after the date the director makes findings, the
 40 director shall schedule the hearing for the next subsequent regularly scheduled meeting.
- 41 (b) The department shall post notice of a compliance hearing on a public website and send
 42 notice to the reporting local government, and persons who provided written comment
 43 under section (4).

- 1 (8) At the compliance hearing the commission shall:
- 2 (a) Consider the director’s written and oral report;
- 3 (b) Consider oral testimony and written testimony provided at least 14 days prior to the
4 hearing from the local government and any persons who provided written comment under
5 section (43); and
- 6 (c) Approve an order that either;
- 7 (A) Remands the submitted report to the reporting local government with specific
8 directions for needed changes, consistent with the requirements of this division;
9 or
- 10 (B) Approves the submitted report.
- 11 (9) Compliance includes, but is not limited to, meeting deadlines established in this division and in
12 OAR 660-044-0015, submitting reports, or implementing corrective actions as provided in OAR
13 660-012-0900.
- 14 (10) The commission may evaluate the compliance of the cities and counties within a metropolitan area
15 in a collective evaluation, or the commission may evaluate the compliance of an individual city or
16 county separately.
- 17 (11) If the commission finds a local government or a collection of local governments out of compliance
18 with the requirements of this division, the commission may use any authority granted to
19 commission, including but not limited to the actions below.
- 20 (a) Issue an enforcement order as provided in ORS 197.319 through 197.335.
- 21 (b) Issue an order to invalidate the acknowledgement of local transportation system plans
22 that are not consistent with an approved Land use and Transportation Scenario Plan.
- 23 (c) Provide notice to the Oregon Department of Transportation and the United States
24 Department of Transportation of the lack of compliance with state planning requirements.
- 25 (12) The director shall mail the order of the commission’s decision to be issued, with copies sent to the
26 reporting local government, and all parties that participated in the hearing.
- 27 (13) A final commission order under this rule may be reviewed as provided in ORS 183.484 for orders
28 in other than a contested case. Reports and orders as provided in this rule are not land use decisions.

29 **0910: Land Use and Transportation Performance Measures**

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

34 No substantive changes have been made to this rule since the October draft.

- 35 (1) Cities, counties, and Metro must use land use and transportation system performance measures as
36 means of measuring progress towards developing and implementing land use and transportation
37 systems plans that meet the Metropolitan Greenhouse Reduction Targets in OAR 660-044-0020
38 and 660-044-0025.

- 1 (2) Cities, counties, and Metro that have a land use and transportation scenario approved by the
2 commission as provided in OAR 660-044-0050 or OAR 660-044-0120 shall report on the
3 performance measures from the approved regional scenario plan.
- 4 (3) Cities and counties that do not have a land use and transportation scenario approved by the
5 commission as provided in OAR 660-044-0120 shall report on the specific actions, including
6 capital improvements and the adoption of policies that they have or will undertake to reduce
7 pollution and increase equitable outcomes for underserved populations. At a minimum, this report
8 must include the following performance measures:
- 9 (a) Compact Mixed-use Development
- 10 (A) Number of publicly supported affordable housing units in climate friendly areas.
- 11 (B) Number of existing and permitted dwelling units in climate friendly areas and
12 percentage of existing and permitted dwelling units in climate friendly areas
13 relative to total number of existing and permitted dwelling units in the
14 jurisdiction.
- 15 (C) Share of retail/service jobs in climate friendly areas relative to retail/service jobs
16 in the jurisdiction.
- 17 (b) Active Transportation
- 18 (A) Percent of collector and arterials streets in climate friendly areas and underserved
19 population neighborhoods with bicycle and pedestrian facilities with Level of
20 Traffic Stress 1 or 2.
- 21 (B) Percent of collector and arterial roadways in climate friendly areas and
22 underserved population neighborhoods with safe and convenient marked
23 pedestrian crossings.
- 24 (C) Percent of transit stops with safe and marked pedestrian crossings within 100
25 feet.
- 26 (c) Transportation Options
- 27 (A) Number of employees covered by an Employee Commute Options Program.
- 28 (B) Number of households engaged with Transportation Options activities.
- 29 (C) Percent of all Transportation Options activities that were focused on underserved
30 population communities.
- 31 (d) Transit
- 32 (A) Share of households within ½ mile of a priority transit corridor.
- 33 (B) Share of low-income households within ½ mile of a priority transit corridor.
- 34 (C) Share of key destinations within ½ mile of a priority transit corridor.
- 35 (e) Parking Costs and Management
- 36 (A) Average daily public parking fees in climate friendly areas.

- 1 (f) Transportation Systems Investments
- 2 (A) Percent of jurisdiction transportation budget spent in climate friendly areas and
- 3 underserved population neighborhoods.
- 4 (B) Share of investments that support low carbon modes of transportation.
- 5 (4) Cities and counties shall use the performance measures and targets adopted in section (2) of this
- 6 rule to develop and implement transportation and land use plans, projects, and policies that will
- 7 help meet the applicable Metropolitan Greenhouse Gas Reduction Targets in OAR 660-044-0020
- 8 and 660-044-0025.

9 **0915: Land Use and Transportation Performance Targets**

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

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

- 18 (1) Cities and counties must set performance targets for each reporting year for each performance
- 19 measure provided in OAR 660-044-0110 and OAR 660-012-0910 in their local transportation
- 20 system plan. Performance targets for the performance measures provided in OAR 660-012-0910
- 21 must be set at levels that are reasonably likely to achieve the regional performance targets from
- 22 an approved land use and transportation scenario plan as provided in OAR 660-044-0110(7)(a) or
- 23 the regional performance targets from the Statewide Transportation Strategy as adopted by the
- 24 Oregon Transportation Commission.
- 25 (2) Cities and counties that have a land use and transportation scenario approved by the commission
- 26 as provided in OAR 660-044-0120 must set targets for equity performance measures in a
- 27 transportation system plan as provided in OAR 660-044-0110(7)(c).
- 28 (3) Cities and counties shall set the performance targets in any major update to their transportation
- 29 systems plan as provided in OAR 660-012-0105. If a city or county has not yet set targets and is
- 30 submitting a major report as provided in OAR 660-012-0900(4), then the city or county shall set
- 31 the performance targets and include as a minor update to their transportation system plan.

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 11: Draft Housing Rules Amendments**
DATE: December 6, 2021

This document includes revised amendments to the Housing Rules (OAR Chapter 660, Division 8). The rules have not been revised from the version that was in the RAC 9 Packet, but have been included for reference. 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.

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 provision shall apply to local governments also subject to the requirements of OAR 660-012-0310. Following the initial designation of climate friendly areas as required in OAR 660-012-0315, local governments shall maintain sufficient lands within climate friendly areas to accommodate at least thirty percent of identified needed housing. Land sufficiency for climate friendly areas shall be calculated consistent with the provisions of OAR 660-012-0315(2). Demonstration of compliance with this requirement shall be included in each subsequent Housing Capacity Analysis. Land use requirements in climate friendly areas as provided in OAR 660-012-0320 shall be established 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 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. The newly designated and zoned climate friendly area shall be of sufficient size to accommodate one half of the additional housing units that

cannot be accommodated within the current urban growth boundary as provided in ORS 197.296(5). 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 chose to designate additional climate friendly area in other locations within the UGB that qualify for designation. Additional climate friendly area may be accommodated 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.

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 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 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;

(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 10



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 10 Item 12: Proposed Amendments to Division 44**

DATE: December 6, 2021

Summary of Proposed Changes:

Staff last released draft rules for metropolitan scenario planning (Division 44) in the March RAC 5 packet. Staff have updated those draft rules by incorporating guidance from the Rules Advisory Committee (RAC), community conversations, consultation with affected local governments and interested parties, legal counsel from the Department of Justice, and direction from the Land Conservation and Development Commission.

Staff has since completed work on the Transportation Planning Rules (TPR or Division 12) that incorporate some of the rules that were initially developed in Division 44. Specifically, the monitoring and reporting rules that were originally found in 660-044-0140 and 044-0150, have now been moved to the Division 12 rules 660-012-0900 through 0915. Major changes since RAC 5 draft rules include:

- Updating the equitable outcomes terminology to ‘underserved populations’
- Rules on reporting requirements prior to scenario planning (660-044-0200 and 0210) can now be found in the Transportation Planning Rules (660-012-0900-0915)
- Rules on corrective actions and enforcement now can be found in the Transportation Planning Rules (660-012-0905)

In preparing these draft rules for advisory committee review, staff suggest that the committee members focus on the **new rules** listed below that are proposed additions to the existing rules. The draft rules do include minor amendments to existing rules, but the most change can be found in the rules shown below.

- 0000 – New purpose statement
- 0015 – Schedule for cities and counties to do scenario planning
- 0100 – Work programs for scenario planning

- 0110 – Required contents of a scenario plan
- 0120 – Department and commission review
- 0130 – Local plan amendments to implement the 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 if you would like to comment in this way.

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 scenario 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.

(1) **Applicability:** When local governments within a metropolitan area are conducting land use and transportation scenario 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) **Projected Emission Rates:** Projections of greenhouse gas emissions must use the emission rates specified in subsection (a) or the flexible option described in subsection (b).

(a) Projections of greenhouse gas emissions may use the emission rates listed below, which are based on the Statewide Transportation Strategy and reflect reductions likely to result by the use of improved vehicle technologies and fuels. Rates are measured in grams of carbon dioxide equivalent per vehicle mile.

(A) In 2040, 140 grams per mile.

- (B) In 2041, 134 grams per mile.
- (C) In 2042, 128 grams per mile.
- (D) In 2043, 123 grams per mile.
- (E) In 2044, 117 grams per mile.
- (F) In 2045, 112 grams per mile.
- (G) In 2046, 108 grams per mile.
- (H) In 2047, 103 grams per mile.
- (I) In 2048, 99 grams per mile.
- (J) In 2049, 94 grams per mile.
- (K) In 2050, 90 grams per mile.

(b) Projections of greenhouse gas emissions may differ from the rates in subsection (a) 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.

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

(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 doing 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) Projects reasonably likely to be funded through the horizon year;
 - (b) 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 DLCDC 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.