



### Climate-Friendly and Equitable Communities Corrections & Clarifications Rulemaking



### Rulemaking Advisory Committee Meeting 4 – September 6, 2023

This is the fourth and final meeting of the rulemaking advisory committee for the corrections and clarifications rulemaking. Department of Land Conservation and Development (DLCD or department) staff would like to thank you for your full-fledged participation in this effort to improve Oregon’s rules for metropolitan land use and transportation system planning.

Although this process is coming to an end, the staff will monitor implementation in communities across the state. In addition to providing technical assistance and guidance, staff will continue to review the performance of the adopted rules and recommend future rulemaking activities as needed.

In this packet, please find an updated set of draft rules amendments in addition to this cover memo. The amendments include highlights to show areas where there have been changes since the RAC 3 draft. The memo includes an update on the rulemaking process and a summary of changes to draft rules where there have been changes.

DLCD staff continue to update the rulemaking website with more information throughout the process. Please find additional information there:

<https://www.oregon.gov/lcd/LAR/Pages/CFEC.aspx>

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We will send our meeting agenda separately next week.

#### Rulemaking Process Update

The department submitted notice of rulemaking to the Secretary of State for publication in July. While a draft version of proposed rule amendments was included in this notice, the department has continued to adjust the amendments based on input received and guidance from the Land Conservation and Development Commission (LCDC or commission). The amendments are not final until the commission adopts them. However, the commission may only amend those rules included in the [Secretary of State notice](#).

The commission and department will continue to accept written testimony through **September 17, 2023**. The commission and department are unable to accept testimony after September 17.

The department expects to publish a draft version of the amendments next week following this meeting, but prior to September 17 to allow time for additional comments. Staff expect only small changes between the version of the rules in this packet, the review draft version, and the version staff will present to the commission in November.

Considering testimony submitted prior to September 17, staff expect the commission to consider the adoption of amendments to the rules at its November 2-3, 2023 meeting.

### **Rule 0005 – Definitions**

“Accessible dwelling unit” and “accessible” – At the suggestion of RAC member, Michael Szporluk, staff have updated these definitions to reference construction requirements from the Fair Housing Act, in addition to those established by the Americans with Disabilities Act.

“Metro Region 2040 Center” – Staff have developed this definition to clarify that these are areas adopted by cities and counties consistent with Metro’s 2040 Growth Concept map. Several rules are tied to these areas.

### **Rule 0012 – Effective Dates and Transition**

Staff have amended subsection (4)(d), related to town and regional center boundary adoption within the Metro area, to clarify the process for city and county adoption of the town and regional center boundaries. The changes improve consistency with Metro’s implementation process for their 2040 Growth Concept and clarify that the requirements apply to areas that have been planned for urban uses by either a city or a county in the region. The amendment also uses the newly defined “Metro Region 2040 Centers” to refer to areas with boundaries adopted by cities and counties.

Subsection (4)(e) has been added (and subsequent subsections have been re-lettered) to clarify the applicability of parking reform requirements in relation to areas designated as Metro Region 2040 Centers.

### **Rule 0210 – Transportation Modeling and Analysis**

As discussed at the RAC 3 meeting, staff will propose that the effective date of this rule be postponed into the future. Staff expect to engage in a process to completely review and update this rule prior to it becoming effective. We do not know when this will happen, but staff expects this to occur no sooner than 2025.

The method of postponing the effective date in the rules has been developed in close consultation with the Department of Justice. The draft rule includes an effective date of December 31, 2027. For additional clarity, this date is included in both rule 0012, replacing the existing effective date, and in rule 0210 itself.

## **Rule 0610 – Bicycle System Requirements**

Based on discussion at the RAC 3 meeting, staff have added clarity and flexibility to requirements for planning the high-quality connected network of bicycle facilities in Climate-Friendly Areas.

## **Rule 0630 – Bicycle Parking**

Based on discussion in the RAC and TAC meetings, staff have changed the text of the requirement to provide for parking for multi-unit and mixed-use residential uses. The updated requirement states that cities and counties shall require bicycle parking for these uses. The requirement provides for cities and counties to consider a bicycle parking ratio of one parking space per residential unit, but does not prescribe this ratio. The rule provides for cities and counties to provide for different residential parking ratios. Local governments may find some types of residential uses may not require as much bicycle parking as other uses.

## **Staff Contacts**

Thank you again for your participation in this advisory committee. Please do not hesitate to contact staff with any questions.

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**Chapter 660 – Division 12  
Transportation Planning  
Draft Amendments – August 31, 2023 (RAC 4 Draft)**

This document contains a draft set of amendments to the Transportation Planning Rules. The amendments are meant to address the rulemaking charge given to the department and the rulemaking advisory committee by the Land Conservation and Development Commission on April 20, 2023. This document includes changes from presently adopted rules (not including rules adopted temporarily by the commission), and comments about changes within boxes which are not part of the rules themselves. Areas of the rules **highlighted in yellow** show areas where there have been substantive changes since the RAC 3 draft of August 11, 2023.

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

2 Minor change to this rule on advice of counsel to add a preamble to the definitions.

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

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

9 Minor change to this rule at the suggestion of Michael Szporluk. These units can accommodate all  
 10 people, and are often seen as desirable for many reasons and bought/leased/rented by people without  
 11 disabilities.

12 (2) “Accessible dwelling unit” means a dwelling unit constructed to **standards capable of accommodating** persons  
 13 **with disabilities, in compliance with the applicable accessibility standards under the Americans with Disabilities**  
 14 **Act, the Fair Housing Act, and applicable construction requirements in adopted building codes.**

- 1 (3) “Accessible” means complying with the applicable accessibility standards under the Americans with Disabilities  
 2 Act, the Fair Housing Act, and applicable construction requirements in adopted building codes.
- 3 (4) “Accessway” means a walkway that provides pedestrian and or bicycle passage either between streets or from a  
 4 street to a building or other destination such as a school, park, or transit stop. Accessways generally include a  
 5 walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to  
 6 provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are  
 7 generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices  
 8 and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved,  
 9 or marked in a manner that provides convenient access for pedestrians.
- 10 (5) “Affected Local Government” means a city, county, or metropolitan service district that is directly impacted by a  
 11 proposed transportation facility or improvement.
- 12 (6) “Approach Road” means a legally constructed, public or private connection that provides vehicular access either  
 13 to or from or to and from a highway and an adjoining property.
- 14 (7) “Area, net” means the total area of a development site exclusive of proposed or existing public rights of way,  
 15 public parks, public open space, protected natural features, and any other areas permanently precluded from  
 16 development due to development constraints, easements, or similar legal instruments.
- 17 (8) “At or near a major transit stop”: “At” means a parcel or ownership that is adjacent to or includes a major transit  
 18 stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. “Near”  
 19 generally means a parcel or ownership that is within 300 feet of a major transit stop. The term “generally” is  
 20 intended to allow local governments through their plans and ordinances to adopt more specific definitions of these  
 21 terms considering local needs and circumstances consistent with the overall objective and requirement to provide  
 22 convenient pedestrian access to transit.
- 23 (9) “Bicycle boulevard” means bicycle facilities on streets with low motorized traffic volumes and speeds,  
 24 designated and designed to give bicycle travel priority. Bicycle boulevards use signs, markings, traffic diverters,  
 25 or other measures to discourage through trips by motor vehicles. A bicycle boulevard may also include traffic  
 26 control features to create safe, convenient bicycle crossings of intersecting streets.
- 27 (10) “Climate-friendly area” means an urban mixed-use area containing, or planned to contain, a mixture of higher-  
 28 density housing, jobs, businesses, and services. These areas are served by, or planned for service by, high-quality  
 29 pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key  
 30 destinations within the city and region. These areas feature a well-designed and connected pedestrian  
 31 environment. To maximize community benefits these areas typically do not contain or require large parking lots,  
 32 and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to  
 33 visitors, residents, and employees. Climate-friendly areas will reduce the reliance on light duty motor vehicle trips  
 34 for residents, workers, and visitors by providing more proximate destinations within climate-friendly areas,  
 35 improved connectivity to key destinations elsewhere in the community, and enhanced alternative transportation  
 36 options.

37 

Minor reword for clarity.
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- 38 (11) “Commercial parking lot” means a site ~~without a primary use where~~ the primary use is renting or leasing  
 39 ~~vehicle parking spaces are rented or leased.~~ It does not include shared parking.
- 40 (12) “Committed transportation facilities” means those proposed transportation facilities and improvements that are  
 41 consistent with the acknowledged comprehensive plan and have approved funding for construction in a public  
 42 facilities plan or the Six-Year Highway or Transportation Improvement Program.
- 43 (13) “Demand management” means actions that are designed to change travel behavior in order to improve  
 44 performance of transportation facilities and to reduce need for additional road capacity. Methods may include, but  
 45 are not limited to, the use of non-driving modes, ride-sharing and vanpool programs, trip-reduction ordinances,  
 46 shifting to off-peak periods, and reduced or paid parking.
- 47 (14) “Equitable outcomes” means outcomes that burdens underserved populations less than, and benefits  
 48 underserved populations as much or more as, the city or county population as a whole. Examples of equitable  
 49 outcomes include:
- 50 (a) Increased stability of underserved populations, lowering the likelihood of displacement due to gentrification  
 51 from public and private investments;
- 52 (b) More accessible, safe, affordable and equitable transportation options with better connectivity to destinations  
 53 people want to reach;
- 54 (c) Adequate housing with access to employment, education, fresh food, goods, services, recreational and cultural  
 55 opportunities, and social spaces;
- 56 (d) Increased safety for people in public spaces, transportation, and community development;

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

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

10 (i) Increased opportunities for people with disabilities to be actively engaged in community-based decision-  
 11 making processes, with supports as needed.-

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

This new definition has been added for clarity. Metro Region 2040 Centers are referred to in a number of places in the rules, where identification of the specific adopted areas is necessary for rule implementation.

(23) “Metro Region 2040 Center” means the area within a locally adopted boundary under Title 6 of the acknowledged Metro Urban Growth Management Functional Plan for regional centers and town centers on Metro’s 2040 Growth Concept map.

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

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

This new section addresses charge item 1. The new definition of “multi-unit housing” will be used consistently throughout the division.

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

(275) “ODOT” means the Oregon Department of Transportation.

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

Minor change to this section for clarity.

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

(3028) “Parking maximums” means limits on the number of off-street parking spaces that can be included in a development.

One change to this section to exclude spaces for automobiles for sale or rent as “parking spaces.”

(3129) “Parking spaces” means on and off-street spaces designated for automobile parking, other than parking spaces reserved for automobiles for sale or rent, carpools, vanpools, or parking under the Americans with Disabilities Act.

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

- (a) Lands planned for a mix of commercial or institutional uses near lands planned for medium to high-density housing; or
- (b) Areas with a concentration of employment and retail activity; and
- (c) That have, or could develop, or have planned a network of streets and accessways that provide convenient pedestrian circulation.

(334) “Pedestrian facility” means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian facilities include but are not limited to sidewalk\_s, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian facilities are generally hard surfaced. In parks and natural areas, pedestrian facilities may be soft-surfaced pathways. On undeveloped parcels

1 and parcels intended for redevelopment, pedestrian facilities may also include rights of way or easements for  
2 future pedestrian improvements.

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

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

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

18 This new section addresses charge item 2.

19 This new section addresses charge item 2.

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

22 This new section addresses charge item 2.

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

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

27 (4036) “Preliminary Design” means an engineering design that specifies in detail the location and alignment of a  
28 planned transportation facility or improvement.

29 (4137) “Priority transit corridor” means a corridor that has a high existing or planned level of transit service relative  
30 to other transit service in the community, including service frequency and span of service. The corridor may be  
31 described as a series of stations when served by high-capacity transit services with widely spaced stations.

32 (4238) “Reasonably direct” means either a route that does not deviate unnecessarily from a straight line or a route  
33 that does not involve a significant amount of out-of-direction travel for likely users.

34 (4339) “Refinement Plan” means an amendment to the transportation system plan, that resolves, at a systems level,  
35 determinations on function, mode or general location which were deferred during transportation system planning  
36 because detailed information needed to make those determinations could not reasonably be obtained during that  
37 process.

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

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

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

45 Changes to this definition in response to RAC comments.

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



1 This definition has been reworded to make it easier to provide shared parking.

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

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

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

14 (5046) “Transportation Facilities” means any physical facility that moves or assist in the movement of people or  
 15 goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage, and water systems.

16 (5147) “Transportation System Management Measures” means techniques for increasing the efficiency, safety,  
 17 capacity, or level of service of a transportation facility without increasing its size. Examples include, but are not  
 18 limited to, traffic signal improvements, traffic control devices including installing medians and parking removal,  
 19 channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.

20 (5248) “Transportation Needs” means estimates of the movement of people and goods consistent with an  
 21 acknowledged comprehensive plan and the requirements of this division. Needs are typically based on projections  
 22 of future travel demand resulting from a continuation of current trends as modified by policy objectives, including  
 23 those expressed in Goal 12 and this division, and attaining the state’s goals for greenhouse gas emissions  
 24 reduction, especially those for avoiding principal reliance on any one mode of transportation.

25 (5349) “Transportation Needs, Local” means needs for movement of people and goods within communities and  
 26 portions of counties and the need to provide access to local destinations.

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

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

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

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

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

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

42 (6056) “Urban Area” means lands within an urban growth boundary, two or more contiguous urban growth  
 43 boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). For the purposes of this  
 44 division, the area need only meet the definition contained in the Unincorporated Communities Rule although the  
 45 area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

46 (6157) “Unbundled parking” means a requirement that parking spaces for each unit in a development be rented,  
 47 leased, or sold separately from the unit itself. The parking space(s) must be rented, leased, or sold at market rates  
 48 for comparable local off-street parking. The renter, lessor, or buyer of the unit must be allowed to opt out of  
 49 renting, leasing, or buying the parking space.

50 (6258) “Urban Fringe” means:

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

- 1 ~~(6359)~~ “Vehicle Miles Traveled (VMT)” means all jurisdiction household-based light vehicle travel regardless of  
 2 where the travel occurs.  
 3 ~~(640)~~ “Walkway” means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and  
 4 surfaced portions of accessways.

5 Statutory/Other Authority: ORS 197.040

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

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

- 8 (1) The rules in this division adopted on July 21, 2022, and amendments to rules in this division adopted on that  
 9 date, are effective August 17, 2022, except as provided in this rule.  
 10 (2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make interim updates to the  
 11 local transportation system plan using requirements as provided in OAR 660-012-0015 if the city or county:  
 12 (a) Has submitted notice of the proposed change to the comprehensive plan to the department as provided in  
 13 OAR 660-018-0020 no later than December 31, 2022; or  
 14 (b) The interim update is not a major transportation system plan update as provided in OAR 660-012-0105, and  
 15 the city or county has submitted notice of the proposed change to the comprehensive plan to the department  
 16 as provided in OAR 660-018-0020 no later than June 30, 2027. Interim updates must comply with applicable  
 17 requirements in this division within the scope of the transportation system plan amendment but need not bring  
 18 the entire transportation system plan in compliance with all applicable regulations.

19 **Changes in this section were part of temporary rules adopted by the commission in April.**

- 20 (3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or deadlines in  
 21 section (4) of this rule.  
 22 (a) A submitted proposal for alternative dates shall include:  
 23 (A) A description of any work already underway to begin complying with the new or amended requirements of  
 24 this division;  
 25 (B) Proposed dates for accomplishing requirements in lieu of effective dates or deadlines provided in this rule;  
 26 and  
 27 (C) A schedule for updating local transportation system plans to comply with new or amended requirements of  
 28 this division.  
 29 (b) Proposed alternative dates must demonstrate consistent progress toward meeting the updated requirements of  
 30 this division. ~~Proposed alternative dates must include at least some work implemented by December 31, 2023.~~  
 31 Proposed alternative dates must include completion of all elements included in the alternative dates, except for a  
 32 major update to the transportation system plan, by ~~June 30, 2027~~ December 31, 2029.  
 33 (c) Proposed alternative dates should be designed to sequence work in a logical progression, considering  
 34 acknowledged plans, other work, and the work of other jurisdictions within the metropolitan area. Cities and  
 35 counties in a metropolitan area may submit joint proposed alternative dates for a metropolitan area.  
 36 ~~(d) Proposed alternative dates may not be submitted to the department after January 31, 2023.~~  
 37 ~~(e)~~ (ed) Local governments in regions required to submit a work program as provided in OAR 660-044-0015 may  
 38 submit a single combined work program that proposes alternative dates as provided in this rule and meets the  
 39 requirements as provided in OAR 660-044-0100. ~~Notwithstanding subsection (d), the combined work program~~  
 40 ~~must be submitted by the date provided in OAR 660-044-0015.~~  
 41 ~~(f)~~ (fe) The director shall review the proposed alternative dates to determine whether the proposed alternative dates  
 42 meet the following criteria:  
 43 (A) Ensures urgent action;  
 44 (B) Coordinates actions across jurisdictions within the metropolitan area;  
 45 (C) Coordinates with work required as provided in OAR 660-044-0100;  
 46 (D) Sequences elements into a logical progression; and  
 47 (E) Considers availability of funding and other resources to complete the work.  
 48 ~~(g)~~ (gf) Upon the director finding the proposed alternative dates meet the criteria in (f), the alternative dates shall be  
 49 used.  
 50 ~~(h)~~ (hg) The director may modify alternative dates at any time as necessary to achieve the purposes of this division.  
 51 (4) The dates in this section apply unless alternative dates are approved by the director as provided in section (3).

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

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

- 6 (b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation performance standards  
 7 take effect ~~on June 30, 2025~~ upon the adoption of a major update to the local transportation system plan.  
 8 (c) A city or county that is subject to the requirements of OAR 660-012-0310 shall adopt land use requirements  
 9 for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-  
 10 0315 by December 31, 2024.

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

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

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

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

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

29 This new subsection clarifies parking reform rules that are tied to CFA and Metro Region 2040 Center  
 30 areas.

31 (e) For all Metro Region 2040 centers, cities and counties within Metro must ensure all applicable provisions of  
 32 this division are met, including OAR 660-012-0415(1) and OAR 660-012-0435(2).

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

35 The change in this subsection is for language consistency.

36 (gf) Cities and counties shall adopt comprehensive plan amendments and land use regulations meeting  
 37 requirements provided in OAR 660-012-0400, OAR 660-012-0405, and OAR 660-012-0415 through OAR 660-  
 38 012-0450 no later than June 30, 2023, except as provided below. If a city or county has not done so, it may not  
 39 ~~apply~~ enforce parking mandates after that date.

40 (A) Cities and counties that pass population thresholds in OAR 660-012-0400, OAR 660-012-0415, or OAR  
 41 660-012-0450 must adopt comprehensive plan amendments and land use regulations meeting requirements  
 42 within 12 months of passing those population thresholds.

43 (B) If cities and counties adopt an approach in OAR 660-012-0445, policies must take effect no later than June  
 44 30, 2023.

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

47 (hg) Cities choosing to report on the share of on-street parking spaces that are priced as provided in OAR 660-  
 48 012-0450(1)(b) must:

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

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

1 A previous draft of these amendments deleted some provisions in this section with dates that have  
2 passed. Staff have returned these to the adopted version to avoid potential confusion.

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

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

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

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

10 (c) The provisions of OAR 660-012-0310(4)(a) and (b) take effect June 30, 2023.

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

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

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

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

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

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

23 (6) Cities and counties with voter-approved bond-funded projects where the election occurred before January 1,  
24 2022 may use approved bond funding as a factor when prioritizing projects in an unconstrained project list as  
25 provided in OAR 660-012-0170(4).

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

28 Statutory/Other Authority: ORS 197.040

29 Statutes/Other Implemented: ORS 197.712, ORS 197.296, ORS 455.417

### 30 **660-012-0100: Transportation System Plans in Metropolitan Areas**

31 Minor changes in this rule.

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

35 (a) The core transportation system plan elements as provided in section (2);

36 (b) Funding projections as provided in OAR 660-012-0115;

37 (c) A transportation options element as provided in OAR 660-012-0145;

38 (d) An unconstrained project list as provided in OAR 660-012-0170;

39 (e) A financially-constrained project list as provided in OAR 660-012-0180;

40 (f) Any refinement plans adopted as provided in OAR 660-012-0190;

41 (g) A pedestrian system element as provided in OAR 660-012-0500;

42 (h) A bicycle system element as provided in OAR 660-012-0600;

43 (i) A public transportation system element as provided in OAR 660-012-0700; and

44 (j) A street and highway system element as provided in OAR 660-012-0800.

45 (2) A transportation system plan shall include the following core elements:

46 (a) The base and planning horizon years as provided in section (3) of this rule;

47 (b) The land use assumptions as provided in OAR 660-012-0340;

48 (c) A list of all elements of the plan, and the date of adoption or amendment of each;

49 (d) The coordinated land use and transportation system planning policies in the city's comprehensive plan;

50 (e) The local transportation system plan goals and policies;

- 1 (f) Areas with concentrations of underserved populations as provided in OAR 660-012-0125, identified using best  
2 available data;
- 3 (g) A record of the engagement, involvement, and decision-making processes used in development of the plan, as  
4 provided in OAR 660-012-0130;
- 5 (h) A major equity analysis as provided in OAR 660-012-0135 or an engagement-focused equity analysis as  
6 provided in OAR 660-012-0135 for urban areas under 5,000 in population; and
- 7 (i) The dates of each report made to the director as provided in OAR 660-012-0900, including all applicable city  
8 and county reports for the planning area.
- 9 (3) Cities and counties shall determine the base and horizon years of a transportation system plan as follows:
- 10 (a) The base year is the present or past year which is used for the development of plan elements. The base year  
11 shall be the year of adoption of a major update to the Transportation System Update, or no earlier than five  
12 years prior.
- 13 (b) The horizon year is the future year for which the plan contains potential projects and shall be at least twenty  
14 years from the year of adoption of a major update to the transportation system plan.
- 15 (4) The director may grant a whole or partial exemption from the requirements of this division to cities and counties  
16 with a population of less than 10,000 within the urban area. The director may also grant a whole or partial  
17 temporary exemption from the requirements of this division to jurisdictions of any size that are newly included in  
18 an existing metropolitan area or a newly designated metropolitan area. The director shall use the criteria and  
19 process as provided in OAR 660-012-0055(7) to decide to approve an exemption.
- 20 (5) The development of a transportation system plan shall be coordinated with affected cities, counties,  
21 transportation facility owners, and transportation service providers, and transportation options providers.
- 22 (6) Adoption or amendment of a transportation system plan shall constitute the land use decision regarding the  
23 function, mode, general location, and need for transportation facilities, services, and major improvements.
- 24 (7) Adoption or amendment of a transportation system plan shall include findings of compliance with applicable  
25 statewide planning goals, acknowledged comprehensive plan policies, and land use regulations.
- 26 (8) Cities and counties shall design transportation system plans to achieve transportation performance targets as  
27 provided in OAR 660-012-0910.
- 28 (9) Metro shall adopt a regional transportation system plan provided in OAR 660-012-0140.
- 29 (10) Cities and counties in the Portland Metropolitan Area shall additionally meet the requirements as provided in  
30 OAR 660-012-0140.

31 Statutory/Other Authority: ORS 197.040

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

### 33 **660-012-0110: Transportation System Planning Area**

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

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

- 46 (3) Counties planning for urban areas as provided in this rule, and associated cities, shall meet these requirements:
- 47 ~~(a) Counties shall meet the applicable requirements of this division as if they were a city, even when requirements~~  
48 ~~only refer to cities.~~
- 49 ~~(a)~~ Both the city and county shall meet all applicable requirements of this division based on the population of the  
50 entire urban area, except where a population threshold in a rule specifically refers to the population of the urban  
51 unincorporated area.

(be) When a county develops a transportation system plan for a portion of the urban area within an urban growth boundary, both transportation system plans must have the same planning horizon year. This subsection does not apply in urban areas with more than one city or in the Portland Metropolitan Area.

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

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

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

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

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

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

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

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

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

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

~~(2)~~ A city or county engaging in a major equity analysis shall conduct all the actions in the engagement-focused equity analysis in section ~~(34)~~. In addition, a city or county shall:

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

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

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

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

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

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

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

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

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

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

18 Statutory/Other Authority: ORS 197.040

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

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

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

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

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



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

26 Statutory/Other Authority: ORS 197.040

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

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

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

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

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

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

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

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

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

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

15 Statutory/Other Authority: ORS 197.040

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

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

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

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

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

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

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

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

29 Statutory/Other Authority: ORS 197.040

30 Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

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

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

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

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

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

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

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

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

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

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

- (a) Reducing climate pollution;
- (b) Equity;
- (c) Safety;
- (d) Network connectivity;
- (e) Accessibility;
- (f) Efficiency;
- (g) Reliability; and
- (h) Mobility.

Statutory/Other Authority: ORS 197.040

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

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

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

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

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

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

(3) Cities and counties shall designate climate-friendly areas. Counties with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services within an identified

1 urban growth boundary shall coordinate with the respective city or cities to address climate-friendly area  
 2 requirements for those areas. Areas under county jurisdiction outside urban growth boundaries; or within urban  
 3 growth boundaries but not provided with urban water, sanitary sewer, stormwater, and transportation services; are  
 4 not subject to this rule.

5 (4) Cities and counties shall designate climate-friendly areas as they cross the population thresholds in subsections  
 6 (a) and (b). City population is as determined by the most recently certified Portland State University Population  
 7 Research Center population estimate. Compliance timelines are based upon the date of the certification of the  
 8 population estimate. County population within an urban growth boundary may be calculated by interpolating  
 9 Portland State University Population Research Center's population forecast for the area within an urban growth  
 10 boundary, then subtracting the certified city population estimate from the total population within the urban growth  
 11 boundary for the current year.

12 (a) A city or county with a population within an urban growth boundary exceeding 5,000, but less than 10,001  
 13 shall submit a study of potential climate-friendly areas to the department as provided in OAR 660-012-0315  
 14 within 545 days of reaching a population exceeding 5,000. The city or county shall subsequently adopt land use  
 15 requirements as provided in OAR 660-012-0315, and climate-friendly elements to their comprehensive plans  
 16 within 365 days of the deadline for submittal of the study of potential climate-friendly areas.

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

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

- 30 (a) Initiate periodic review for the city or county to address the requirement; or  
 31 (b) Issue an enforcement order to the city or county, consistent with ORS 197.646.

32 Statutory/Other Authority: ORS 197.040

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

#### 34 **660-012-0315: Designation of ~~Climate~~-Climate-Friendly Areas**

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

41 (a) A local government may designate one or more climate-friendly areas to accommodate at least 30 percent of  
 42 housing units.

43 **Changes in this subsection were part of temporary rules adopted by the commission in April.**

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

49 **Changes in this section were part of temporary rules adopted by the commission in April.**

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

- 1 (a) Regardless of existing development in a climate-friendly area, determine the potential square footage of zoned  
 2 building capacity for each net developable area based on ~~existing or anticipated~~ proposed development standards  
 3 ~~within~~ for the climate-friendly area, including applicable setbacks, allowed building heights, open space  
 4 requirements, on-site parking requirements, and ~~similar~~ all other applicable regulations that would impact the  
 5 developable site area. Within developed areas with no blocks greater than 5.5 acres, analysis of net developable  
 6 areas may be conducted for each city block, without regard to property boundaries within the block. Within  
 7 areas of 5.5 acres or more bounded by streets of 5.5 acres or more, the local government shall assume the same  
 8 ratio of ~~total gross~~ land area to net land area as that which exists in the most fully developed urban center within  
 9 the city or county.
- 10 (b) Where the local government has not established a maximum building height, assumed building height shall be  
 11 85 feet. For the purpose of calculating zoned building capacity, cities and counties may assume the following  
 12 number of floors within multistory buildings, based on allowed building heights:
- 13 (A) Thirty feet allows two floors.  
 14 (B) Forty feet allows three floors.  
 15 (C) Fifty feet allows for four floors.  
 16 (D) Sixty feet allows for five floors.  
 17 (E) Seventy-five feet allows for six floors.  
 18 (F) Eighty-five feet allows for seven floors.
- 19 (c) If a local government allows height bonuses above the maximum building heights used for calculations in  
 20 subsection (b), the local government may include 25 percent of that additional zoned building capacity when the  
 21 bonuses:
- 22 (A) Allow building heights above the minimums established in OAR 660-012-0320(8); and,  
 23 (B) Allow height bonuses for publicly-subsidized housing serving households with an income of 80 percent or  
 24 less of the area median household income, or height bonuses for the construction of accessible dwelling units,  
 25 as defined in OAR 660-008-0050(4)(a), in excess of minimum requirements.
- 26 (d) Local governments shall assume that residential dwellings will occupy 30 percent of the zoned building  
 27 capacity calculated in subsections (a), (b), and (c) within climate-friendly areas. Public parks and open space  
 28 areas within climate-friendly areas that are precluded from development shall not be included in calculations of  
 29 zoned building capacity, but may be counted towards minimum area and dimensional requirements for climate-  
 30 friendly areas. Zoning and development standards for public parks and open space areas are exempted from  
 31 compliance with the land use requirements in OAR 660-012-0320 if the existing zoning standards do not allow  
 32 residential, commercial, or office uses.
- 33 (e) Local governments shall assume an average dwelling unit size of 900 square feet. Local governments shall use  
 34 the average dwelling unit size to convert the square footage of zoned residential building capacity calculated in  
 35 subsection (d) into an estimate of the number of dwelling units that may be accommodated in the climate-  
 36 friendly area.
- 37 (3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of 10,000 or less shall  
 38 designate at least 25 acres of land as climate-friendly area.
- 39 (4) Cities and counties must submit a study of potential climate-friendly areas to the department as provided in this  
 40 rule. The study of potential climate-friendly areas shall include the following information:
- 41 (a) Maps showing the location and size of all potential climate-friendly areas. Cities and counties shall use the  
 42 study process to identify the most promising area or areas to be chosen as climate-friendly areas but are not  
 43 required to subsequently adopt and zone each studied area as a climate-friendly area.
- 44 (b) Cities and counties subject to section (1) shall provide preliminary calculations of zoned residential building  
 45 capacity and resultant residential dwelling unit capacity within each potential climate-friendly area consistent  
 46 with section (2), or using an alternative methodology as provided in OAR 660-012-0320(10), and using land use  
 47 requirements within each climate-friendly area as provided in OAR 660-012-0320. Potential climate-friendly  
 48 areas must be cumulatively sized and zoned to accommodate at least 30 percent of the total identified number of  
 49 housing units as provided in section (1).
- 50 (c) A community engagement plan for the designation of climate-friendly areas, including the process to adopt  
 51 associated amendments to the comprehensive plan and zoning code, consistent with the requirements of OAR  
 52 660-012-0120 through 660-012-0130. The community engagement plan shall be consistent with the  
 53 requirements for an engagement-focused equity analysis as provided in OAR 660-012-0135(34).
- 54 (d) Analysis of how each potential climate-friendly area complies, or may be brought into compliance, with the  
 55 requirements of OAR 660-012-0310(2).

- 1 (e) A preliminary evaluation of existing development standards within the potential climate-friendly area(s) and a  
 2 general description of any changes necessary to comply with the requirements of OAR 660-012-0320.
- 3 (f) Plans for achieving fair and equitable housing outcomes within climate-friendly areas, as identified in OAR  
 4 660-008-0050(4)(a)-(f). Analysis of OAR 660-008-0050(4)(f) shall include analysis of spatial and other data to  
 5 determine if the rezoning of potential climate-friendly areas would be likely to displace residents who are  
 6 members of state and federal protected classes. The local government shall also identify actions that may be  
 7 employed to mitigate or avoid potential displacement.
- 8 (5) Cities and counties shall submit climate-friendly area study reports required in section (4). Following submittal,  
 9 the department shall review reports as follows:
- 10 (a) Within 30 days of receipt of the report, the department shall:
- 11 (A) Post a complete copy of the submitted report on the department's website along with a statement that any  
 12 person may file a written comment regarding the submitted report no more than 21 days after the posting of  
 13 the report.
- 14 (B) Provide notice to persons described under ORS 197.615(3)(a), directing them to the posting described in  
 15 paragraph (A) and informing them that they may file a written comment regarding the submitted report no  
 16 more than 21 days after the posting of the report.
- 17 (b) Within 60 days of posting of the report on the department's website, the department shall provide written  
 18 comments to the local government regarding the report information and the progress made to identify suitable  
 19 climate-friendly areas. The department shall also provide the local government with any written comments  
 20 submitted by interested persons, as provided in subsection (a).

21 Changes in this section were part of temporary rules adopted by the commission in April.

- 22 (6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and clearly identify the  
 23 climate-friendly elements to areas in their comprehensive plan maps, comprehensive plans, zoning maps, or zoning  
 24 codes; indicated by land use designation, overlay zone, or similar mechanisms. Adoption of land use requirements  
 25 and findings for the climate-friendly element of the comprehensive plan, code, or map amendment shall include  
 26 the following:
- 27 (a) Cities and counties subject to section (1) shall provide maps showing the location of all adopted climate-  
 28 friendly areas, and supplemental materials including calculations to demonstrate that climate-friendly areas  
 29 contain sufficient zoned residential building capacity to accommodate 30 percent of total housing units as  
 30 provided in section (2), or using an alternative methodology as provided in OAR 660-012-0320(10), and based  
 31 on adopted land use requirements in these areas as provided in OAR 660-012-0320. Cities and counties subject  
 32 to section (3) shall provide maps showing the location of the adopted climate-friendly area. Local governments  
 33 subject to (1) or (3) shall include findings containing the information and analysis required in section (4) for any  
 34 climate-friendly areas that were not included in the initial study specified in section (4).
- 35 (b) Documentation of the number of total existing dwelling units, accessible dwelling units, and income-restricted  
 36 dwelling units within all climate-friendly areas. Where precise data is not available, local governments may  
 37 provide estimates based on best available information.
- 38 (c) Documentation that all adopted and applicable land use requirements for climate-friendly areas are consistent  
 39 with the provisions of OAR 660-012-0320.
- 40 (d) Adoption of a climate friendly element into the comprehensive plan containing findings and analysis  
 41 summarizing the local government climate friendly area designation decision process and demonstration of  
 42 compliance with the provisions of OAR 660-012-0310 through 660-012-0325. Additionally, a Adopted findings  
 43 shall demonstrate compliance with the provisions of OAR 660-012-0310 through 660-012-0325, and shall  
 44 include:
- 45 (A) Identification of all ongoing and newly-added housing production strategies the local government shall use  
 46 to promote the development of affordable housing in climate-friendly areas. The local government may use  
 47 the Housing Production Strategy Guidance for Cities to review and identify potential strategies, as provided  
 48 in OAR 660-008-0050(3). These strategies shall be incorporated into future housing production strategy  
 49 reports, as provided in OAR chapter 660, division 8.
- 50 (B) Identification of all ongoing and newly-added housing production strategies the local government shall use  
 51 to prevent the displacement of members of state and federal protected classes in climate-friendly areas.  
 52 Findings shall include a description of how the strategies will be implemented based on consideration of  
 53 identified neighborhood typologies and the most effective measures to prevent displacement based on  
 54 typology. The local government may use the Housing Production Strategy Guidance for Cities, along with the

department's "Anti-Displacement and Gentrification Toolkit" to identify the most effective measures to prevent displacement based on neighborhood typologies. These strategies shall be incorporated into future housing production strategy reports, as provided in OAR chapter 660, division 8.

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

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

The changes to this section address charge item 1. The changes incorporate the consistent use of the term "multi-unit housing."

- (2) Except as noted in subsection (a) and section (3), development regulations for a climate-friendly area shall allow single-use and mixed-use development within individual buildings and development sites, including the following outright permitted uses:
- Multi-unit housing ~~family residential~~ and attached single-unit housing ~~family residential~~. Other residential building types may be allowed, subject to compliance with applicable minimum density requirements in section (8) of this rule, or alternative land use requirements as provided in section (9). Notwithstanding this section, local governments may require ground floor commercial and office uses within otherwise single-use multi-unit ~~family residential~~ buildings.
  - Office-type uses.
  - Non-auto dependent retail, services, and other commercial uses.
  - Child care, schools, and other public uses, including public-serving government facilities.
- (3) Portions of abutting residential or employment-oriented zoned areas within a half-mile walking distance of a mixed-use area zoned as provided in section (1) may count towards climate-friendly area requirements, if in compliance with subsections (a) or (b). Notwithstanding existing development, zoned residential building capacity shall be calculated for the abutting areas based on allowed building heights and existing development standards in these areas, as provided in OAR 660-012-0315(2) or using an alternative methodology as provided in OAR 660-012-0320(10). Residential and employment densities for abutting areas shall correspond to the climate-friendly area type, provided in subsections (8)(a), (b), or (c) or (9)(a), (b), or (c). If subsections (a) or (b) are met, no changes to existing zoning or development standards are required for these areas.
- Residential areas with minimum residential densities or existing residential development equal to or greater than the densities provided in section (8); or
  - Existing employment uses equal to or greater than the number of jobs per acre provided in section (9).
- (4) Local governments shall prioritize locating government facilities that provide direct service to the public within climate-friendly areas and shall prioritize locating parks, open space, plazas, and similar public amenities in or near climate-friendly areas that do not contain sufficient parks, open space, plazas, or similar public amenities. Local governments shall amend comprehensive plans to reflect these policies, where necessary. Streetscape requirements in climate-friendly areas shall include street trees and other landscaping, where feasible.
- (5) Local governments shall establish maximum block length standards as provided below. For the purpose of this rule, a development site consists of the total site area proposed for development, absent previously dedicated rights-of-way, but including areas where additional right-of-way dedication may be required.
- For development sites less than 5.5 acres in size, a maximum block length of 500 feet or less. Where block length exceeds 350 feet, a public pedestrian through-block easement shall be provided to facilitate safe and convenient pedestrian connectivity in climate-friendly areas. Substantial redevelopment of sites of two acres or more within an existing block that does not meet the standard shall provide a public pedestrian accessway

1 allowing direct passage through the development site such that no pedestrian route will exceed 350 feet along  
 2 any block face. Local governments may grant exceptions to street and accessway requirements as provided in  
 3 OAR 660-012-0330(2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 Changes in this section were part of temporary rules adopted by the commission in April. Since that time,  
 38 a typo has been identified and corrected in 9(b) and 9(c), and subsections (a), (b), and (c) have been  
 39 restructured for improved clarity. Lastly, the minimum floor area ratio option in Section (9) has been  
 40 reduced from 2.0 to 1.0 to provide more flexibility for local governments and to be more consistent with  
 41 the minimum zoned building capacity requirements in subsection (a).

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

51 (a) Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations to  
 52 allow a zoned building capacity of at least 60,000 square feet per net acre, based on regulations impacting



1 buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights, in climate-  
 2 friendly areas to enable development of at least 20 dwelling units and 20 jobs per net acre.

3 (b) Local governments with a population greater than 25,000 up to 50,000 shall adopt development regulations for  
 4 at least one climate-friendly area of at least 25 acres to allow a zoned building capacity of at least 90,000 square  
 5 feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a)  
 6 and (b) and allowed building heights, or at least 90,000 square feet per net acre, enable development of at least  
 7 30 dwelling units and 30 jobs per net acre. Additional climate-friendly areas may comply with this standard or  
 8 with the standard in subsection (a).

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

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

22 Statutory/Other Authority: ORS 197.040

23 Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### 24 **660-012-0325: Transportation Review in Climate-Friendly Areas and Centers**

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

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

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

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

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

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

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

46 (b) Develop and adopt a multimodal transportation gap summary in coordination with impacted transportation  
 47 facility providers and transportation service providers as provided in section (3) to meet requirements in OAR  
 48 660-012-0320.

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

52 (a) A multimodal transportation study as provided in section (4); and

- 1 (b) The multimodal transportation study must include a highway impacts summary as provided in section (5) if  
 2 the designated climate-friendly area as provided in OAR 660-012-0315 or Region 2040 center contains a ramp  
 3 terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.
- 4 (3) Cities and counties considering amendments to comprehensive plans or land use regulations within an adopted  
 5 climate-friendly area or Metro Region 2040 center must make findings including a highway impacts summary as  
 6 provided in section (5) if:
- 7 (a) A city or county is reviewing a plan amendment that includes property in an adopted Interchange Area  
 8 Management Plan, includes property within one-quarter mile of a ramp terminal intersection, or includes  
 9 property within one-quarter mile of a state highway segment in an adopted ODOT Facility Plan area; or  
 10 (b) The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing  
 11 traffic on the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted  
 12 by the Oregon Transportation Commission.
- 13 ~~(34)~~ A multimodal transportation gap summary must be coordinated between the local jurisdiction, transportation  
 14 facility providers, and transportation services providers to consider multimodal transportation needs in each  
 15 climate-friendly area as provided in OAR 660-012-0320 or Region 2040 center. The multimodal transportation  
 16 gap summary must include:
- 17 (a) A summary of the existing multimodal transportation network within the climate-friendly area;  
 18 (b) A summary of the gaps in the pedestrian and bicycle networks in the climate-friendly area, including gaps  
 19 needed to be filled for people with disabilities, based on the summary of the existing multimodal transportation  
 20 network;  
 21 (c) If applicable as provided in section (42), a highway impacts summary as provided in section (5); and  
 22 (d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).
- 23 ~~(4) A city or county shall include a highway impacts summary in the multimodal transportation gap summary if the~~  
 24 ~~designated climate-friendly area as provided in OAR 660-012-0315 or Region 2040 center contains a ramp~~  
 25 ~~terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.~~
- 26 (5) A highway impacts summary must identify how the transportation system may be affected by implementation of  
 27 the climate-friendly area. The highway impacts summary must include:
- 28 (a) A summary of the existing and proposed development capacity of the climate-friendly area based on the  
 29 proposed changes to the comprehensive plan and land use regulations;  
 30 (b) A summary of the additional motor vehicle traffic generation that may be expected in the planning period,  
 31 considering reductions for expected complementary mixed-use development, additional multimodal options,  
 32 and assuming meeting goals for reductions in vehicle miles traveled per capita; and  
 33 (c) A summary of traffic-related deaths and serious injuries within the climate-friendly area in the past five years.
- 34 ~~(6) Cities and counties making amendments to adopted land use regulations shall adopt findings including a~~  
 35 ~~highway impacts summary as provided in section (5) if:~~
- 36 ~~(a) A city or county is reviewing a plan amendment within one-quarter mile of a ramp terminal intersection,~~  
 37 ~~adopted Interchange Area Management Plan area, or adopted ODOT Facility Plan area; or,~~  
 38 ~~(b) The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing~~  
 39 ~~traffic on the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted~~  
 40 ~~by the Oregon Transportation Commission.~~

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

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

52 Statutory/Other Authority: ORS 197.040

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

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

- (1) Cities and counties shall implement plans and land use regulations to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use development patterns must support access by people using pedestrian, bicycle, and public transportation networks.
- (2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site or class of sites would make those provisions prohibitively costly or impossible to implement. Cities or counties may adopt land use regulations that provide for exemptions as provided in this section. Any allowed exemption shall advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:
- (a) Topography or natural features;
  - (b) Railroads, highways, or other permanent barriers;
  - (c) Lot or parcel size, orientation, or shape;
  - (d) Available access;
  - (e) Existing or nonconforming development;
  - (f) To provide for accessibility for people with disabilities; or
  - (g) Other site constraints.
- (3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and connected neighborhoods. Land use regulations must meet the following requirements for neighborhood design and access:
- (a) Neighborhoods shall be designed with connected networks of streets, paths, accessways, and other facilities to provide circulation within the neighborhood and pedestrian and bicycle system connectivity to adjacent districts. A connected street network is desirable for motor vehicle traffic but may be discontinuous where necessary to limit excessive through-travel, or to protect a safe environment for walking, using mobility devices, and bicycling in the neighborhood.
  - (b) Neighborhoods shall be designed with direct pedestrian access to key destinations identified in OAR 660-012-0360 via pedestrian facilities.
  - (c) Cities and counties shall set block length and block perimeter standards at distances that will provide for pedestrian network connectivity. Cities and counties may allow alleys or public pedestrian facilities through a block to be used to meet a block length or perimeter standard.
  - (d) Cities and counties shall set standards to reduce out-of-direction travel for people using the pedestrian or bicycle networks.
- (4) Cities and counties shall have land use regulations in commercial and mixed-use districts that provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or mixed-use site design land use regulations must meet the following requirements:
- (a) Primary pedestrian entrances to buildings must be oriented to a public pedestrian facility and be accessible to people with mobility disabilities. An uninterrupted accessway, courtyard, plaza, or other pedestrian-oriented space must be provided between primary pedestrian entrances and the public pedestrian facility, except where the entrance opens directly to the pedestrian facility. All pedestrian entrances must be designed to be barrier-free.

Changes in this subsection were part of temporary rules adopted by the commission in April.

- (b) Motor vehicle parking, circulation, access, and loading may be located on site beside or behind buildings. Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public pedestrian facilities on or along the primary facing street. Bicycle parking may be permitted.
- (c) On-site accessways must be provided to directly connect key pedestrian entrances to public pedestrian facilities, to any on-site parking, and to adjacent properties, as applicable.
- (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary pedestrian entrances as required in this section. Primary pedestrian entrances for uses open to the public must be open during business hours.
- (e) Large sites must be designed with a connected network of public pedestrian facilities to meet the requirements of this section.
- (f) Development on sites adjacent to a transit stop or station on a priority transit corridor must be oriented to the transit stop or station. The site design must provide a high level of pedestrian connectivity and amenities adjacent to the stop or station. If there is inadequate space in the existing right of way for transit infrastructure, then the infrastructure must be accommodated on site.

- 1 (g) Development standards must be consistent with bicycle parking requirements in OAR 660-012-0630.  
 2 (h) These site design land use regulations need not apply to districts with a predominantly industrial or  
 3 agricultural character.
- 4 (5) Cities and counties shall have land use regulations in residential neighborhoods that provide for slow  
 5 neighborhood streets comfortable for families, efficient and sociable development patterns, and provide for  
 6 connectivity within the neighborhood and to adjacent districts. Cities and counties must adopt land use regulations  
 7 to meet these objectives, including but not limited to those related to setbacks, lot size and coverage, building  
 8 orientation, and access.
- 9 (6) Cities and counties shall have land use regulations that ensure auto-oriented land uses are compatible with a  
 10 community where it is easy to walk or use a mobility device. Auto-oriented land uses include uses related to the  
 11 operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory  
 12 to the primary use, including drive-through uses. Land use regulations must meet the following requirements:
- 13 (a) Auto-oriented land uses must provide safe and convenient access opportunities for people walking, using a  
 14 mobility device, or riding a bicycle. Ease of access to goods and services must be equivalent to or better than  
 15 access for people driving a motor vehicle.
- 16 (b) Outside of climate-friendly areas, cities and counties may provide for exemptions to this rule in cases where an  
 17 auto-oriented land use cannot reasonably meet the standards of this rule. Standards developed in cases of an  
 18 exemption must protect pedestrian facilities.
- 19 (7) Cities and counties with an urban area over 100,000 in population must have reasonable land use regulations that  
 20 allow for development of low-car districts. These districts must be developed with no-car or low-car streets, where  
 21 walking or using mobility devices are the primary methods of travel within the district. Cities and counties must  
 22 make provisions for emergency vehicle access and local freight delivery. Low-car districts must be allowed in  
 23 locations where residential or mixed-use development is authorized.
- 24 (8) Cities and counties must implement land use regulations to protect transportation facilities, corridors, and sites  
 25 for their identified functions. These regulations must include, but are not limited to:
- 26 (a) Access control actions consistent with the function of the transportation facility, including but not limited to  
 27 driveway spacing, median control, and signal spacing;
- 28 (b) Standards to protect future construction and operation of streets, transitways, paths, and other transportation  
 29 facilities;
- 30 (c) Standards to protect public use airports as provided in OAR 660-013-0080;
- 31 (d) Processes to make a coordinated review of future land use decisions affecting transportation facilities,  
 32 corridors, or sites;
- 33 (e) Processes to apply conditions to development proposals in order to minimize impacts and protect  
 34 transportation facilities, corridors, or sites for all transportation modes;
- 35 (f) Regulations to provide notice to public agencies providing transportation facilities and services, railroads,  
 36 Metropolitan Planning Organizations, the Oregon Department of Transportation, and the Oregon Department of  
 37 Aviation of:
- 38 (A) Land use applications that require public hearings;
- 39 (B) Subdivision and partition applications;
- 40 (C) Other applications that affect private access to roads; and
- 41 (D) Other applications within airport noise corridors and imaginary surfaces that affect airport operations.
- 42 (g) Regulations ensuring that amendments to land use designations, densities, and design standards are consistent  
 43 with the functions, capacities, and performance standards of facilities identified in the TSP.

44 Statutory/Other Authority: ORS 197.040

45 Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### 46 **660-012-0405: Parking Regulation Improvements**

47 **Minor change in this section to clarify small employee parking lots need not have preferential parking.**  
 48 **This is in line with how cities have applied this long-standing rule provision in the past.**

- 49 (1) Cities and counties shall adopt land use regulations as provided in this section:
- 50 (a) Designated employee parking areas in new developments with more than 50 parking spaces shall provide  
 51 preferential parking for carpools and vanpools;

- 1 (b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-  
 2 oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and  
 3 ride stations, and similar facilities; and  
 4 (c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing  
 5 mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for  
 6 truck loading should be considered.

7 **Minor changes in this section to clarify the desire to encourage conversion of underused parking areas**  
 8 **applies to both on and off-street parking.**

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

12 **Tree canopy provisions and exemption of application to parking lots between ¼ and ½ acre in this section**  
 13 **were part of temporary rules adopted by the commission in April and are also charge items 15 and 16.**  
 14 **Minor changes in subsection (4)(a) to clarify intent (developments complying with Oregon’s green energy**  
 15 **technology requirements in OAR 330-135-0010 need not take an additional actions) and remove**  
 16 **confusing language. This section also covers charge item 14 to allow counties to have the option of**  
 17 **receiving fee-in-lieu payments into a local fund.**

18  
 19 **Section (4) now leads with a proposed clarification the ½ acre measurement is not just the parking**  
 20 **spaces themselves (this was previously in guidance). This was at the request of the City of Cornelius.**

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

25 **This subsection has changed to clarify (a) is a mitigation action. It also clarifies (in line with guidance) that**  
 26 **cities and counties may offer only a subset of the actions in the rule if they so wish.**

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

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

35 **This proposes to set the \$1,500 as a floor, allowing cities and counties to index it for inflation. This was at**  
 36 **the request of the City of Tigard.**

- 37 (B) -Payment of at least \$1,500 per new parking space in the development into a city or county fund dedicated  
 38 to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for  
 39 such purpose;

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

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

43 **The change to this paragraph would allow a mixture of actions. This was at the request of the City of**  
 44 **Albany.**

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

Changes to this subsection clarifies (b) is about trees. The change also clarifies if tree canopy is chosen as the mitigation action under (a) it meets this overlapping requirement.

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

Changes to this subsection clarify pedestrian connections must be included throughout the site, more in line with the previous language and existing TPR (at the request of the City of Albany); and only need to be made if there are existing or planned pedestrian facilities in the adjacent rights-of-way (at the request of the City of Springfield).

(c) Developments must provide pedestrian connections throughout the parking lot, including pedestrian facilities between building entrances and existing or planned pedestrian facilities in the adjacent public rights-of-way. ~~street like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.~~

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

Changes to this subsection focus the tree provisions on planting and proposes to remove the maintenance provisions. This was at the request of the Cities of Cornelius, Springfield, and Tigard.

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

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

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

The change in this section makes a minor clarification.

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

Statutory/Other Authority: ORS 197.040

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

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

The changes in this section address charge items 17 and 18. The changes include a clarification about which map is being referenced.

(1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the urban growth boundary, and cities with populations over 25,000 within the Portland Metropolitan Area, shall set parking maximums in climate-friendly areas, and in Metro Region 2040 centers ~~regional centers and town centers~~,

1 ~~designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted~~  
 2 ~~Boundaries map.~~ Those cities and counties shall also set parking maximums on lots or parcels within the transit  
 3 corridors and rail stop areas listed in OAR 660-012-0440. Cities and counties that have designated priority transit  
 4 corridors under OAR 660-012-0710 may set parking maximums in those corridors in place of the corridors  
 5 identified in OAR 660-012-0440(3)(b) and (c).

- 6 (a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit and two off-street  
 7 parking spaces per non-studio residential unit in a multi-unit housing development in climate-friendly areas and  
 8 within one-half mile walking distance of priority transit corridors. These maximums shall include visitor  
 9 parking;  
 10 (b) Parking maximums shall be no higher than five spaces per 1,000 square feet of floor space for all commercial  
 11 and retail uses other than automobile sales and repair, eating and drinking establishments, and entertainment  
 12 and commercial recreation uses;  
 13 (c) For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area  
 14 than the floor area of the building; and

15 Changes in this subsection were part of temporary rules adopted by the commission in April.

- 16 ~~(d) In setting parking maximums, cities and counties shall consider setting maximums equal to or less than 150~~  
 17 ~~percent of parking mandates in their adopted land use regulations in effect as of January 1, 2020. A city or~~  
 18 ~~county that sets a higher parking maximum must adopt findings for doing so. In no case shall the city or county~~  
 19 ~~exceed the limits in subsections (a) through (c) in climate-friendly areas and for developments on parcels or lots~~  
 20 ~~within one-half mile of transit corridors and three-quarters mile of rail transit stops listed in OAR 660-012-~~  
 21 ~~0440; and~~  
 22 (ed) Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking  
 23 structures may be exempted from the calculations in this section.

24 Minor changes in this section clarify the areas listed are the key areas for parking management, even  
 25 when a city has taken the path of waiving parking mandates and is therefore not subject to OAR 660-012-  
 26 -0435 and OAR 660-012-0440.

- 27 (2) Cities with populations over 200,000 shall, in addition to the requirements in section (1) of this rule:  
 28 (a) Study the use of priced on-street timed parking spaces in those areas ~~subject listed in~~ OAR 660-012-0435(2)  
 29 and OAR -or 660-012-0440(2) and (3). This study shall be conducted every three years or more frequently.  
 30 Cities shall adjust prices to ensure availability of on-street parking spaces at all hours. This shall include all  
 31 spaces in the city paid by minutes, hours, or day but need not include spaces where a longer-term paid  
 32 residential permit is required;  
 33 (b) Use time limits or pricing to manage on-street parking spaces in an area at least one year before authorizing  
 34 any new structured parking on city-owned land including more than 100 spaces in that area after March 31,  
 35 2023;  
 36 (c) Adopt procedures ensuring prior to approval of construction of additional structured parking projects of more  
 37 than 300 parking spaces designed to serve existing uses, developer of that parking structure must implement  
 38 transportation demand management strategies for a period of at least six months designed to shift at least 10  
 39 percent of existing vehicle trips ending within one-quarter mile of the proposed parking structure to other  
 40 modes; and  
 41 (d) Adopt design requirements requiring applicants to demonstrate that the ground floor of new private and public  
 42 structured parking that fronts a public street and includes more than 100 parking spaces would be convertible to  
 43 other uses in the future, other than driveways needed to access the garage.

44 Statutory/Other Authority: ORS 197.040

45 Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### 46 **660-012-0425: Reducing the Burden of Parking Mandates**

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

1 **Minor changes in this section to clarify wording and remove duplication with OAR 660-012-0405(3)**  
 2 **requirement on shared parking.**

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

- 4 (a) Garages and carports may not be required for residential developments;
- 5 (b) Garage parking spaces shall count towards off-street parking mandates;
- 6 (c) Provision of shared parking shall be allowed to meet parking mandates;
- 7 (d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a site. If any non-  
 8 loading parking is provided on site, all required parking ~~for parking~~ for people with disabilities shall be on site.  
 9 If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance  
 10 of an accessible entrance via an accessible path and no greater than 200 feet from that entrance;
- 11 (e) Parking mandates shall be reduced by one off-street parking space for each three kilowatts of capacity in solar  
 12 panels or wind power that will be provided in a development;
- 13 (f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space  
 14 in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates;
- 15 (g) Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station  
 16 provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked  
 17 shall count towards parking mandates; and
- 18 (h) Parking mandates shall be reduced by one off-street parking space for every two units in a development above  
 19 minimum requirements that are fully accessible to people with mobility disabilities.

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

21 **Changes in this section were part of temporary rules adopted by the commission in April.**

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

24 Statutory/Other Authority: ORS 197.040

25 Statutes/Other Implemented: ORS 197.012, ORS 197.712

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### 26 **660-012-0430: Reduction of Parking Mandates for Development Types**

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

- 28 (a) Are within a metropolitan area; and
- 29 (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

30 (2) Cities and counties may not require more than one parking space per unit in residential developments with more  
 31 than one dwelling unit on a single legally-established property.

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

33 (3) Cities and counties may not ~~require parking~~ enforce parking mandates for the following development or use  
 34 types:

- 35 (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental  
 36 disabilities, including but not limited to a: residential care facility, residential training facility, residential  
 37 treatment facility, residential training home, residential treatment home, and conversion facility as defined in  
 38 ORS 443.400;
- 39 (b) Child care facility as defined in ORS 329A.250;
- 40 (c) Single-room occupancy housing;
- 41 (d) Residential units smaller than 750 square feet;
- 42 (e) Affordable housing as defined in OAR 660-039-0010;
- 43 (f) Publicly supported housing as defined in ORS 456.250;
- 44 (g) Emergency and transitional shelters for people experiencing homelessness; and
- 45 (h) Domestic violence shelters.

46 Statutory/Other Authority: ORS 197.040

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

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### 48 **660-012-0435: Parking Reform in Climate-Friendly Areas and Centers**

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

- 50 (a) Are within a metropolitan area; and



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

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

(2) Cities and counties shall adopt land use regulations addressing parking mandates in climate-friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land use regulations addressing parking mandates in Metro Region 2040 centers ~~regional centers and town centers designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map~~. In each such area, cities and counties shall either:

(a) Remove all parking mandates within the area and on parcels in its jurisdiction that include land within one-quarter mile distance of those areas; or

(b) Manage parking by:

(A) Adopting a parking benefit district with paid on-street parking and some revenues dedicated to public improvements in the area;

(B) Adopting land use ~~amendments regulations to requiring~~ no more than one-half off-street parking space per dwelling unit in the area ~~that is not a townhouse or rowhouse~~; and

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

Changes in this section were part of temporary rules adopted by the commission in April.

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

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

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

(a) Are within a metropolitan area; and

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

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

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

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

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

(c) ~~If a community has no corridor qualifying under subsection (b), c~~Corridors with the most frequent transit ~~route or routes~~ service in the community if the scheduled frequency is at least once per hour during peak service.

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

(5) In determining the extent of lands subject to subsection (3)(b) or (c), a city or county shall either:

(a) Evaluate current service frequencies on the date a land use application is submitted, provided the application remains valid for review pursuant to ORS 215.427 or ORS 227.178, or

(b) Adopt a map designating these lands based on service frequency on the date development codes implementing this rule are adopted. The city or county must update the map at least once per year from the date of adoption if services frequencies change and additional lands become subject to subsection (3)(b) or (c). The city or county must use subsection (5)(a) if additional lands are subject to subsections (3)(b) or (c) and the adopted map is more than one year old.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

## 660-012-0445: Parking Management Alternative Approaches

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

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

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

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

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

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

- (A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;
- (B) A repeal of parking mandates for ~~transit-oriented development and~~ mixed-use development;
- (C) A repeal of parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;
- (D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in ~~residential~~multi-unit housing developments ~~of five or more units on a lot or parcel~~;
- (E) A repeal of parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years. Cities and counties may require registration of a building as vacant two years prior to the waiving of parking mandates;
- (F) A repeal of requirements to provide additional parking for change of use or redevelopment where at least 50 percent of the building floor area is retained;
- (G) A repeal of parking mandates for expansion of existing businesses by less than 30 percent of a building footprint;
- (H) A repeal of parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or identified as a designated or contributing structure on a local inventory of historic resources or buildings;
- (I) A repeal of parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space;
- (J) A repeal of parking mandates for developments built under the Oregon Residential Reach Code;
- (K) A repeal of parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;
- (L) A repeal of parking mandates for schools;
- (M) A repeal of parking mandates for bars and taverns; and
- (N) ~~Setting parking maximums consistent with OAR 660-012-0415(1), notwithstanding populations listed in that section; and~~

(N) Implementation of at least one pricing mechanism, either:

- (i) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through paid permits, meters, or other payments, ~~or time limits;~~ or
- (ii) Requirements that parking for multi-unit housing units be unbundled parking upon lease renewal or sale.

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

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

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

- (a) Inventories of pedestrian facilities must include information on width and condition.
- (b) Inventories of street crossings must include crossing distances, the type of crossing, closed crossings, curb ramps, and distance between crossings.

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

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

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

- (2) Pedestrian facility owners must design, build, and maintain pedestrian facilities to allow comfortable travel for all people, including people with disabilities.
- (3) All streets and highways, other than expressways, shall have pedestrian facilities, as provided in ORS 366.514.
  - (a) Pedestrian facilities must be planned for both sides of each street.
  - (b) Cities shall plan for enhanced pedestrian facilities such as wide, protected sidewalks and pedestrian zones, such as plazas, in the following contexts:
    - (A) Along high volume or high-speed streets;
    - (B) In climate-friendly areas and Metro Region 2040 centers;
    - (C) In areas with concentrations of underserved populations.

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

- (c) A substantial portion of the right-of-way dedicated to transportation uses in climate-friendly areas and Metro Region 2040 centers must be dedicated to pedestrian uses, including but not limited to sidewalks, pedestrian plazas, and protective buffers.
- (d) Cities shall plan for enhanced tree canopy and other infrastructure that uses natural and living materials in pedestrian spaces in climate-friendly areas, Metro Region 2040 centers, and areas with concentrations of underserved populations.

- 1 (4) Off-street multi-use paths must be designed to permit comfortable joint or separated use for people walking,  
2 using mobility devices, and cycling. Separated areas for higher speeds and low speeds shall be provided when  
3 there is high anticipated use of the path.
- 4 (5) Enhanced crossings are pedestrian facilities to cross streets or highways that provide a high level of safety and  
5 priority to people crossing the street. Enhanced crossings must have adequate nighttime illumination to see  
6 pedestrians from all vehicular approaches. Enhanced crossings must be provided, at minimum, in the following  
7 locations:
- 8 (a) Closely spaced along arterial streets in climate-friendly areas and Metro Region 2040 centers;  
9 (b) Near transit stops on local access priority arterial segments, or collector streets in a climate-friendly area or  
10 Metro Region 2040 center, or on a priority transit corridor;  
11 (c) At off-street path crossings; and  
12 (d) In areas with concentrations of underserved populations.
- 13 (6) Cities may take exemptions to the requirements in this rule through findings in the transportation system plan,  
14 for each location where an exemption is desired, for the following reasons:
- 15 (a) A city may plan for a pedestrian facility on one side of local streets in locations where topography or other  
16 barriers would make it difficult to build a pedestrian facility on the other side of the street, or where existing and  
17 planned land uses make it unnecessary to provide pedestrian access to the other side of the street. Street  
18 crossings must be provided near each end of sections where there is a pedestrian facility on only one side of the  
19 street.
- 20 (b) A city or county may plan for no dedicated pedestrian facilities on very slow speed local streets that are  
21 sufficiently narrow, and carry little or no vehicular traffic, so that pedestrians are the primary users of the street.

22 Statutory/Other Authority: ORS 197.040

23 Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 366.514

#### 24 **660-012-0605: Bicycle System Inventory**

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

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

- 30 (2) Bicycle system inventories must include information on bicycle facilities of all types within climate-friendly  
31 areas, within Metro Region 2040 centers, within one-quarter mile of all primary and secondary schools, on bicycle  
32 boulevards, and along all arterials and collectors. Bicycle system inventories should include information on  
33 bicycle facilities and street crossings for all areas within the planning area.
- 34 (3) Bicycle system inventories must include the crash risk factors of inventoried bicycle facilities, including but not  
35 limited to speed, volume, separation, and roadway width. Bicycle system inventories must also include the  
36 location of all reported injuries and deaths of people on bicycles. This must include all reported incidents from the  
37 most recent five years of available data prior to the year of adoption of the bicycle system inventory.

38 Statutory/Other Authority: ORS 197.040

39 Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### 40 **660-012-0610: Bicycle System Requirements**

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

- 43 (1) This rule describes the minimum planned bicycle facilities that must be included in plans. Cities or counties may  
44 choose to exceed the requirements in this rule. Cities and counties may choose to apply bicycle functional  
45 classifications to bicycle facilities.
- 46 (2) Cities and counties shall plan for a connected network of bicycle facilities that provides a safe, low stress, direct,  
47 and comfortable experience for people of all ages and abilities. All ages and abilities includes:
- 48 (a) School-age children;  
49 (b) People over 65 years of age;  
50 (c) Women;  
51 (d) People of color;  
52 (e) Low-income riders;

- 1 (f) People with disabilities;  
 2 (g) People moving goods, cargo, or other people; and  
 3 (h) People using shared mobility services.
- 4 (3) A connected network is comprised of both the ability to access key destinations within a community and enough  
 5 coverage of safe and comfortable facilities to ensure most people within the community can travel by bicycle.
- 6 (a) Cities and counties must design the connected network to connect to key destinations identified as provided in  
 7 OAR 660-012-0360, and to and within each climate-friendly area or Metro Region 2040 center.  
 8 (b) Cities and counties must design the connected network to permit most residents of the planning area to access  
 9 the connected network with an emphasis on mitigating uncomfortable or unsafe facilities or crossings.  
 10 (c) The connected network shall consist of connected bicycle facilities including, but not limited to, separated and  
 11 protected bicycle facilities, bicycle boulevards, and multi-use or bicycle paths. The connected network must  
 12 include a series of interconnected bicycle facilities and provide direct routes to key destinations. Cities and  
 13 counties must design comfortable and convenient crossings of streets with high volumes of traffic or high-speed  
 14 traffic.

15 Staff have updated this section to make clarifications and to address concerns that the application of  
 16 certain bicycle facilities was unclear.

- 17 (4) Cities and counties shall plan and design bicycle facilities considering the context of adjacent motor vehicle  
 18 facilities and land uses.
- 19 (a) Cities and counties shall ~~must~~ design bicycle facilities with higher levels of separation or protection along  
 20 streets that have higher volumes or speeds of traffic.  
 21 (b) Cities and counties shall ~~must~~ plan for separated or protected bicycle facilities on streets in climate-friendly  
 22 areas, Metro Region 2040 Centers, and other places with a concentration of destinations. Cities and counties  
 23 are not required to plan ~~Separated or protected bicycle facilities may not be necessary~~ on streets with very low  
 24 levels of motor vehicle traffic, with slow speeds of motor vehicles, or near where a high-quality parallel bicycle  
 25 facility on the connected network exists within one block.  
 26 (c) Cities and counties shall ~~must~~ identify locations with existing bicycle facilities along high traffic or high-speed  
 27 streets where the existing facility is not protected or separated, or parallel facilities do not exist. Cities and  
 28 counties shall ~~must~~ plan for a transition to appropriate facilities in these locations.
- 29 (5) Cities and counties shall adopt standards for bicycle system planning and facilities that will result in a safe, low  
 30 stress, and comfortable experience for people of all ages and abilities. In adopting standards, cities and counties  
 31 may use one or more of the following:
- 32 (a) The Urban Bikeway Design Guide, second edition, published by the National Association of City  
 33 Transportation Officials;  
 34 (b) Designing for All Ages & Abilities, December 2017, published by the National Association of City  
 35 Transportation Officials; and  
 36 (c) For state facilities, The Blueprint for Urban Design, 2019, published by the Oregon Department of  
 37 Transportation.
- 38 (6) Cities and counties shall use the transportation prioritization framework in OAR 660-012-0155 when making  
 39 decisions about bicycle facilities.

40 Statutory/Other Authority: ORS 197.040

41 Statutes/Other Implemented: ORS 197.012, ORS 197.712

#### 42 **660-012-0630: Bicycle Parking**

43 This rule has been changed to address charge item 17. The rule has been reorganized to be clearer  
 44 about which uses need to have required bicycle parking (section 2), any minimum parking requirements  
 45 (section 3), and standards for required bicycle parking (section 4). The updated rule also removes the  
 46 existing requirements for a certain number of bike parking spaces for uses where off-street motor vehicle  
 47 parking is required.

- 48 (1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle  
 49 and other small-scale mobility devices.
- 50 (2) Cities and counties shall require bicycle parking for the following uses:
- 51 (a) All new multi-unit development or mixed-use development of five residential units or more;  
 52 (b) All new retail development;

- 1 (c) All new office and institutional developments;
- 2 (d) All major transit stations, and any park-and-ride lots that require land use approval; and
- 3 (f) Any land use where off-street motor vehicle parking is mandated.

4 This section has been rewritten to be clear that cities and counties must have required bicycle parking for  
 5 multi-unit and mixed-use residential uses. The previous draft prescribed one space per unit bicycle  
 6 parking ratio, with exemptions possible. This version softens this by asking cities and counties to consider  
 7 a one-to-one ratio and continuing to provide for different ratios as needed locally.

- 8 **(3) Cities and counties shall require bicycle parking for multi-unit and mixed-use residential uses.**
- 9 **(a) Cities and counties shall consider a base ratio of one covered bicycle parking space for each residential unit.**
- 10 **(b) Cities and counties may provide for different residential parking ratios.**
- 11 (4) Cities and counties shall adopt development regulations requiring all required bicycle parking provided must:
  - 12 (a) Either allow ways to lock at least two points on a bicycle, or be within a lockable space only available to
  - 13 authorized users;
  - 14 (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured
  - 15 without conflicts from stairs, other parked bicycles, walls, or other obstructions;
  - 16 **(c) Be in a location that is convenient and well-lit; and**
  - 17 (d) Include bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.
- 18 (5) Cities and counties shall provide for public bicycle parking and allow and provide for parking and ancillary
- 19 facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040
- 20 centers, and near key destinations identified as provided in OAR 660-012-0360.
- 21 ~~(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily development or mixed-~~
- 22 ~~use development of four residential units or more, and new office and institutional developments. Such bicycle~~
- 23 ~~parking must include at least one bicycle parking space for each residential unit.~~
- 24 ~~(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be~~
- 25 ~~located within a short distance from the main retail entrance.~~
- 26 ~~(4) Cities and counties shall require bicycle parking for all major transit stations and park and ride lots.~~
- 27 ~~(5) Cities and counties shall require bicycle parking in climate friendly areas, Metro Region 2040 centers, and near~~
- 28 ~~key destinations identified as provided in OAR 660-012-0360.~~
- 29 ~~(6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles or other small-~~
- 30 ~~scale mobility devices in climate friendly areas, Metro Region 2040 centers, and near key destinations identified~~
- 31 ~~as provided in OAR 660-012-0360.~~
- 32 ~~(7) Cities and counties shall require bicycle parking for any land use where off street motor vehicle parking is~~
- 33 ~~mandated. The minimum number of bicycle parking spaces shall be no less than the greater of:~~
  - 34 ~~(a) Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7, rounded to the next~~
  - 35 ~~highest whole number; or~~
  - 36 ~~(b) As otherwise provided in this rule.~~
- 37 ~~(8) Cities and counties shall ensure that all bicycle parking provided must:~~
  - 38 ~~(a) Allow ways to secure at least two points on a bicycle;~~
  - 39 ~~(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured~~
  - 40 ~~without conflicts from other parked bicycles, walls, or other obstructions;~~
  - 41 ~~(c) Be in a location that is convenient and well lit; and~~
  - 42 ~~(d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.~~

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

45 **660-012-0700: Public Transportation System Planning**

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

- 48 (1) Transportation system plans must include a public transportation system element that meets the requirements of
- 49 this rule. Cities and counties must work in close cooperation with transit service providers in order to complete the
- 50 public transportation system element of the transportation system plan.
- 51 (a) Cities and counties shall coordinate with public transportation service providers to develop the public
- 52 transportation system plan element.

- (b) The public transportation system ~~plan~~ element must include elements of the public transportation system that are in the control of the city, county, and coordinating transportation facility owners.
- (c) The public transportation system ~~plan~~ element must identify elements of the public transportation system that the city or county will work with transit service providers to realize or improve, including transit priority corridors, transit supportive infrastructure, and stop amenities.
- (d) Cities and counties must coordinate with transit service providers to align the public transportation system ~~plan~~ transit element with Transit Development Plans, goals, and other strategic planning documents ~~developed~~ adopted by a transit service providers to the extent practical.
- (e) Transportation system plans do not control public transportation elements exclusively controlled by transit service providers. These include funding or details of transit service provision, including timetables and routing.
- (2) A public transportation system element must include the following elements:
- The complete public transportation system as described in section (3) that includes the full buildout and provision of services of the public transportation system within the urban growth boundary;
  - Identification of gaps and deficiencies in the public transportation system as described in section (4);
  - Locations of key public transportation destinations identified as provided in OAR 660-012-0360; and
  - A list of prioritized public transportation system projects developed as provided in OAR 660-012-0720.
- (3) The complete public transportation system is the full buildout of a complete public transportation system within the planning area. The city or county determines the complete public transportation system plan by:
- Using the public transportation system inventory developed under OAR 660-012-0705 as a base; and
  - Adding the minimum public transportation services and facilities to places that do not presently meet the minimum public transportation system requirements in OAR 660-012-0710.
- (4) Cities and counties shall identify gaps and deficiencies in the public transportation system by comparing the complete public transportation system with the public transportation system inventory developed under OAR 660-012-0705. Cities and counties must include any part of the complete public transportation system not presently built or operated to the standards in the complete public transportation system plan as a gap or deficiency. Cities and counties must identify gaps in the transit supportive facilities provided on priority transit corridors and other transit corridors identified as provided in OAR 660-012-0710. Transit supportive facilities include, but are not limited to:
- Stations, hubs, stops, shelters, signs, and ancillary features; and
  - Transit priority infrastructure, including signals, queue jumps, and semi-exclusive or exclusive bus lanes or transitways.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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### 660-012-0810: Street and Highway System Requirements

- (1) Cities and counties shall plan, design, build, and maintain a connected streets and highway network in a manner that respects the prioritization factors in OAR 660-012-0155.
- Cities and counties shall plan streets and highways for the minimum size necessary for the identified function, land use context, and expected users of the facility.
  - Cities and counties shall consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, increase safety, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, provide for utility placement, and support connected and safe pedestrian and bicycle networks.
  - Cities and counties shall plan for an equitable allocation of right-of-way consistent with the prioritization factors as provided in OAR 660-012-0155. Streets in climate-friendly areas, Metro Region 2040 centers, and along priority transit corridors must be designed to prioritize pedestrian, bicycle, and transit systems, as provided in OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- (2) Cities and counties shall plan local streets to provide local access to property and localized circulation within neighborhoods.
- Cities and counties shall plan and design local streets for low and safe travel speeds compatible with shared pedestrian and bicycle use.
  - Cities and counties shall establish standards for local streets with pavement width and right-of-way width as narrow as practical to meet needs, reduce the cost of construction, efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve safety, and accommodate convenient pedestrian and bicycle circulation. Local street standards adopted by a city or county must be developed as provided in ORS 368.039.

1 A local street standard where the paved width is no more than 28 feet on streets where on-street parking is  
2 permitted on both sides of the street shall be considered adequate to meet this requirement. Wider standards  
3 may be adopted if the local government makes findings that the wider standard is necessary.

4 (c) Cities and counties shall plan and design a complete and connected network of local streets. Cities and  
5 counties may plan for chicanes, diverters, or other strategies or devices in local street networks where needed to  
6 prevent excessive speed or through travel. These measures must continue to provide for connected and  
7 pedestrian and bicycle networks.

8 (d) Cities and counties shall avoid planning or designing local streets with a dead end. Dead end local streets may  
9 be permitted in locations with topographic or other barriers, or where the street is planned to continue to a  
10 connected network in the future.

11 (e) Cities and counties shall plan for multimodal travel on local streets as provided in OAR 660-012-0510, OAR  
12 660-012-0610, and OAR 660-012-0710. Cities and counties must plan local streets in climate-friendly areas and  
13 Metro Region 2040 centers to prioritize pedestrian and bicycle systems, and be limited to local access for motor  
14 vehicles.

15 (f) A city or county may plan for local streets to be wider than otherwise allowed in this rule when used  
16 exclusively for access to industrial or commercial properties outside of climate-friendly areas or Metro Region  
17 2040 centers, and where plans do not allow residential or mixed-use development.

18 (g) Transportation system plans need not include the specific location of all planned local streets but must  
19 describe areas where they will be necessary.

20 (3) Cities and counties shall plan collector streets to provide access to property and collect and distribute traffic  
21 between local streets and arterials. Cities and counties must plan and design a collector street network that is  
22 complete and connected with local streets and arterials.

23 (a) Cities and counties must plan for multimodal travel on collector streets as provided in OAR 660-012-0510,  
24 OAR 660-012-0610, and OAR 660-012-0710.

25 (b) Cities and counties must plan collectors in climate-friendly areas and Metro Region 2040 centers to prioritize  
26 pedestrian, bicycle, and public transportation systems.

27 (4) Cities and counties shall plan arterial streets and highways to provide travel between neighborhoods and across  
28 urban areas. Cities and counties must plan an arterial street network that is complete and connected with local  
29 streets and collectors.

30 (a) Cities and counties shall designate each segment of an arterial as one of the three categories below in the  
31 transportation system plan. These designations must be made considering the intended function, the land use  
32 context, and the expected users of the facility. Cities and counties must address these considerations to ensure  
33 local plans include different street standards for each category of arterial segment.

34 (A) Cities and counties shall plan for local access priority arterial segments to prioritize access to property and  
35 connected streets when balancing needs on the facility. Local access priority arterial segments will generally  
36 allow for more access locations from property, more opportunities to make turns, more frequent intersections  
37 with other streets, and slower speeds.

38 (B) Cities and counties shall plan for through movement priority arterial segments to prioritize through  
39 movement of traffic when balancing needs on the facility. Through movement priority arterial segments will  
40 generally prioritize access limited to intersections with the street network, limited access to individual  
41 properties, and safe speeds.

42 (C) Cities and counties shall plan for arterial segments in a climate-friendly area to prioritize multimodal travel  
43 as provided in subsection (b). This includes prioritizing complete, connected, and safe pedestrian, bicycle,  
44 and public transportation facilities.

45 (b) Cities and counties shall plan for multimodal travel on or along arterial streets as provided in OAR 660-012-  
46 0510, OAR 660-012-0610, and OAR 660-012-0710.

47 (A) Cities and counties shall plan arterials in climate-friendly areas to prioritize pedestrian, bicycle, and public  
48 transportation systems.

49 (B) Cities and counties shall plan arterials along transit priority corridors to prioritize transit service reliability  
50 and frequency over general-purpose traffic.

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

53 (5) Cities and counties shall, as part of the transportation planning process, carefully consider new or expanded  
54 freeways considering goals for reductions in vehicle miles traveled per capita.



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

13 Statutory/Other Authority: ORS 197.040

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

### 15 **660-012-0830: Enhanced Review of Select Roadway Projects**

- 16 (1) Cities and counties shall review and may authorize certain proposed facilities to be included as a planned project  
 17 or unconstrained project in any part of the local comprehensive plan, including the transportation system plan.  
 18 (a) The following types of proposed facilities must be reviewed as provided in this rule:  
 19 (A) A new or extended arterial street, highway, freeway, or bridge carrying general purpose vehicle traffic;  
 20 (B) New or expanded interchanges;  
 21 (C) An increase in the number of general purpose travel lanes for any existing arterial or collector street,  
 22 highway, or freeway; and  
 23 (D) New or extended auxiliary lanes with a total length of one-half mile or more. Auxiliary lane means the  
 24 portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing,  
 25 maneuvering of entering and leaving traffic, and other purposes supplementary to through-traffic movement.  
 26 (b) Notwithstanding any provision in subsection (a), the following proposed facilities need not be reviewed or  
 27 authorized as provided in this rule:  
 28 (A) Changes expected to have a capital cost of less than \$5 million;  
 29 (B) Changes that reallocate or dedicate right of way to provide more space for pedestrian, bicycle, transit, or  
 30 high-occupancy vehicle facilities;  
 31 (C) Facilities with no more than one general purpose travel lane in each direction, with or without one turn lane;  
 32 (D) Changes to intersections that do not increase the number of lanes, including implementation of a  
 33 roundabout;  
 34 (E) Access management, including the addition or extension of medians;  
 35 (F) Modifications necessary to address safety needs; or  
 36 (G) Operational changes, including changes to signals, signage, striping, surfacing, or intelligent transportation  
 37 systems.

38 Changes in this subsection were part of temporary rules adopted by the commission in April. This version  
 39 is slightly changed to use parallel language and to incorporate some changes from advisory committee  
 40 input and based on testimony to and conversation with the commission in July 2023.

41 ~~(e) To retain a proposed facility that is included in an existing acknowledged plan adopted as provided in OAR  
 42 660-012-0015, a city or county shall review that facility under this rule at the time of a major update to its  
 43 transportation system plan.~~

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

- 48 (A) The project is included in a general obligation bond approved by voters prior to January 1, 2022;  
 49 (B) The project is included as a project phase other than planning in the State Transportation Improvement  
 50 Program adopted by the Oregon Transportation Commission, or a metropolitan planning organization's  
 51 transportation improvement program;  
 52 (C) The project has received a decision under the National Environmental Policy Act of 1969; or

1        (D) The project has been advertised for construction bids.

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

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

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

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

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

11       (d) Designate the project limits and characteristics of the proposed facility, including length, number of lanes, or  
12       other key features;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43       (a) Have designated the facility impact area, determined affected jurisdictions, transit service providers, and  
44       transportation options providers; and developed a public ~~consultation~~-involvement strategy as provided in this  
45       rule;

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

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

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

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

- 1 (b) The public involvement strategy developed as provided in section (4), and how each part of the public  
 2 involvement strategy was met;  
 3 (c) The alternatives review report;  
 4 (d) A summary of the estimated additional long-term costs of maintaining the proposed facility, including  
 5 expected funding sources and responsible transportation facility operator.

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

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

13 Statutory/Other Authority: ORS 197.040

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

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### 15 **660-012-0905: Land Use and Transportation Performance Measures**

16 (1) Cities, counties, and Metro that have a land use and transportation scenario approved by the commission as  
 17 provided in OAR 660-044-0050 or OAR 660-044-0120 shall report on the performance measures from the  
 18 approved regional scenario plan.

19 (2) Cities and counties that do not have a land use and transportation scenario approved by the commission as  
 20 provided in OAR 660-044-0120 shall report on the specific actions, including capital improvements and the  
 21 adoption of policies or programs that they have or will undertake to reduce pollution and increase equitable  
 22 outcomes for underserved populations. At a minimum, this report must include the following performance  
 23 measures:

24 (a) Compact Mixed-Use Development

25 (A) Number of publicly supported affordable housing units in climate-friendly areas.

26 (B) Number of existing and permitted dwelling units in climate-friendly areas and percentage of existing and  
 27 permitted dwelling units in climate-friendly areas relative to total number of existing and permitted dwelling  
 28 units in the jurisdiction.

29 (C) Share of retail and service jobs in climate-friendly areas relative to retail and service jobs in the jurisdiction.

30 (b) Active Transportation

31 (A) Percent of collector and arterials streets in climate-friendly areas and underserved population  
 32 neighborhoods with bicycle and pedestrian facilities with Level of Traffic Stress 1 or 2.

33 (B) Percent of collector and arterial ~~roadways~~ streets in climate-friendly areas and underserved population  
 34 neighborhoods with safe and convenient marked pedestrian crossings.

35 (C) Percent of transit stops with safe pedestrian crossings within 100 feet.

36 (c) Transportation Options

37 (A) Number of employees covered by an Employee Commute Options Program.

38 (B) Number of households engaged with Transportation Options activities.

39 (C) Percent of all Transportation Options activities that were focused on underserved population communities.

40 (d) Transit

41 (A) Share of households within one-half mile of a priority transit corridor.

42 (B) Share of low-income households within one-half mile of a priority transit corridor.

43 (C) Share of key destinations within one-half mile of a priority transit corridor.

44 (e) Parking Costs and Management: Average daily public parking fees in climate-friendly areas.

45 (f) Transportation System

46 (A) Vehicle miles traveled per capita.

47 (B) Percent of jurisdiction transportation budget spent in climate-friendly areas and underserved population  
 48 neighborhoods.

49 (C) Share of investments that support modes of transportation with low pollution.

50 Statutory/Other Authority: ORS 197.040

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

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

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

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

Statutory/Other Authority: ORS 197.040

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