



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660
LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Clarifications and corrections to Climate-Friendly and Equitable Communities Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/17/2023 11:55 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/28/2023

TIME: 8:00 AM

OFFICER: LCDC

HEARING LOCATION

ADDRESS: Portland Offices, 1900 SW Fourth Ave., Rooms B&C, Portland, OR 97201

SPECIAL INSTRUCTIONS:

Individuals interested in testifying should sign-up ahead of time at
<https://www.oregon.gov/lcd/Commission/Pages/Public-Comment.aspx>

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 253-215-8782

CONFERENCE ID: 84014748425

SPECIAL INSTRUCTIONS:

Passcode: 793775

Individuals interested in testifying should sign-up ahead of time at
<https://www.oregon.gov/lcd/Commission/Pages/Public-Comment.aspx>

NEED FOR THE RULE(S)

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

recommendations that will help with implementation.

Based on conversations with stakeholders, including local governments charged with implementing the rules, the commission initiated rulemaking on April 20, 2023, to consider correction and clarification amendments to the rules. At the same meeting, the commission also adopted a package of temporary amendments to the rules deemed necessary to address time-sensitive refinements that have been identified since the rules were adopted in July 2022. The commission will hold a public hearing on July 27 or 28 to consider permanent adoption of the temporary rules, as well as the additional correction and clarification amendments. The proposed amendments only amend portions of OAR chapter 660, division 12, but not OAR Chapter 660 divisions 8 or 44, which were also amended as part of the original 2022 rulemaking effort. The rules apply in the eight areas with populations over 50,000 people (Albany, Bend, Corvallis, Eugene/Springfield, Grants Pass, Medford/Ashland, Portland metro, Salem/Keizer), which are currently working to implement the rules consistent with timelines established in the rules. The rule amendments will provide clarity for implementation efforts.

In conjunction with consideration of these rule amendments (aka "correction and clarification amendments"), the Department of Land Conservation and Development (DLCD) has prepared a Statement of Fiscal Impact (FIS), a Housing Impact Statement (HIS), and a Racial Equity Statement. These impact statements are required in conjunction with this rulemaking effort. The purpose of the statement is to help inform rulemaking.

The FIS must identify "state agencies, units of local government and the public that may be economically affected by the adoption, amendment or repeal of the rule" and must estimate the economic impact on those entities. ORS 183.335(2)(b)(E) also requires that, in determining economic impact, the agency shall "project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected." A similar impact statement was prepared prior to the commission's adoption of the original set of CFEC rules in 2022, which had a much greater scope. The scope of the proposed corrections and clarification amendments is much more limited and consequently, the fiscal impact statement considers only the change in potential impacts between the original rules adopted in 2022, and the currently proposed amendments.

DLCD is not required to conduct original research in creating a FIS. DLCD must use available information to project any significant effect of the proposed rule, including a quantitative estimate of how the proposed rule affects these entities or an explanation of why DLCD cannot make the estimate. See ORS 183.335(2)(b)(E). DLCD is required to identify any persons this proposed rule could affect economically including:

- Small and large businesses, as defined in ORS 183.310(10)
- State agencies (DLCD and any other state agency),
- Local governments, and
- The public.

Additionally, ORS 183.335(2)(b)(E) and ORS 183.530 require that rules adopted by the LCDC include an "estimate of the effect of a proposed rule or ordinance on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single-family dwelling on that parcel." This Housing Impact Statement (HIS) is described in ORS 183.534. New to rules adopted in 2022 and beyond, the department must also include a racial equity impact statement. House Bill 2993 (2021), Section 2 requires agencies to include a "statement identifying how adoption of the rule will affect racial equity in the state".

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

none

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The State of Oregon requires that a rulemaking notice include "a statement identifying how adoption of the rule will affect racial equity in this state" (ORS 183.335(2)(a)). For the purposes of this statement, racial equity has been defined as treating people of all races fairly, justly, and without bias. The agency is required to attempt to determine the racial

groups that will be affected by the rule, and how the rule will increase or decrease disparities currently experienced by those groups. In this context, a disparate treatment of racial groups may be supportable if it addresses current disparities.

The scope of the proposed rule changes is limited, and mostly consists of corrections and clarifications of the originally adopted rules. This statement will identify and evaluate any proposed rule amendments that may have an impact on racial equity. In many cases, proposed rule amendments will impact racial populations no differently than other members of the public, which is evaluated in the fiscal impact statement that has also been prepared for this rulemaking effort. But in a few cases, proposed amendments could delay or reduce benefits to some racial groups.

Proposed amendments to OAR 660-012-0012 allows local governments to request alternative dates for compliance at any time. This could delay outcomes that might benefit racial groups in areas subject to the rules. Such benefits might result from updated transportation system plans and zoning ordinances that will more directly consider the needs of underserved populations, from the reduction of parking mandates that may increase the cost of housing and inhibit more extensive housing development, or from a variety of other portions of the rules.

The proposed amendments to OAR 660-012-0135 clarify when local governments are to complete a major equity analysis or an engagement-focused equity analysis. The amendments more clearly delineate when either of the two analyses are necessary, consistent with the intent of the original rules. Consequently, these amendments are not expected to have a significant impact on racial equity.

The proposed amendments to OAR 660-012-0425 and OAR 660-012-0435 remove the requirement for “unbundled parking” for multi-unit residential development in certain areas. “Unbundled parking” means giving tenants the ability to opt out of paying for on-site vehicle parking spaces, which reduces costs for those who do not need vehicle parking. Because some racial populations are less likely than average to own a vehicle (due to income and wealth disparities and other factors), and more likely to rent housing, elimination of the requirement to unbundle parking may have a negative effect on racial equity in this circumstance.

Although most of the proposed correction and clarification amendments are not anticipated to negatively impact racial populations, a few of the proposed amendments that simplify implementation requirements or extend timelines for implementation may reduce or delay potential benefits for some racial groups.

FISCAL AND ECONOMIC IMPACT:

The proposed administrative rule amendments may result in fiscal and economic impacts including:

- Compliance costs, both monetary and time-related, for local governments to amend local development regulations for consistency with the draft rules and for DLCD to review those amendments.
- Potential increased costs and/or reduction in the efficiency of transportation systems for some users as additional performance criteria are introduced into the transportation system assessment. Other users may benefit from reduced costs and/or improved efficiency for transportation modes other than personal automobile travel.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The Department of Land Conservation and Development (DLCD) collaborated with the Department of Transportation (ODOT) in the development of these rule amendments. DLCD will be the state agency charged with implementing the rules, in close collaboration with ODOT. The rules apply within the following eight metropolitan regions in Oregon: Albany, Bend, Corvallis, Eugene/Springfield, Grants Pass, Medford/Ashland, Portland metro, and Salem/Keizer. Consequently, the administrative rules will impact members of the public who live, work, or visit these areas; cities and counties within these regions; and small and large businesses in these areas.

Generally, the proposed rules do not apply directly to small businesses. However, some of the proposed rules apply to some types of new developments and so small businesses that develop new facilities and buildings would need to meet revised requirements for such things as parking lot improvements, site design along public streets, electric vehicle charging facilities, vehicle parking, and bicycle parking. The proposed changes to these standards are expected to reduce compliance costs for those who develop these types of buildings and facilities.

Because the proposed rules do not directly apply to small businesses, there is no requirement for small businesses to report, keep records, or otherwise administer the program. For the same reason, no professional services, equipment supplies, labor, or increased administration will be necessary to demonstrate small business compliance with the rules. The following analysis describes fiscal impacts on small and large businesses, state agencies, local governments, and the public from each rule amendment or set of similar rule amendments:

660-012-0005 – Definitions

Summary of Changes: The proposed amendments in this section add a preamble to the definitions section; provide a definition of “multi-unit housing” to be used consistently throughout OAR 660-012; clarify the definition of parking mandates; and define “performance standard.”

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The amended definitions are not anticipated to create fiscal impacts on businesses.

STATE AGENCIES

The amended definitions are not anticipated to create fiscal impacts for state agencies.

LOCAL GOVERNMENTS

The amended definitions should facilitate local government implementation by using clear and consistent terminology.

THE PUBLIC

The amended definitions are not anticipated to create fiscal impacts on members of the public.

660-012-0012 – Effective Dates and Transition

Summary of Changes: The temporary amendments adopted in section (3) permit local governments to request alternative dates at any time. The existing rules have a deadline of January 31, 2023.

Additional proposed amendments make the following changes:

- Clarifies that compliance with OAR 660-012-0215 is required with adoption of a local TSP update.
- Clarifies requirements to be met when local governments in the Portland Metropolitan Area adopt Region 2040 centers.
- Removes deadlines that have already passed.
- Clarifies that compliance with OAR 660-012-0210 is required with adoption of a local TSP update.

Clarifies that a major update to a TSP is not required to expand an urban growth boundary before December 31, 2029.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The approval of alternative dates beyond those available under current rules could delay the reduction of parking mandates and adoption of zoning for climate-friendly areas. This could result in higher development costs for required parking and fewer development opportunities for businesses wishing to locate in walkable mixed-use areas.

The amendment to rule -0210 clarifies that land use decisions that are consistent with acknowledged comprehensive plans and supporting documents will not be subject to the rule, which will reduce the cost, time, and analysis needed to develop certain types of development applications.

The clarification that a major update to a transportation system plan (TSP) amendment is not required in order to expand an urban growth boundary before the deadline for completion of all TSP updates (December 31, 2029) provides: (1) certainty to large and small businesses that the rules will not interrupt needed urban growth boundary expansions, as well as (2) potential savings of time and money.

STATE AGENCIES

The approval of alternative dates beyond those available under current rules will allow more time for state agencies, such as DLCD and the Oregon Department of Transportation (ODOT), to develop implementation guidance, support local government implementation, and secure financial support for a variety of implementation actions, including transportation system plan updates. However, extended timelines will delay actions expected to reduce climate pollution and increase equitable outcomes.

LOCAL GOVERNMENTS

The approval of alternative dates beyond those available under current rules will allow more flexibility for local governments to coordinate implementation actions with other local planning efforts for a more efficient use of time and resources.

THE PUBLIC

The approval of alternative dates beyond those available under current rules will allow local governments to make more efficient use of time and resources, and for better coordination of local planning efforts. Alternative dates may also provide more time for community engagement with local implementation. However, extended timelines will delay actions expected to reduce climate pollution and increase equitable outcomes, which may have negative impacts on members of the public such as delay in building more housing.

660-012-0100 – Transportation System Plans in Metropolitan Areas

Summary of Changes: Clarifies that requirements apply to cities and counties.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

This clarification is not anticipated to create fiscal impacts on businesses.

STATE AGENCIES

This clarification is not anticipated to create fiscal impacts for state agencies. Implementing agencies understood that the requirements in rule -0100 also apply to counties.

LOCAL GOVERNMENTS

This clarification is not anticipated to create fiscal impacts for local governments, including counties. Oregon counties currently develop and adopt TSP updates, many of which are funded by ODOT. This clarification will not alter the current framework.

THE PUBLIC

This clarification is not anticipated to create fiscal impacts on members of the public.

660-012-0110 – Transportation System Planning Area

Summary of Changes: Clarifies city and county coordination for transportation planning within urban growth boundaries, including incorporated and unincorporated areas.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

This clarification is not anticipated to create fiscal impacts on businesses.

STATE AGENCIES

This clarification is not anticipated to create fiscal impacts for state agencies.

LOCAL GOVERNMENTS

This clarification is not anticipated to create fiscal impacts for local governments. The clarification better reflects the variety of ways that cities and counties coordinate their transportation planning efforts within UGBs.

THE PUBLIC

This clarification is not anticipated to create fiscal impacts on members of the public.

660-012-0135 – Equity Analysis

Summary of Changes: Clarifies which circumstances require each type of equity analysis.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

These requirements apply only to local governments. This clarification is not anticipated to create fiscal impacts on businesses.

STATE AGENCIES

This clarification is not anticipated to create fiscal impacts for state agencies.

LOCAL GOVERNMENTS

This proposed amendment clarifies the circumstances under which cities or counties are to complete a major equity analysis or engagement-focused equity analysis. These requirements were included in the original CFEC rules, so this clarification is not anticipated to create additional fiscal impacts for local governments.

THE PUBLIC

This clarification is not anticipated to create fiscal impacts on members of the public.

660-012-0140 – Transportation System Planning in the Portland Metropolitan Area

Summary of Changes: Allows flexibility for setting the horizon year of local TSPs in the Portland Metropolitan Area to match the horizon date of the regional transportation plan.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

This proposed amendment applies only to local governments, and allows more flexibility in establishing the planning period for a local TSP. This amendment is not anticipated to create fiscal impacts on businesses.

STATE AGENCIES

This proposed amendment is not anticipated to create fiscal impacts for state agencies. More coordinated transportation planning within the Portland Metro region may have fiscal benefits achieved through better coordination and timing.

LOCAL GOVERNMENTS

This proposed amendment allows, but does not require, local governments within the Portland Metro region to utilize the same planning period for TSP updates as the planning period of the adopted regional transportation plan. This rule amendment provides more flexibility than the current rule, and is not anticipated to create additional fiscal impacts for local governments.

THE PUBLIC

This rule amendment is not anticipated to create fiscal impacts on members of the public.

660-012-0155 – Prioritization Framework

Summary of Changes: Clarifies that local governments may apply mode-specific functional classifications to facilities.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

This proposed amendment applies only to local governments, and allows flexibility in establishing mode-specific functional classifications for each transportation mode on a planned transportation facility. This flexibility will allow local governments to independently plan for bicycle, pedestrian, and transit improvements for a planned facility independent of the roadway's functional classification. For example, enhanced bicycle facilities could be provided on a lower volume street that provides good bicycle connectivity and safety, where the functional classification of the motor vehicle portion of the street would not otherwise warrant such improvements. This amendment is not anticipated to create fiscal impacts on businesses. Required transportation system improvements might be greater or less than what would have been otherwise required.

STATE AGENCIES

This proposed amendment is not anticipated to create additional fiscal impacts for state agencies. Required

transportation system improvements might be greater or less than what would have been otherwise required, making it difficult to anticipate a net negative or positive fiscal impact.

LOCAL GOVERNMENTS

This proposed amendment is not anticipated to create additional fiscal impacts for local governments. Required transportation system improvements might be greater or less than what would have been otherwise required, making it difficult to anticipate a net negative or positive fiscal impact. Local governments will decide whether or not to utilize these provisions and may consider fiscal impacts as part of that determination. Because the rules allow, but do not require, modal considerations, this flexibility creates no additional fiscal impact.

THE PUBLIC

This rule amendment is not anticipated to create fiscal impacts on members of the public. Required roadway improvements might be greater or less than what would have been otherwise required, making it difficult to anticipate a net negative or positive fiscal impact for taxpayers.

660-012-0180 – Financially-Constrained Project List

Summary of Changes: Clarifies that projects completed in conjunction with development may be allowed even if not included on the financially-constrained project list.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

This proposed amendment allows transportation system improvement projects not identified on the financially-constrained project list to occur under certain circumstances. This will allow local governments to require some transportation system improvement projects in conjunction with development. Although transportation facilities provided in conjunction with development will typically enhance access to businesses, the costs of such improvements could have a negative fiscal impact on small and large businesses.

STATE AGENCIES

This proposed amendment is not anticipated to create fiscal impacts for state agencies because it applies only at the local level through the implementation of TSPs and other local regulations associated with development or redevelopment.

LOCAL GOVERNMENTS

This proposed amendment allows local governments to require certain transportation system improvements associated with development, which reduces the costs of transportation system improvements that might otherwise be required of the local government. Consequently, this amendment reduces fiscal impacts to local governments.

THE PUBLIC

The proposed amendment shifts some system improvement costs from local governments to developers, thereby reducing costs that would otherwise fall to members of the public through taxes, including gas taxes.

660-012-0210 – Transportation Modeling and Analysis

Summary of Changes: Clarifies and limits applicability to certain land use actions, as well as the use of certain types of modeling.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

This proposed amendment clarifies the types of land use decisions that are subject to the rule to exclude decisions that do not require an amendment to a functional plan, acknowledged comprehensive plan, or land use regulation. The amendment also exempts urban growth boundary (UGB) expansions from compliance with the rule. The amendment provides better certainty regarding which land use decision would or would not be subject to reviews per the rule. Because small and large businesses may apply for land use approvals for a variety of reasons, the proposed amendments reduce the circumstances in which review per rule -0210 would be required. This is anticipated to reduce fiscal impacts and uncertainty for small and large businesses.

STATE AGENCIES

This proposed amendment will reduce the number of local land use decisions that will be subject to the rule to those occurring at the “plan level.” Consequently, the development of guidance and other resources, and the need for review of local government decisions will require fewer resources.

LOCAL GOVERNMENTS

This proposed amendment will reduce the number of local land use decisions that will be subject to the rule to those occurring at the “plan level.” This will allow local governments to apply the -0210 analysis in fewer circumstances, requiring less time and resources for local implementation.

THE PUBLIC

The proposed amendment reduces the number or circumstances in which a local government would need to conduct a “-0210 review,” thereby reducing costs that may otherwise fall to members of the public through taxes.

660-012-0215 – Transportation Performance Standards

Summary of Changes: The proposed amendments correct a numbering error and clarify that Metro may set standards to be used across the region.

Anticipated Fiscal Impacts:

No fiscal impacts are anticipated to any party due to the correction of the numbering error.

SMALL AND LARGE BUSINESSES

This proposed amendment corrects a numbering error and clarifies that Metro may set performance standards to be used across the region. It is unknown whether Metro will set region-wide standards as allowed, and if so, what those region-wide standards would be. Consequently, it is not possible to anticipate fiscal impacts to small and large businesses that may result from this amendment.

STATE AGENCIES

This proposed amendment may result in better coordination of transportation system plans in the Metro region, which may have some benefit to state agencies supporting transportation planning in the region, such as DLCD and ODOT.

LOCAL GOVERNMENTS

This proposed amendment may result in consistent performance standards within the Portland metropolitan region, which would reduce the discretion of local governments to determine their own performance measures. However, it is unknown whether the adoption of regional performance measures would have a negative, positive, or neutral financial impact on local governments, as opposed to the establishment of local performance measures.

THE PUBLIC

For the reasons described above, it is not possible to determine whether the adoption of regional performance measures would have a negative, positive, or neutral financial impact on members of the public, as opposed to the establishment of local performance measures.

660-012-0310 – Climate-Friendly Areas

Summary of Changes: The proposed amendment places a hyphen between “climate” and “friendly,” consistent with how the term is punctuated elsewhere in the rules.

Anticipated Fiscal Impacts:

No fiscal impacts are anticipated to any party due to the addition of the hyphen.

660-012-0315 – Designation of Climate-Friendly Areas

Summary of Changes: The adopted temporary amendments in this section clarify that the most recently adopted and acknowledged “housing needs analysis” or “housing capacity analysis” serves as the basis for determining a city or county’s total housing unit needs. Sole use of the term “housing capacity analysis” could have been interpreted to apply only to HCAs that were acknowledged after rules were adopted to implement House Bill 2003 (2019 Legislative

Session). Other amendments to this rule provide necessary clarifications, including clarification of the requirements for adoption of climate-friendly areas.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The adopted temporary amendments to rule 0315 are not anticipated to have a fiscal impact on small or large businesses.

STATE AGENCIES

The adopted temporary amendments to rule 0315 clarify how to determine overall housing needs for purposes of climate-friendly area requirements, along with other clarifying changes to better describe how to determine zoned building capacity. The amendments are not anticipated to have a significant fiscal impact on ODOT, DLCD, or other state agencies.

LOCAL GOVERNMENTS

The adopted temporary amendments to rule 0315 clarify how to determine overall housing needs for purposes of climate-friendly area requirements, along with other clarifying changes to better describe how to determine zoned building capacity. Changes to requirements for the adoption of climate-friendly areas will reduce the amount of work required by local governments to implement the rule.

THE PUBLIC

The adopted temporary amendments to Rule 0315 clarify how to determine overall housing needs for purposes of climate-friendly area requirements, along with other clarifying changes to better describe how to determine zoned building capacity. Changes to requirements for local government adoption of climate-friendly areas are not anticipated to have a fiscal impact on the public.

660-012-0320 – Land Use Requirements in Climate-Friendly Areas

Summary of Changes: The adopted temporary amendments in this section adjust an optional path for demonstrating the development capacity of climate-friendly areas. The amendments provide a quantifiable “burden of proof” threshold for local governments wishing to utilize this alternative option.

Additional proposed amendments amend provisions to refer to “multi-unit housing” (newly defined in OAR 660-012-0005) and “attached single-unit housing.”

Anticipated Fiscal Impacts:

New definitions and consistent use of the terms “multi-unit housing” and “attached single-unit housing” is not anticipated to have fiscal impacts on any of the identified parties.

SMALL AND LARGE BUSINESSES

The adopted temporary amendments generally allow for the establishment of lower intensity climate-friendly areas in larger areas within cities. Use of this alternative approach will allow for a greater variety of residential, commercial, and employment uses and development standards that would better respond to market conditions. Expanding mixed use zones may allow additional competition between residential, commercial, and employment uses for desired locations. However, climate-friendly areas will provide additional opportunities for development in many areas where those opportunities are more limited. Most zoned areas within cities and counties will remain unchanged.

STATE AGENCIES

The adopted temporary amendments allow for the establishment of lower intensity climate-friendly areas in larger areas within cities. The amendment is not anticipated to change the fiscal impact of reviewing planning documents and related work for ODOT or DLCD.

LOCAL GOVERNMENTS

The adopted temporary amendments generally allow for the establishment of lower intensity climate-friendly areas in larger areas within cities. This amendment allows more flexibility for local government implementation and allows climate-friendly areas to be more responsive to local markets and conditions.

THE PUBLIC

The adopted temporary amendments allow for the establishment of lower intensity climate-friendly areas in larger areas within cities. Members of the public seeking housing, employment, or services will benefit from greater opportunities for these uses in climate-friendly areas.

660-012-0325 – Transportation Review in Climate-Friendly Areas

Summary of Changes: The proposed amendments rearrange some of the provisions of the rule to better clarify the application of the rule to both adopting a climate-friendly area or Region 2040 center and reviewing plan or land use regulations within existing climate-friendly areas or Region 2040 centers. The changes clarify what actions local governments must take in each circumstance.

The proposed amendments also address how plan amendments that affect areas both inside and outside a climate-friendly area or Region 2040 center may be reviewed.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The proposed amendments are not anticipated to have a significant fiscal impact on small or large businesses. The amendments clarify the application of the rule, but add no additional requirements that would impact businesses.

STATE AGENCIES

The proposed amendments are not anticipated to have a significant fiscal impact on state agencies. The amendments clarify the application of the rule, which will assist with state agency implementation.

LOCAL GOVERNMENTS

The proposed amendments are not anticipated to have a significant fiscal impact on local governments. The amendments clarify the application of the rule, which will assist with local government implementation.

THE PUBLIC

The proposed amendments are not anticipated to have a significant fiscal impact on members of the public. The amendments clarify the application of the rule, but add no additional requirements that would impact members of the public.

660-012-0330 – Land Use Requirements

Summary of Changes: The adopted temporary amendment adjusts a site design requirement. The existing rules limit motor vehicle parking, access, and storage on-site between buildings and public pedestrian facilities. These facilities are usually sidewalks. The proposed adjustment limits the requirement to pedestrian facilities on or along the primary facing street.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The adopted temporary amendment provides more flexibility in designing development to accommodate pedestrian and vehicle circulation, which allows for more development options and thereby reduces development costs and constraints for small and large businesses.

STATE AGENCIES

The adopted temporary amendment simplifies requirements for development to accommodate pedestrian and vehicle circulation. The amendment is not anticipated to change the fiscal impact for the review of planning documents and related work by DLCD or work by other agencies.

LOCAL GOVERNMENTS

The adopted temporary amendment simplifies requirements for development to accommodate pedestrian and vehicle circulation, which will reduce staff time needed to amend and administer development codes.

THE PUBLIC

The adopted temporary amendment simplifies requirements for development to accommodate pedestrian and vehicle circulation. The amendment will have no fiscal impact on the public.

PARKING-RELATED RULE AMENDMENTS:

660-012-0405 – Parking Regulation Improvements

Summary of Changes: Proposed amendments in this section adjust requirements for larger parking lots, both by adjusting the size threshold where the requirements become applicable, and by adjusting the requirements themselves. The amendments clarify the rules apply only to new parking spaces during redevelopment of part of a site, make tree canopy a more feasible option, and clarify continuous tree canopy is required for street trees, not all the trees on a lot. Tree canopy provisions and the exemption of application to parking lots between ¼ and ½ acre in this section were adopted with the other temporary rules.

660-012-0415 – Parking Maximums and Evaluation in More Populous Communities

Summary of Changes: The adopted temporary amendment would remove a requirement for more populous jurisdictions to do analysis and adopt findings for certain parking maximums.

Other proposed amendments will clarify which Metro map is referenced in section (1) and clarify key areas for parking management in section (2).

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

Summary of Changes: The adopted temporary amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates.

Other proposed amendments clarify wording and remove duplication with OAR 660-012-0405(3).

660-012-0430 – Reduction of Parking Mandates for Development Types

Summary of Changes: The proposed amendment standardizes use of the term “enforce parking mandates.”

660-012-0435 – Parking Reform in Climate-Friendly Areas

Summary of Changes: The adopted temporary amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates.

Other proposed amendments clarify language and a map reference, and exempt townhouses and rowhouses in section (2).

660-012-0440 – Parking Reform Near Transit Corridors

Summary of Changes: The proposed amendments clarify and make use of consistent language, as well as allowing local governments to update parking regulations based on transit service no more frequently than once per year.

660-012-0445 – Parking Management Alternative Approaches

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

Other proposed amendments to this section simplify provisions, remove a requirement to set parking maximums, and provide an unbundling option in lieu of a parking district.

Other proposed amendments will clarify when “unbundling” takes effect, along with clarifying references to historic resources.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

- Amendments to rule -0405 reduce parking lot requirements, which will reduce costs for small and large businesses constructing larger parking lots.
- Other clarifications to parking-related rules will provide better certainty to small and large businesses regarding the application of parking mandates on development applications.

- The reduced requirements for local government to reform parking in –0425, –0435 and –0445 may lead to retention of parking mandates for businesses, which can be costly to meet.

STATE AGENCIES

- The proposed amendments will help DLCD staff to clearly and consistently administer parking-related requirements. No negative fiscal impact is anticipated.

LOCAL GOVERNMENTS

- Proposed amendments reduce the number of parking lots that would be subject to requirements and simplify tree canopy requirements, both of which will reduce staff time to amend and administer development codes.
- The proposed amendment to rule 0415 removes a requirement for local governments to analyze and adopt findings related to establishing parking maximums, which will reduce costs.
- The proposed amendment to eliminate the requirement of unbundled parking serving multifamily residential units will reduce administrative costs for local governments.
- The proposed amendment requires adoption of fewer policies by local governments, which will reduce implementation costs for local governments.

THE PUBLIC

- The proposed amendment to eliminate the requirement for unbundled parking serving multifamily residential units may increase costs for multifamily residents who do not need or wish to pay for on-site parking in the future.
- Other parking-related rule amendments are not anticipated to have a significant fiscal impact on the public.

660-012-0410 – Electric Vehicle Charging

Summary of Changes: The proposed amendment changes “accommodate” to “serve” in section (3) for clarity.

Anticipated Fiscal Impacts:

The proposed amendment is not anticipated to have a fiscal impact on small or large businesses, state agencies, local governments, and members of the public.

PEDESTRIAN SYSTEM RULE AMENDMENTS:

660-012-0505 – Pedestrian System Inventory

Summary of Changes: The proposed amendment clarifies that the inventory requirement applies within ¼ mile of primary and secondary (K-12) schools.

660-012-0510 – Pedestrian System Requirements

Summary of Changes: The proposed amendments clarify that local governments may apply mode-specific functional classifications to pedestrian facilities and that rights-of-way considered in section (3) includes areas dedicated for transportation purposes, but not necessarily for utilities or other purposes.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The proposed pedestrian system rule amendments are not anticipated to have significant fiscal impacts on small or large businesses. As noted previously in relation to OAR 660-012-0155, required pedestrian system improvements per the proposed amendments to rule -0510 might be greater or less than what would have been otherwise required, making it difficult to anticipate a net negative or positive fiscal impact for businesses developing new facilities.

STATE AGENCIES

The proposed pedestrian system rule amendments are not anticipated to have significant fiscal impacts on state agencies. ODOT provides funding for many TSP updates for local governments, but allowing for mode-specific functional classifications within TSPs is not anticipated to increase TSP costs. Additionally, “right-sizing” modal facilities may result in decreased transportation system improvement costs for state agencies in the future, where building streets to a complete collector or arterial standard is not needed.

LOCAL GOVERNMENTS

The proposed pedestrian system rule amendments clarify the extent of required pedestrian system inventory

requirements near primary and secondary schools. As noted previously, required pedestrian system improvements per the proposed amendments to rule -0510 might be greater or less than what would have been otherwise required, making it difficult to anticipate a net negative or positive fiscal impact for local governments. Local governments will be able to evaluate potential improvement costs in determining whether mode-specific functional classifications are desired in future TSP updates.

THE PUBLIC

The proposed pedestrian system rule amendments are not anticipated to result in a significant fiscal impact to members of the public.

BICYCLE-RELATED RULE AMENDMENTS:

660-012-0605 – Bicycle System Inventory

Summary of Changes: The proposed amendment clarifies that the inventory requirement applies within ¼ mile of primary and secondary (K-12) schools.

660-012-0610 – Bicycle System Requirements

Summary of Changes: The proposed amendment clarifies that local governments may apply mode-specific functional classifications to bicycle facilities.

660-012-0630 – Bicycle Parking

Summary of Changes: The adopted temporary amendment replaces a formula for determining the number of required bicycle spaces based on the number of mandated off-street motor vehicle parking spaces. The updated requirement is simpler and requires fewer bicycle parking spaces for uses where many motor vehicle parking spaces are mandated, with a cap at twenty bicycle parking spaces.

Another proposed amendment makes consistent use of the term “multi-unit development.”

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The adopted temporary rule regarding bicycle parking will reduce the cost and space required for bicycle parking for developments where a large number of motor vehicle parking spaces are required. The other proposed rule amendments are not anticipated to create a significant fiscal impact for small or large businesses.

STATE AGENCIES

The adopted temporary rule and proposed amendments are not anticipated to create a significant fiscal impact for state agencies.

LOCAL GOVERNMENTS

The adopted temporary rule and proposed amendments clarify the extent of required bicycle system inventories, allow mode-specific functional classifications for bicycle facilities, and simplify bicycle parking requirements. Because ODOT funds a large portion of TSP updates statewide, and because these requirements will be implemented with TSP updates, local government implementation costs will be limited. However, local governments that choose to fund their own TSP updates would absorb the costs of implementing these rules with that work.

THE PUBLIC

The adopted temporary rule and proposed bicycle-related rule amendments are not anticipated to result in a significant fiscal impact to members of the public.

660-012-0700 – Public Transportation System Planning

Summary of Changes: The proposed amendments clarify how local governments are to work with transit service providers and make use of consistent terminology.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The proposed amendments regarding coordination between local governments and transit service providers are not anticipated to have a fiscal impact on small and large businesses.

STATE AGENCIES

The proposed amendments regarding coordination between local governments and transit service providers are not anticipated to have a fiscal impact on state agencies. The amendments more accurately describe how coordination between most local governments and transit service providers currently occurs.

LOCAL GOVERNMENTS

The proposed amendments regarding coordination between local governments and transit service providers are not anticipated to have a fiscal impact on local governments. The amendments more accurately describe how coordination between most local governments and transit service providers currently occurs.

THE PUBLIC

The proposed amendments regarding coordination between local governments and transit service providers are not anticipated to result in a fiscal impact to members of the public.

660-012-0810 – Street and Highway System Requirements

Summary of Changes: The proposed amendments clarify how local governments must consider planning for freeways as part of the transportation planning process.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The proposed amendments clarify an existing requirement that local governments shall consider the impact of new or expanded freeways considering goals to reduce vehicle miles traveled per capita as part of the transportation planning process. The proposed amendments only include a clarification that this occurs as part of the transportation planning process, and a clarification on transit access to freeways. The proposed amendments are not anticipated to have a fiscal impact on small and large businesses.

STATE AGENCIES

The proposed amendments clarify that local governments shall consider the impact of new or expanded freeways considering goals to reduce vehicle miles traveled per capita as part of the transportation planning process. This requirement could impact planned state facilities in areas under local government jurisdiction, and will require coordination and planning between state agencies and local governments.

LOCAL GOVERNMENTS

The proposed amendments clarify that the consideration of the impact new or expanded freeways considering goals to reduce vehicle miles traveled per capita is part of the transportation planning process. The proposed amendments are not anticipated to have a fiscal impact on local governments.

THE PUBLIC

The proposed amendments will allow members of the public to evaluate the advantages and disadvantages of new or expanded freeways in their communities as part of the transportation planning process. The proposed amendments are not anticipated to result in a fiscal impact to members of the public.

660-012-0830 – Enhanced Review of Select Roadway Projects

Summary of Changes: The adopted temporary amendments clarify the types of roadway projects that do not need to be reviewed under this rule when making a major TSP update.

Other proposed amendments make use of consistent terminology, including use of the term “public involvement strategy.”

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The adopted temporary amendments and proposed amendments will provide greater certainty regarding certain planned transportation facilities, which will benefit businesses that rely heavily on roadway networks. Development of

roadway expansions may add costs through taxes, systems development charges, right of way dedication and improvement costs, or other fees or costs charged by the local government.

STATE AGENCIES

The adopted temporary amendments and proposed amendments will provide greater certainty regarding certain planned transportation facilities. The amendment will not change costs for the review of planning documents and related work by DLCD. The amendment will provide additional certainty to ODOT regarding some planned roadway expansions, which may result in less cost to the agency.

LOCAL GOVERNMENTS

The adopted temporary amendments and proposed amendments will provide greater certainty regarding certain planned transportation facilities, which will allow local governments to more efficiently allocate staffing and resources towards these projects. Development of the transportation projects will create additional obligations for maintenance over the long term.

THE PUBLIC

The adopted temporary amendments and proposed amendments will provide members of the public with greater certainty regarding certain planned transportation facilities, including projects to be developed with approved bond funds and other public funding sources. Members of the public may benefit from increased vehicle capacity resulting from roadway expansions not subject to the –0830 review process, but will also experience higher costs to fund the construction and maintenance of such facilities from taxes or other public financing mechanisms; and public health costs from increased vehicle pollution, increased climate disruption, and decreased physical activity.

660-012-0905 – Land Use and Transportation Performance Measures

Summary of Changes: The proposed amendments correct typographical errors and change terms for consistent usage.

Anticipated Fiscal Impacts:

No fiscal impacts are anticipated to any party due to the correction of typographical errors and usage of consistent terminology.

660-012-0910 – Land Use and Transportation Performance Targets

Summary of Changes: The proposed amendment clarifies that Metro, rather than cities and counties in the region, sets regional performance targets for the Portland Metropolitan Area.

Anticipated Fiscal Impacts:

SMALL AND LARGE BUSINESSES

The proposed amendment is not anticipated to create a significant fiscal impact on small or large businesses. Metro has developed and implemented the climate pollution reduction plan for the Portland metropolitan area. This amendment clarifies that Metro will continue to lead this effort in the region.

STATE AGENCIES

The proposed amendment is not anticipated to create a significant fiscal impact on state agencies. Metro has developed and implemented the climate pollution reduction plan for the Portland metropolitan area. This amendment clarifies that Metro will continue to lead this effort in the region.

LOCAL GOVERNMENTS

The proposed amendment is not anticipated to create a significant fiscal impact on local governments. Metro has developed and implemented the climate pollution reduction plan for the Portland metropolitan area. This amendment clarifies that Metro will continue to lead this effort in the region.

THE PUBLIC

The proposed amendment is not anticipated to create a significant fiscal impact on members of the public.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The RAC includes representation from the Oregon Home Builders Association and Oregon Realtors, both of which represent the interests of small (and large) businesses that have a direct interest in the rule amendments.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

The reference case for this analysis is the estimated effect of the proposed rule amendments on the cost of developing a 6,000 square foot lot and constructing a 1,200 square foot detached single-family home on that lot. Because the correction and clarification amendments are limited in scope, most of the proposed rule amendments would not have a direct impact on the cost of developing such a home. There are three proposed rule amendments that relate to housing development, including changes to the climate-friendly area rules in OAR 660-012-0315 and OAR 660-012-0320, and the exemption of urban growth boundary (UGB) expansions from OAR 660-012-0210.

The changes proposed to OAR 660-012-0315 clarify how a local government is to determine 30 percent of total housing needs and how to determine zoned building capacity in climate-friendly areas. Also, the changes to section (6) clarify requirements for local government adoption of climate-friendly areas. None of these changes are anticipated to affect the cost of developing a 6,000 square foot lot with a 1,200 square foot single-family home.

The proposed amendment to OAR 660-012-0320(9) clarifies the requirements for local governments to demonstrate that alternative zoning standards (not consistent with the requirements of OAR 660-012-0320(8)) will result in "equal or higher levels of development in climate-friendly areas..." The proposed amendment includes a requirement that the local government's alternative zoning standards must require either a minimum residential density of 15 dwelling units per net acre or a minimum floor area ratio of 2.0..." The density of a 1,200 square foot single family home on a 6,000 square foot lot is approximately 7 dwelling units per acre. The floor area ratio of a 1,200 square foot home on a 6,000 square foot lot is 0.2. Therefore, it would not be possible to develop the described single family home consistent with these standards. However, constructing two dwelling units on a 6,000 square foot lot would result in a density of approximately 15 dwelling units per acre, thereby meeting the standard and reducing the land cost per unit by half. DLCD anticipates local governments will adopt climate-friendly areas in existing mixed-use areas, commercial areas, and higher density residential areas. OAR 660-012-0310(2), which provides locational criteria for climate-friendly areas, specifies in part that climate-friendly areas should be located in "existing or planned urban centers, including downtowns, neighborhood centers, transit-served corridors, or similar districts." The rule also specifies climate-friendly areas shall be located in areas "served, or planned for service, by high quality pedestrian, bicycle, and transit services." For these reasons, it is not anticipated climate-friendly areas will be designated in low-density residential zones, where it is permissible to build a 1,200 square foot single family home on a 6,000 square foot lot. Therefore, we do not anticipate that the adoption of climate-friendly areas will have a significant impact on the cost of building a 1,200 square foot single family home on a 6,000 square foot lot. Additionally, climate-friendly areas will provide opportunities for a greater variety of housing types than are currently available. Providing additional housing units and a greater variety of housing types would be anticipated to reduce housing costs overall, and may result in a reduced demand for single-family homes that could reduce their prices.

The proposed amendments to OAR 660-012-0210 clarify the types of decisions for which local governments must consider impacts to vehicle miles traveled per capita. The amendments provide, in part, "This rule applies to land use decisions that are an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map), except expansions of an urban growth boundary." Some stakeholders expressed concerns that as previously written, this rule might inhibit UGB expansions necessary to provide land for needed housing and other development within cities. Consequently, this amendment is proposed to ensure that rule –0210 does not inhibit future UGB expansions and the provision of urbanizable land for housing and other needs in the future. When considered in relation to this housing impact statement, the proposed amendments to rule –0210 will ensure that residential lands will continue to be available to meet future housing needs, which is anticipated to moderate residential land prices over time and would not increase the cost of developing a 6,000 square foot lot and constructing a 1,200 square foot home

due to a reduced supply of residential land.

In summary, the rules would not be expected to increase the home pricing for a 1,200 square foot home on a 6,000 square foot lot, and may actually help to reduce the price of this type of home.

RULES PROPOSED:

660-012-0005, 660-012-0012, 660-012-0100, 660-012-0110, 660-012-0135, 660-012-0140, 660-012-0155, 660-012-0180, 660-012-0210, 660-012-0215, 660-012-0310, 660-012-0315, 660-012-0320, 660-012-0325, 660-012-0330, 660-012-0405, 660-012-0410, 660-012-0415, 660-012-0425, 660-012-0430, 660-012-0435, 660-012-0440, 660-012-0445, 660-012-0505, 660-012-0510, 660-012-0605, 660-012-0610, 660-012-0630, 660-012-0700, 660-012-0810, 660-012-0830, 660-012-0905, 660-012-0910

AMEND: 660-012-0005

RULE SUMMARY: The temporary amendments adopted in section (3) permit local governments to request alternative dates at any time. The existing rules have a deadline of January 31, 2023.

Additional proposed amendments make the following changes:

- Clarifies that compliance with OAR 660-012-0215 is required with adoption of a local TSP update.
- Clarifies requirements to be met when local governments in the Portland Metropolitan Area adopt Region 2040 centers.
- Removes deadlines that have already passed.
- Clarifies that compliance with OAR 660-012-0210 is required with adoption of a local TSP update.
- Clarifies that a major update to a TSP is not required to expand an urban growth boundary before December 31, 2029.

CHANGES TO RULE:

660-012-0005

Definitions ¶¶

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

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

(2) "Accessible dwelling unit" means a dwelling unit constructed to standards capable of accommodating persons with disabilities, in compliance with the Americans with Disabilities Act and applicable construction requirements in adopted building codes.¶¶

(3) "Accessible" means complying with the American with Disabilities Act.¶¶

(4) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.¶¶

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

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

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

- (8) "At or near a major transit stop": "At" means a parcel or ownership that is adjacent to or includes a major transit stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300 feet of a major transit stop. The term "generally" is intended to allow local governments through their plans and ordinances to adopt more specific definitions of these terms considering local needs and circumstances consistent with the overall objective and requirement to provide convenient pedestrian access to transit.¶
- (9) "Bicycle boulevard" means bicycle facilities on streets with low motorized traffic volumes and speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs, markings, traffic diverters, or other measures to discourage through trips by motor vehicles. A bicycle boulevard may also include traffic control features to create safe, convenient bicycle crossings of intersecting streets.¶
- (10) "Climate-friendly area" means an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key destinations within the city and region. These areas feature a well-designed and connected pedestrian environment. To maximize community benefits these areas typically do not contain or require large parking lots, and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors, residents, and employees. Climate-friendly areas will reduce the reliance on light duty motor vehicle trips for residents, workers, and visitors by providing more proximate destinations within climate-friendly areas, improved connectivity to key destinations elsewhere in the community, and enhanced alternative transportation options.¶
- (11) "Commercial parking lot" means a site ~~without where~~ the primary use ~~where~~ is renting or leasing vehicle parking spaces ~~are rented or leased~~. It does not include shared parking.¶
- (12) "Committed transportation facilities" means those proposed transportation facilities and improvements that are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.¶
- (13) "Demand management" means actions that are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include, but are not limited to, the use of non-driving modes, ride-sharing and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid parking.¶
- (14) "Equitable outcomes" means outcomes that burdens underserved populations less than, and benefits underserved populations as much or more as, the city or county population as a whole. Examples of equitable outcomes include:¶
- (a) Increased stability of underserved populations, lowering the likelihood of displacement due to gentrification from public and private investments;¶
 - (b) More accessible, safe, affordable and equitable transportation options with better connectivity to destinations people want to reach;¶
 - (c) Adequate housing with access to employment, education, fresh food, goods, services, recreational and cultural opportunities, and social spaces;¶
 - (d) Increased safety for people in public spaces, transportation, and community development;¶
 - (e) Equitable access to parks, nature, open spaces, and public spaces;¶
 - (f) Better and more racially equitable health outcomes across the lifespan, particularly health outcomes connected to transportation choices, air pollution, and food;¶
 - (g) Recognizing and remedying impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure siting decisions that harmed underserved communities; and¶
 - (h) Fairly-distributed benefits to residents and local governments across cities and counties within metropolitan areas.¶
- (15) "Freeway" means a limited-access highway with access points exclusively from interchanges with other streets and highways. Limited access may be provided for rural land uses in rural areas where no other access is available.¶
- (16) "Horizon year" means the final year of the twenty-year planning period.¶
- (17) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.¶
- (18) "Local streets" means streets that are functionally classified as local streets to serve primarily local access to property and circulation within neighborhoods or specific areas. Local streets do not include streets functionally classified as collector or arterials.¶
- (19) "Local Street Standards" include but are not limited to standards for right-of-way, pavement width, travel lanes, parking lanes, curb turning radius, and accessways.¶
- (20) "Major" means, in general, those facilities or developments that, considering the size of the urban or rural area and the range of size, capacity or service level of similar facilities or developments in the area, are either

larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the immediate neighborhood:¶

(a) "Major" as it modifies transit corridors, stops, transfer stations, and new transportation facilities means those facilities that are most important to the functioning of the system or that provide a high level, volume, or frequency of service;¶

(b) "Major" as it modifies industrial, institutional, and retail development means such developments that are larger than average, serve more than neighborhood needs, or that have traffic impacts on more than the immediate neighborhood;¶

(c) Application of the term "major" will vary from area to area depending upon the scale of transportation improvements, transit facilities, and development that occur in the area. A facility considered to be major in a smaller or less densely developed area may, because of the relative significance and impact of the facility or development, not be considered a major facility in a larger or more densely developed area with larger or more intense development or facilities.¶

(21) "Major transit stop" means existing and planned transit stations, including light rail stations and other transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in a transportation system plan and existing stops that:¶

(a) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to region wide service. In urban areas of 1,000,000 or more population, major transit stops are generally located along routes that have or are planned for 15-minute or better service frequency throughout the day and on weekends; and¶

(b) Are located in a transit-oriented development or within one-quarter mile of an area planned and zoned for:¶

(A) Medium or high-density residential development; or¶

(B) Intensive commercial or institutional uses within one-quarter mile of land uses in paragraph (A); or¶

(C) Uses likely to generate a relatively high level of transit ridership.¶

(22) "Metropolitan area" means the local governments that are responsible for adopting local or regional transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities, counties, and, in the Portland Metropolitan Area, Metro.¶

(23) "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.¶

(24) "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.¶

(25) "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. ¶

(26) "ODOT" means the Oregon Department of Transportation.¶

(267) "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.¶

(278) "Parking mandates" means requirements to include a minimum number of off-street parking spaces with development ~~or re~~, redevelopment, alterations, changes of use, or, for residential development, ~~or~~ 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.¶

(289) "Parking maximums" means limits on the number of off-street parking spaces that can be included in a development.¶

(2930) "Parking spaces" means on and off-street spaces designated for automobile parking, other than parking spaces reserved for carpools, vanpools, or parking under the Americans with Disabilities Act.¶

(301) "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.¶¶

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

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

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

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

~~(35)~~ This new section addresses charge item 2.(36) "Performance measure" means an indicator used to evaluate progress towards meeting performance targets in accordance with OAR 660-012-0910. ¶¶

~~(37)~~ "Performance standard" means an indicator used to review comprehensive plan and land use regulation amendments in accordance with OAR 660-012-0060.¶¶

~~(38)~~ "Planning period" means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this division.¶¶

~~(369)~~ "Preliminary Design" means an engineering design that specifies in detail the location and alignment of a planned transportation facility or improvement.¶¶

~~(3740)~~ "Priority transit corridor" means a corridor that has a high existing or planned level of transit service relative to other transit service in the community, including service frequency and span of service. The corridor may be described as a series of stations when served by high-capacity transit services with widely spaced stations.¶¶

~~(3841)~~ "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.¶¶

~~(3942)~~ "Refinement Plan" means an amendment to the transportation system plan, that resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.¶¶

~~(403)~~ "Regional Transportation Plan" or "RTP" means the long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.¶¶

~~(414)~~ "Roads" means streets, roads, and highways.¶¶

~~(425)~~ "Rural community" means areas defined as resort communities and rural communities in accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need only meet the definitions contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.¶¶

~~(436)~~ "Separated or protected bicycle facilities" means bicycle facilities that are physically separated, or that are protected from motor vehicle traffic by ~~barriers that~~ elements designed to inhibit intrusion into the bicycle facility. Protection may include parked motor vehicles, curbs, or a raised elevation of the bike lanes. Separated or protected bicycle facilities may be unidirectional or two-way. Separated or protected bicycle facilities are designed to address conflicting traffic at intersections and other vehicular accesses to the street or highway.¶¶

~~(447)~~ "Shared parking" means parking spaces used to meet the parking mandates for two or more uses, structures, or parcels of land, ~~to the extent that the owners or operators show the overall demand for parking spaces can be met by the shared parking.~~¶¶

~~(458)~~ "Transit-Oriented Development (TOD)" means a mix of residential, retail, and office uses and a supporting

network of roads, bicycle, and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit-oriented development include:¶¶

(a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;¶¶

(b) High density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD;¶¶

(c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.¶¶

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

(4750) "Transportation System Management Measures" means techniques for increasing the efficiency, safety, capacity, or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.¶¶

(4851) "Transportation Needs" means estimates of the movement of people and goods consistent with an acknowledged comprehensive plan and the requirements of this division. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this division, and attaining the state's goals for greenhouse gas emissions reduction, especially those for avoiding principal reliance on any one mode of transportation.¶¶

(4952) "Transportation Needs, Local" means needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.¶¶

(503) "Transportation Needs, Regional" means needs for movement of people and goods between and through communities and accessibility to regional destinations within a metropolitan area, county, or associated group of counties.¶¶

(514) "Transportation Needs, State" means needs for movement of people and goods between and through regions of the state and between the state and other states.¶¶

(525) "Transportation Options Provider" means an entity providing services that work to change travel behavior in order to increase transportation system efficiency.¶¶

(536) "Transportation Project Development" means implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.¶¶

(547) "Transportation Service" means a service for moving people and goods, such as intercity bus service and passenger rail service.¶¶

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

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

(5760) "Unbundled parking" means a requirement that parking spaces for each unit in a development be rented, leased, or sold separately from the unit itself. The parking space(s) must be rented, leased, or sold at market rates for comparable local off-street parking. The renter, lessor, or buyer of the unit must be allowed to opt out of renting, leasing, or buying the parking space.¶¶

(5861) "Urban Fringe" means:¶¶

(a) Areas outside the urban growth boundary that are within five miles of the urban growth boundary of an MPO area; and¶¶

(b) Areas outside the urban growth boundary within two miles of the urban growth boundary of an urban area containing a population greater than 25,000.¶¶

(5962) "Vehicle Miles Traveled (VMT)" means all jurisdiction household-based light vehicle travel regardless of where the travel occurs.¶¶

(603) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0012

RULE SUMMARY: need

CHANGES TO RULE:

660-012-0012

Effective Dates and Transition

- (1) The rules in this division adopted on July 21, 2022, and amendments to rules in this division adopted on that date, are effective August 17, 2022, except as provided in this rule.¶
- (2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make interim updates to the local transportation system plan using requirements as provided in OAR 660-012-0015 if the city or county:¶
 - (a) Has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than December 31, 2022; or¶
 - (b) The interim update is not a major transportation system plan update as provided in OAR 660-012-0105, and the city or county has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than June 30, 2027. Interim updates must comply with applicable requirements in this division within the scope of the transportation system plan amendment but need not bring the entire transportation system plan in compliance with all applicable regulations.¶
- (3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or deadlines in section (4) of this rule.¶
 - (a) A submitted proposal for alternative dates shall include:¶
 - (A) A description of any work already underway to begin complying with the new or amended requirements of this division;¶
 - (B) Proposed dates for accomplishing requirements in lieu of effective dates or deadlines provided in this rule; and¶
 - (C) A schedule for updating local transportation system plans to comply with new or amended requirements of this division.¶
 - (b) Proposed alternative dates must demonstrate consistent progress toward meeting the updated requirements of this division. ~~Proposed alternative dates must include at least some work implemented by December 31, 2023.~~ Proposed alternative dates must include completion of all elements included in the alternative dates, except for a major update to the transportation system plan, by ~~June~~ December 30, 2027.¶
 - (c) Proposed alternative dates should be designed to sequence work in a logical progression, considering acknowledged plans, other work, and the work of other jurisdictions within the metropolitan area. Cities and counties in a metropolitan area may submit joint proposed alternative dates for a metropolitan area.¶
 - (d) ~~Proposed alternative dates may not be submitted to the department after January 31, 2023.~~¶
 - (e) Local governments in regions required to submit a work program as provided in OAR 660-044-0015 may submit a single combined work program that proposes alternative dates as provided in this rule and meets the requirements as provided in OAR 660-044-0100. ~~Notwithstanding subsection (d), the combined work program must be submitted by the date provided in OAR 660-044-0015.~~¶
- (~~f~~)¶
 - (e) The director shall review the proposed alternative dates to determine whether the proposed alternative dates meet the following criteria:¶
 - (A) Ensures urgent action;¶
 - (B) Coordinates actions across jurisdictions within the metropolitan area;¶
 - (C) Coordinates with work required as provided in OAR 660-044-0100;¶
 - (D) Sequences elements into a logical progression; and¶
 - (E) Considers availability of funding and other resources to complete the work.¶
 - (~~g~~) Upon the director finding the proposed alternative dates meet the criteria in (f), the alternative dates shall be used.¶
 - (~~h~~) The director may modify alternative dates at any time as necessary to achieve the purposes of this division.¶
- (4) The dates in this section apply unless alternative dates are approved by the director as provided in section (3).¶
 - (a) Cities outside the Portland Metropolitan Area with a population over 5,000 in the urban area, and counties outside the Portland Metropolitan Area with an unincorporated population over 5,000 in the urban area, must adopt a major transportation system plan update as provided in OAR 660-012-0105 by December 31, 2029.¶
 - (b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation performance standards take effect ~~upon June 30, 2025~~ the adoption of a major update to the local transportation system plan.¶
 - (c) A city or county that is subject to the requirements of OAR 660-012-0310 shall adopt land use requirements for climate-friendly areas and a climate-friendly comprehensive plan element as provided in OAR 660-012-0315 by December 31, 2024.¶

(d) Metro shall amend the urban growth management functional plan in conjunction with its next growth management analysis under ORS 197.296 and no later than December 31, 2024, to require local government adoption of Region 2040 centers and land use regulations as described in the acknowledged urban growth management functional plan. Upon adoption or amendment of a Region 2040 center and land use regulations, local governments must ensure that all applicable provisions of this division are met, including OAR 660-012-0415(1) and OAR 660-012-0435(2). Within the Metro urban growth boundary, a county with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services, or a city shall comply with the adopted requirements of the urban growth management functional plan by December 31, 2025.¶

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

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

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

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

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

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

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

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

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

(a) The provisions of OAR 660-012-0210 take effect ~~June 30, 2024~~ upon the adoption of a major update to the local transportation system plan.¶

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0100

RULE SUMMARY: Clarifies that requirements apply to cities and counties.

CHANGES TO RULE:

660-012-0100

Transportation System Plans in Metropolitan Areas

- (1) Cities and counties shall develop and adopt a transportation system plan. Cities and counties shall develop a transportation system plan and amendments to that plan consistent with the provisions of OAR 660-012-0105 through OAR 660-012-0215. A transportation system plan includes the following elements:¶
- (a) The core transportation system plan elements as provided in section (2);¶
 - (b) Funding projections as provided in OAR 660-012-0115;¶
 - (c) A transportation options element as provided in OAR 660-012-0145;¶
 - (d) An unconstrained project list as provided in OAR 660-012-0170;¶
 - (e) A financially-constrained project list as provided in OAR 660-012-0180;¶
 - (f) Any refinement plans adopted as provided in OAR 660-012-0190;¶
 - (g) A pedestrian system element as provided in OAR 660-012-0500;¶
 - (h) A bicycle system element as provided in OAR 660-012-0600;¶
 - (i) A public transportation system element as provided in OAR 660-012-0700; and¶
 - (j) A street and highway system element as provided in OAR 660-012-0800.¶
- (2) A transportation system plan shall include the following core elements:¶
- (a) The base and planning horizon years as provided in section (3) of this rule;¶
 - (b) The land use assumptions as provided in OAR 660-012-0340;¶
 - (c) A list of all elements of the plan, and the date of adoption or amendment of each;¶
 - (d) The coordinated land use and transportation system planning policies in the city's comprehensive plan;¶
 - (e) The local transportation system plan goals and policies;¶
 - (f) Areas with concentrations of underserved populations as provided in OAR 660-012-0125, identified using best available data;¶
 - (g) A record of the engagement, involvement, and decision-making processes used in development of the plan, as provided in OAR 660-012-0130;¶
 - (h) A major equity analysis as provided in OAR 660-012-0135 or an engagement-focused equity analysis as provided in OAR 660-012-0135 for urban areas under 5,000 in population; and¶
 - (i) The dates of each report made to the director as provided in OAR 660-012-0900, including all applicable city and county reports for the planning area.¶
- (3) Cities and counties shall determine the base and horizon years of a transportation system plan as follows:¶
- (a) The base year is the present or past year which is used for the development of plan elements. The base year shall be the year of adoption of a major update to the Transportation System Update, or no earlier than five years prior.¶
 - (b) The horizon year is the future year for which the plan contains potential projects and shall be at least twenty years from the year of adoption of a major update to the transportation system plan.¶
- (4) The director may grant a whole or partial exemption from the requirements of this division to cities and counties with a population of less than 10,000 within the urban area. The director may also grant a whole or partial temporary exemption from the requirements of this division to jurisdictions of any size that are newly included in an existing metropolitan area or a newly designated metropolitan area. The director shall use the criteria and process as provided in OAR 660-012-0055(7) to decide to approve an exemption.¶
- (5) The development of a transportation system plan shall be coordinated with affected cities, counties, transportation facility owners, and transportation service providers, and transportation options providers.¶
- (6) Adoption or amendment of a transportation system plan shall constitute the land use decision regarding the function, mode, general location, and need for transportation facilities, services, and major improvements.¶
- (7) Adoption or amendment of a transportation system plan shall include findings of compliance with applicable statewide planning goals, acknowledged comprehensive plan policies, and land use regulations.¶
- (8) Cities and counties shall design transportation system plans to achieve transportation performance targets as provided in OAR 660-012-0910.¶
- (9) Metro shall adopt a regional transportation system plan provided in OAR 660-012-0140.¶
- (10) Cities and counties in the Portland Metropolitan Area shall additionally meet the requirements as provided in OAR 660-012-0140.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0110

RULE SUMMARY: Clarifies city and county coordination for transportation planning within urban growth boundaries, including incorporated and unincorporated areas.

CHANGES TO RULE:

660-012-0110

Transportation System Planning Area

(1) The planning area for transportation system plans is the area within the acknowledged urban growth boundary. The unincorporated area within urban growth boundaries is the urbanizable area.¶

(2) Cities and counties are responsible for cooperatively developing transportation system plans within the urban area, including the urbanizable area. Cities and counties shall jointly determine and agree how transportation system planning will occur in the urbanizable area, including plan adoption.¶

(a) Cities may develop and adopt a single transportation system plan for the entire urban area;¶

(b) A county may choose to develop and adopt a separate transportation system plan for areas in the urbanizable area; or¶

(c) A city and county may jointly determine the geographic extent of each of their transportation system plans within the urban area.¶

(3) Counties planning for urban areas as provided in this rule, and associated cities, shall meet these requirements:¶

~~(a) Counties shall meet the applicable requirements of this division as if they were a city, even when requirements only refer to cities.¶~~

~~(b) Both the city and county shall meet all applicable requirements of this division based on the population of the entire urban area, except where a population threshold in a rule specifically refers to the population of the urban unincorporated area.¶~~

~~(e) 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

AMEND: 660-012-0135

RULE SUMMARY: Clarifies which circumstances require each type of equity analysis.

CHANGES TO RULE:

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.¶

(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).¶

(3) 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

AMEND: 660-012-0140

RULE SUMMARY: Allows flexibility for setting the horizon year of local TSPs in the Portland Metropolitan Area to match the horizon date of the regional transportation plan.

CHANGES TO RULE:

660-012-0140

Transportation System Planning in the Portland Metropolitan Area

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

(2) Cities and counties shall amend comprehensive plans, land use regulations, and transportation system plans to be consistent with Metro's regional transportation system plan. Consistent means city and county comprehensive plans and implementing ordinances conform with the policies and projects in the regional transportation system plan. If Metro finds a local transportation system plan is consistent with the Regional Transportation Functional Plan, the transportation system plan shall be deemed consistent with the regional transportation system plan.¶

(3) Metro shall prepare, adopt, amend, and update a regional transportation system plan in coordination with the regional transportation plan required by federal law. Insofar as possible, the regional transportation system plan shall be accomplished through a single coordinated process that complies with the applicable requirements of federal law and this division.¶

(a) When Metro adopts or amends the regional transportation plan to comply with this division as provided in this section, Metro shall review the adopted plan or amendment and either:¶

(A) Adopt findings that the proposed regional transportation plan amendment or update is consistent with the applicable provisions of adopted regional transportation system plan and compliant with applicable provisions of this division; or¶

(B) Adopt amendments to the regional transportation system plan that make the regional transportation plan consistent and compliant with applicable provisions of this division. Necessary plan amendments or updates shall be prepared and adopted in coordination with the federally-required plan update or amendment. Such amendments shall be initiated no later than 30 days from the adoption of the regional transportation plan amendment or update and shall be adopted no later than one year from the adoption of the regional transportation plan amendment or update or according to a work program approved by the commission. A plan amendment is initiated for purposes of this subsection where the affected local government files a post-acknowledgement plan amendment notice with the department as provided in OAR 660-018-0020.¶

(b) Adoption or amendment of the regional transportation plan relates to compliance with this division for purposes of this section if it does one or more of the following:¶

(A) Changes plan policies;¶

(B) Adds or deletes a project from the list of planned transportation facilities, services, or improvements or from the financially-constrained project list required by federal law;¶

(C) Modifies the general location of a planned transportation facility or improvement;¶

(D) Changes the functional classification of a transportation facility; or¶

(E) Changes the planning period or adopts or modifies the population or employment forecast or allocation upon which the plan is based.¶

(c) The following amendments to the regional transportation plan do not relate to compliance with this division for purposes of this section:¶

(A) Adoption of an air quality conformity determination;¶

(B) Changes to a federal revenue projection;¶

(C) Changes to estimated cost of a planned transportation project; or¶

(D) Deletion of a project from the list of planned projects where the project has been constructed or completed.¶

(4) Notwithstanding any requirement in this division, Metro may adopt provisions into a regional functional plan that require cities and counties to meet an additional requirement for transportation system planning where Metro finds that the additional requirement is necessary to meet regional planning objectives and supports the purposes of this division.¶

(5) Notwithstanding requirements for transportation system planning areas provided in OAR 660-012-0100 through OAR 660-012-0110:¶

(a) Metro shall work cooperatively with cities and counties to determine responsibility for planning areas in the urbanizable area. Where a county has responsibility for a planning area, the county must meet the requirements as provided for counties in OAR 660-012-0110;¶

(b) Counties planning for unincorporated areas within the urban growth boundary shall meet all applicable

requirements based on the population of the planning area; ~~and~~¶

(c) Counties and cities need not have the same planning horizon year; ~~and~~¶

(d) Cities or counties may set the horizon year of a local transportation system plan to match the horizon year of the adopted regional transportation plan.¶

(6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-0150, Metro shall prescribe inventory requirements in transportation system plans for cities and counties in a regional functional plan.¶

(7) Metro may propose alternative requirements in lieu of requirements provided in this division.¶

(a) The director shall review proposed alternative requirements to make a recommendation to the commission as to whether the proposed alternative requirements would meet the objectives of the original requirements and support the purposes of this division.¶

(b) The commission shall hold a hearing to review the proposed alternative requirements and the director's recommendation. If the commission finds that the proposed alternative requirements meet the objectives of the original requirements and support the purposes of this division, then the commission shall issue an order approving the proposed alternative requirements; otherwise, the commission shall remand the proposed alternative requirements to Metro with specific directions for changes needed to meet the objectives of the original requirement and support the purposes of this division.¶

(c) Upon approval by the commission, Metro may adopt the proposed alternative requirements into a regional functional plan. Upon adoption by Metro, cities and counties that comply with the alternative requirements of the regional functional plan are no longer required to meet the specific requirements of this division as described in the commission order.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0155

RULE SUMMARY: Clarifies that local governments may apply mode-specific functional classifications to facilities.

CHANGES TO RULE:

660-012-0155

Prioritization Framework

(1) Cities, counties, Metro, and state agencies shall use the framework in this rule for decision making regarding prioritization of transportation facilities and services. Cities, counties, Metro, and state agencies shall consider the following:¶

- (a) Prioritization factors as provided in section (3);¶
- (b) Classification of facilities or segments as provided in section (4);¶
- (c) The planned land use context as provided in section (5); and¶
- (d) Expected primary users as provided in section (6).¶

(2) Cities, counties, Metro, and state agencies may use local values determined through engagement as provided in OAR 660-012-0120 to weight various prioritized factors when making prioritization decisions as provided in this division.¶

(3) Cities, counties, Metro, and state agencies shall prioritize transportation facilities and services based on the following factors:¶

- (a) Meeting greenhouse gas reduction targets, including:¶
 - (A) Reducing per-capita vehicle miles traveled to meet greenhouse gas reduction targets provided in OAR 660-044-0020 or OAR 660-044-0025;¶
 - (B) Supporting compact, pedestrian-friendly patterns of development in urban areas, particularly in climate-friendly areas;¶

- (C) Reducing single-occupant vehicle travel as a share of overall travel; and¶

- (D) Meeting performance targets set as provided in OAR 660-012-0910.¶

- (b) Improving equitable outcomes for underserved populations identified in OAR 660-012-0125;¶

- (c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;¶

- (d) Improving access for people with disabilities;¶

- (e) Improving access to destinations, particularly key destinations identified as provided in OAR 660-012-0360;¶

- (f) Completing the multimodal transportation network, including filling gaps and making connections;¶

- (g) Supporting the economies of the community, region, and state; and¶

- (h) Other factors determined in the community.¶

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

(5) Cities, counties, Metro, and state agencies shall consider the planned land use context around an existing or planned transportation facility or segment when making decisions about appropriate transportation facilities and services.¶

(a) Within climate-friendly areas, cities, counties, Metro, and state agencies shall prioritize pedestrian, bicycle, and public transportation facilities and services. Cities, counties, Metro, and state agencies shall ensure facilities are planned for these modes to experience safe, low stress, and comfortable travel for people of all ages and abilities within climate-friendly areas with minimal interference from motor vehicle traffic.¶

(b) In areas with concentrations of underserved populations, cities, counties, Metro, and state agencies shall prioritize transportation projects addressing historic and current marginalization. Proposed transportation projects in these areas must work to rectify previous harms and prevent future harms from occurring. These areas may have suffered from disinvestment or harmful investments, including transportation system investments. Such harms include but are not limited to displacement, increased exposure to pollutants, destruction and division of neighborhoods, heat islands, and unsafe conditions for pedestrians, cyclists, transit users, and others.¶

(6) Cities, counties, Metro, and state agencies shall consider the expected primary users of an existing or planned transportation facility or segment when making decisions about appropriate transportation facilities and services. In particular:¶

(a) In areas near schools or other locations with expected concentrations of children, or areas with expected concentrations of older people or people with disabilities, cities, counties, Metro, and state agencies must prioritize safe, protected, and continuous pedestrian and bicycle networks connecting to key destinations, including transit stops.¶

(b) In industrial areas, along routes accessing key freight terminals, and other areas where accommodations for freight are needed, cities, counties, Metro, and state agencies must consider the needs of freight users. Pedestrian,

bicycle, and public transportation system connections must be provided in industrial areas at a level that provides safe access for workers.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0180

RULE SUMMARY: Clarifies that projects completed in conjunction with development may be allowed even if not included on the financially-constrained project list.

CHANGES TO RULE:

660-012-0180

Financially-Constrained Project List

(1) Cities and counties shall include a financially-constrained project list in a transportation system plan. Cities and counties shall use the prioritized unconstrained project list developed as provided in OAR 660-012-0170 and the amount of funding available developed as provided in OAR 660-012-0115 to produce the financially-constrained project list.¶

(2) Cities, counties, Metro, and the state may only develop, fund, and construct projects on the financially-constrained project list.¶

(a) Cities and counties may only submit projects on the financially-constrained project list in their transportation system plan to the financially-constrained list of a federally-required regional transportation plan.¶

(b) Cities and counties may ~~permit develop, fund, or construct a~~ projects on the unconstrained project list but not on the financially-constrained ~~list to be constructed if the project is built by a~~ project list if:¶

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

(B) A property owner is a requirement of land development and providing financial or material contributions to the project; and¶

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

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

(a) Reduce per capita vehicle miles traveled, as provided in OAR 660-012-0160;¶

(b) Burden underserved populations less than and benefit underserved populations as much or more as the city or county population as a whole; and¶

(c) Make significant progress towards meeting the performance targets set for each performance measure as provided in OAR 660-012-0910 or OAR 660-044-0110.¶

(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 highest-ranking set of projects that can meet the criteria in section (3). This is the financially-constrained project list.¶

(5) Cities or counties making a major or minor amendment to the transportation system plan as provided in OAR 660-012-0105 which includes an update to any project list, shall update the financially-constrained project list as provided in this rule.¶

(6) Cities and counties shall prioritize the implementation of projects from the financially-constrained project list for their ability to reduce climate pollution and improve equitable outcomes using the criteria provided in section (3) of this rule.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0210

RULE SUMMARY: Clarifies and limits applicability to certain land use actions, as well as the use of certain types of modeling.

CHANGES TO RULE:

660-012-0210

Transportation Modeling and Analysis

~~(1) A city or county relying on transportation models or mathematical analysis of the transportation system to make a land use decision~~This rule applies to amendments to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map), except expansions of an urban growth boundary as provided in OAR 660-024-0020(1) or OAR 660-0038-0020(13).

~~(2)~~Cities and counties relying on transportation models to project future volumes of motor vehicles to decide on an amendment shall do so consistently with this rule.

~~(23)~~The model or analysis must account for changes in vehicle miles traveled per capita that would result from the amendment and any transportation projects proposed as a part of the land use decision.

~~(34)~~The assumptions and inputs used with the modeling or analysis must be consistent with acknowledged plans.

~~(45)~~The modeling or analysis must demonstrate that the land use decision will not increase vehicle miles traveled per capita. Cities and counties shall not make a decision that would increase vehicle miles traveled per capita from the existing acknowledged plan or land use regulation. The decision may include mitigating actions that reduce vehicle miles traveled per capita.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

AMEND: 660-012-0215

RULE SUMMARY: The proposed amendments correct a numbering error and clarify that Metro may set standards to be used across the region.

CHANGES TO RULE:

660-012-0215

Transportation Performance Standards

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

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

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

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

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

(63) Cities, counties, Metro, and state agencies shall adopt two or more transportation performance standards. Metro 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

AMEND: 660-012-0310

RULE SUMMARY: The proposed amendment places a hyphen between "climate" and "friendly," consistent with how the term is punctuated elsewhere in the rules.

CHANGES TO RULE:

660-012-0310

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

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

(a) A city or county with a population within an urban growth boundary exceeding 5,000, but less than 10,001 shall submit a study of potential climate-friendly areas to the department as provided in OAR 660-012-0315 within

545 days of reaching a population exceeding 5,000. The city or county shall subsequently adopt land use requirements as provided in OAR 660-012-0315, and climate-friendly elements to their comprehensive plans within 365 days of the deadline for submittal of the study of potential climate-friendly areas.¶¶

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

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

(a) Initiate periodic review for the city or county to address the requirement; or¶¶

(b) Issue an enforcement order to the city or county, consistent with ORS 197.646.

Statutory/Other Authority: ORS 197.040

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

RULE SUMMARY: The adopted temporary amendments in this section clarify that the most recently adopted and acknowledged "housing needs analysis" or "housing capacity analysis" serves as the basis for determining a city or county's total housing unit needs. Sole use of the term "housing capacity analysis" could have been interpreted to apply only to HCAs that were acknowledged after rules were adopted to implement House Bill 2003 (2019 Legislative Session). Other amendments to this rule provide necessary clarifications, including clarification of the requirements for adoption of climate-friendly areas.

CHANGES TO RULE:

660-012-0315

Designation of Climate-Friendly Areas

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

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

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

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

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

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

(A) Thirty feet allows two floors.¶

(B) Forty feet allows three floors.¶

(C) Fifty feet allows for four floors.¶

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

(~~C~~E) Seventy-five feet allows for six floors.¶

(F) Eighty-five feet allows for seven floors.¶

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

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

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

(d) Local governments shall assume that residential dwellings will occupy 30 percent of the zoned building capacity calculated in subsections (a), (b), and (c) within climate-friendly areas. Public parks and open space areas within climate-friendly areas that are precluded from development shall not be included in calculations of zoned building capacity, but may be counted towards minimum area and dimensional requirements for climate-friendly areas. Zoning and development standards for public parks and open space areas are exempted from compliance

with the land use requirements in OAR 660-012-0320 if the existing zoning standards do not allow residential, commercial, or office uses.¶

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

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

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

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

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

(c) A community engagement plan for the designation of climate-friendly areas, including the process to adopt associated amendments to the comprehensive plan and zoning code, consistent with the requirements of OAR 660-012-0120 through 660-012-0130. The community engagement plan shall be consistent with the requirements for an engagement-focused equity analysis as provided in OAR 660-012-0135(34).¶

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

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

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

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

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

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

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

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

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

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

(b) Documentation of the number of total existing dwelling units, accessible dwelling units, and income-restricted

dwelling units within all climate-friendly areas. Where precise data is not available, local governments may provide estimates based on best available information.¶

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

(d) ~~Adoption of a climate-friendly element into the comprehensive plan containing findings and analysis summarizing the local government climate-friendly area designation decision process and findings shall demonstrate~~ of compliance with the provisions of OAR 660-012-0310 through 660-012-0325. Additionally, adopted findings, and shall include:¶

(A) Identification of all ongoing and newly-added housing production strategies the local government shall use to promote the development of affordable housing in climate-friendly areas. The local government may use the Housing Production Strategy Guidance for Cities to review and identify potential strategies, as provided in OAR 660-008-0050(3). These strategies shall be incorporated into future housing production strategy reports, as provided in OAR chapter 660, division 8.¶

(B) Identification of all ongoing and newly-added housing production strategies the local government shall use to prevent the displacement of members of state and federal protected classes in climate-friendly areas. Findings shall include a description of how the strategies will be implemented based on consideration of identified neighborhood typologies and the most effective measures to prevent displacement based on typology. The local government may use the Housing Production Strategy Guidance for Cities, along with the department's "Anti-Displacement and Gentrification Toolkit" to identify the most effective measures to prevent displacement based on neighborhood typologies. These strategies shall be incorporated into future housing production strategy reports, as provided in OAR chapter 660, division 8.¶

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

AMEND: 660-012-0320

RULE SUMMARY: The adopted temporary amendments in this section adjust an optional path for demonstrating the development capacity of climate-friendly areas. The amendments provide a quantifiable “burden of proof” threshold for local governments wishing to utilize this alternative option.

Additional proposed amendments amend provisions to refer to “multi-unit housing” (newly defined in OAR 660-012-0005) and “attached single-unit housing.”

CHANGES TO RULE:

660-012-0320

Land Use Requirements in Climate-Friendly Areas

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

(2) Except as noted in subsection (a) and section (3), development regulations for a climate-friendly area shall allow single-use and mixed-use development within individual buildings and development sites, including the following outright permitted uses:¶

(a) ~~Multifamily residential-unit housing~~ and attached single-family residential-unit housing. Other residential building types may be allowed, subject to compliance with applicable minimum density requirements in section (8) of this rule, or alternative land use requirements as provided in section (9). Notwithstanding this section, local governments may require ground floor commercial and office uses within otherwise single-use multifamily residential-unit buildings.¶

(b) Office-type uses.¶

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

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

(3) Portions of abutting residential or employment-oriented zoned areas within a half-mile walking distance of a mixed-use area zoned as provided in section (1) may count towards climate-friendly area requirements, if in compliance with subsections (a) or (b). Notwithstanding existing development, zoned residential building capacity shall be calculated for the abutting areas based on allowed building heights and existing development standards in these areas, as provided in OAR 660-012-0315(2) or using an alternative methodology as provided in OAR 660-012-0320(10). Residential and employment densities for abutting areas shall correspond to the climate-friendly area type, provided in subsections (8)(a), (b), or (c) or (9)(a), (b), or (c). If subsections (a) or (b) are met, no changes to existing zoning or development standards are required for these areas.¶

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

(b) Existing employment uses equal to or greater than the number of jobs per acre provided in section (9).¶

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

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

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

- (b) For development sites of 5.5 acres or more, a maximum block length of 350 feet or less. Local governments may grant exemptions to street requirements as provided in OAR 660-012-0330(2).¶
- (6) Development regulations may not include a maximum density limitation.¶
- (7) Local governments shall adopt policies and development regulations in climate-friendly areas that implement the following:¶
- (a) The transportation review process in OAR 660-012-0325;¶
- (b) The land use requirements as provided in OAR 660-012-0330;¶
- (c) The applicable parking requirements as provided in OAR 660-012-0435; and¶
- (d) The applicable bicycle parking requirements as provided in OAR 660-012-0630.¶
- (8) Local governments shall adopt either the following provisions into development regulations for climate-friendly areas, or the requirements in section (9). Local governments are not required to enforce the minimum residential densities below for mixed-use buildings (buildings that contain residential units, as well as office, commercial, or other non-residential uses) if the mixed-use buildings meet a minimum floor area ratio of 2.0. A floor area ratio is the ratio of the gross floor area of all buildings on a development site, excluding areas within buildings that are dedicated to vehicular parking and circulation, in proportion to the net area of the development site on which the buildings are located. A floor area ratio of 2.0 would indicate that the gross floor area of the building was twice the net area of the site. Local governments are not required to enforce the minimum residential densities below for redevelopment that renovates and adds residential units within existing buildings, but that does not add residential units outside the existing exterior of the building.¶
- (a) Local governments with a population greater than 5,000 up to 25,000 shall adopt the following development regulations for climate-friendly areas:¶
- (A) A minimum residential density requirement of 15 dwelling units per net acre; and¶
- (B) Maximum building height no less than 50 feet.¶
- (b) Local governments with a population greater than 25,000 up to 50,000 shall adopt the following development regulations for at least one climate-friendly area with a minimum area of 25 acres. Additional climate-friendly areas may comply with the following standards or the standards in subsection (a).¶
- (A) A minimum residential density requirement of 20 dwelling units per net acre; and¶
- (B) Maximum building height no less than 60 feet.¶
- (c) Local governments with a population greater than 50,000 shall adopt the following development regulations for at least one climate-friendly area with a minimum area of 25 acres. Additional climate-friendly areas may comply with the following standards or the standards in subsections (a) or (b):¶
- (A) A minimum residential density requirement of 25 dwelling units per net acre; and¶
- (B) Maximum building height no less than 85 feet.¶
- (9) As an alternative to adopting the development regulations in section (8), local governments may demonstrate with adopted findings and analysis that their adopted development regulations for climate-friendly areas will provide for equal or higher levels of development in climate-friendly areas than those allowed per the standards in section (8). ~~Specifically, the local government must demonstrate that the alternative development regulations will consistently and expeditiously allow for the levels of development described below:~~Additional zoned building capacity of 25 percent may be included for development regulations that allow height bonuses for additional zoned building capacity above established maximums that are consistent with OAR 660-012-0315(2)(c)(B). ~~Specifically, the local government must demonstrate that the alternative development regulations will consistently and expeditiously allow for the levels of development described in subsections (a)-(c). Alternative development regulations must require either a minimum residential density of 15 dwelling units per net acre or a minimum floor area ratio of 2.0, as described in section (8).~~¶
- (a) ~~Local governments with a population greater than 5,000 up to 25,000 shall adopt development regulations in climate-friendly areas to enable development of at least 20 dwelling units and 20 jobs per net acre to allow a zoned building capacity of at least 60,000 square feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights.~~¶
- (b) ~~Local governments with a population greater than 25,000 up to 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to enable development of at least 30 dwelling units and 30 jobs per net acre to allow a zoned building capacity of at least 90,000 square feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights.~~ Additional climate-friendly areas may comply with this standard or with the standard in subsection (a).¶
- (c) ~~Local governments with a population greater than 50,000 shall adopt development regulations for at least one climate-friendly area of at least 25 acres to enable development of at least 40 dwelling units and 40 jobs per net acre to allow a zoned building capacity of at least 120,000 square feet per net acre, based on regulations impacting buildable site area as described in OAR 660-012-0315(2)(a) and (b) and allowed building heights.~~ Additional climate-friendly areas may comply with this standard or with the standard in subsections (a) or (b).¶
- (10) A local government may provide an alternative methodology for zoned residential building capacity

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

AMEND: 660-012-0325

RULE SUMMARY: The proposed amendments rearrange some of the provisions of the rule to better clarify the application of the rule to both adopting a climate-friendly area or Region 2040 center and reviewing plan or land use regulations within existing climate-friendly areas or Region 2040 centers. The changes clarify what actions local governments must take in each circumstance.

The proposed amendments also address how plan amendments that affect areas both inside and outside a climate-friendly area or Region 2040 center may be reviewed.

CHANGES TO RULE:

660-012-0325

Transportation Review in Climate-Friendly Areas

- (1) Cities or counties shall use the provisions of this rule to review amendments to comprehensive plans or land use regulations ~~within~~ in lieu of the provisions of OAR 660-012-0060 when the amendment is:
- ~~(a) To adopt a climate-friendly area designated as provided in OAR 660-012-0315 and in Region 2040 centers designated in Title 6 of Metro's Urban Growth Management Functional Plan. Cities and counties shall use this rule to review~~ through OAR 660-012-0320, or a Region 2040 center; or
- ~~(b) Within an adopted climate-friendly area or Region 2040 center.~~
- ~~(2) Cities and counties considering amendments to comprehensive plans or land use decisions made to implement OAR 660-012-0310 through OAR 660-012-0320. Cities and counties are exempt from requirements as provided in OAR 660-012-0060 when reviewing amendments to comprehensive plans or land use regulations within a regulations to adopt or expand a climate-friendly area as provided in OAR 660-012-0310 through OAR 660-012-0320, or a Region 2040 center, must make findings, including:~~
- ~~(a) A multimodal transportation study as provided in section (4); and~~
- ~~(b) The multimodal transportation study must include a highway impacts summary as provided in section (5) if the designated climate-friendly area and in Region 2040 centers designated in Title 6 of Metro's Urban Growth Management Functionals provided in OAR 660-012-0315 or Region 2040 center contains a ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.~~
- ~~(23) Cities and counties mak~~considering amendments to comprehensive plans or land use regulations ~~to meet requirements as provided in OAR 660-012-0320 must either:~~
- ~~(a) Update the transportation system plan as provided in OAR 660-012-0105 and include a multimodal transportation gap~~within an adopted climate-friendly area or Region 2040 center must make findings including a highway impacts summary as provided in section (35) of this rule, considering the proposed land uses in the climate-friendly if:
- ~~(a) A city or county is reviewing a plan amendment within one-quarter mile of a ramp terminal intersection, adopted Interchange Area Management Plan area, or adopted ODOT Facility Plan area;~~ or;
- ~~(b) Develop and adopt a multimodal transportation gap summary in coordination with impacted transportation facility providers and transportation service providers as provided in section (3) to meet requirements in OAR 660-012-0320~~The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing traffic on the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.
- ~~(34) A multimodal transportation gap summary must be coordinated between the local jurisdiction, transportation facility providers, and transportation services providers to consider multimodal transportation needs in each climate-friendly area as provided in OAR 660-012-0320 or Region 2040 center. The multimodal transportation gap summary must include:~~
- ~~(a) A summary of the existing multimodal transportation network within the climate-friendly area;~~
- ~~(b) A summary of the gaps in the pedestrian and bicycle networks in the climate-friendly area, including gaps needed to be filled for people with disabilities, based on the summary of the existing multimodal transportation network;~~
- ~~(c) If applicable as provided in section (42), a highway impacts summary as provided in section (5); and~~
- ~~(d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).~~
- ~~(4) A city or county shall include a highway impacts summary in the multimodal transportation gap summary if the designated climate-friendly area as provided in OAR 660-012-0315 or Region 2040 center contains a ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.~~
- ~~(5) A highway impacts summary must identify how the transportation system may be affected by implementation of the climate-friendly area. The highway impacts summary must include:~~

- (a) A summary of the existing and proposed development capacity of the climate-friendly area based on the proposed changes to the comprehensive plan and land use regulations;¶
- (b) A summary of the additional motor vehicle traffic generation that may be expected in the planning period, considering reductions for expected complementary mixed-use development, additional multimodal options, and assuming meeting goals for reductions in vehicle miles traveled per capita; and¶
- (c) A summary of traffic-related deaths and serious injuries within the climate-friendly area in the past five years.¶
- (6) Cities and counties ~~mak~~considering amendments to ~~adopted~~comprehensive plans or land use regulations ~~s~~hall adopt findings including a highway impacts summary as provided in section (5) if:¶
 - (a) ~~A city or county is reviewing a plan amendment within one-quarter mile of a ramp terminal intersection, adopted Interchange Area Management Plan area, or adopted ODOT Facility Plan affect areas both inside and outside an adopted climate-friendly area or Region 2040 center may either:~~¶
 - (a) ~~Make separate findings for areas inside the climate-friendly area; or;~~¶
 - (b) ~~The city or county is reviewing a plan amendment that would be reasonably likely to result in increasing traffic on Region 2040 center as provided in this rule, and findings for areas outside the state facility that exceeds the small increase in traffic defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission climate-friendly area or Region 2040 center as provided in OAR 660-012-0060; or~~¶
 - (b) ~~Make findings for all affected areas as provided in OAR 660-012-0060.~~¶
- (7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap summary or a revised highway impacts summary to ODOT and other affected transportation facility or service providers prior to submitting notice as provided in OAR 660-018-0020.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0330

RULE SUMMARY: The adopted temporary amendment adjusts a site design requirement. The existing rules limit motor vehicle parking, access, and storage on-site between buildings and public pedestrian facilities. These facilities are usually sidewalks. The proposed adjustment limits the requirement to pedestrian facilities on or along the primary facing street.

CHANGES TO RULE:

660-012-0330

Land Use Requirements

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

(2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site or class of sites would make those provisions prohibitively costly or impossible to implement. Cities or counties may adopt land use regulations that provide for exemptions as provided in this section. Any allowed exemption shall advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:¶

- (a) Topography or natural features;¶
- (b) Railroads, highways, or other permanent barriers;¶
- (c) Lot or parcel size, orientation, or shape;¶
- (d) Available access;¶
- (e) Existing or nonconforming development;¶
- (f) To provide for accessibility for people with disabilities; or¶
- (g) Other site constraints.¶

(3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and connected neighborhoods. Land use regulations must meet the following requirements for neighborhood design and access:¶

(a) Neighborhoods shall be designed with connected networks of streets, paths, accessways, and other facilities to provide circulation within the neighborhood and pedestrian and bicycle system connectivity to adjacent districts. A connected street network is desirable for motor vehicle traffic but may be discontinuous where necessary to limit excessive through-travel, or to protect a safe environment for walking, using mobility devices, and bicycling in the neighborhood.¶

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

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

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

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

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

(b) Motor vehicle parking, circulation, access, and loading may be located on site beside or behind buildings. Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public pedestrian facilities on or along the primary facing street. Bicycle parking may be permitted.¶

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

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

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

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

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

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

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

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

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

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

(7) Cities and counties with an urban area over 100,000 in population must have reasonable land use regulations that allow for development of low-car districts. These districts must be developed with no-car or low-car streets, where walking or using mobility devices are the primary methods of travel within the district. Cities and counties must make provisions for emergency vehicle access and local freight delivery. Low-car districts must be allowed in locations where residential or mixed-use development is authorized.¶

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

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

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

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

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

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

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

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

(B) Subdivision and partition applications;¶

(C) Other applications that affect private access to roads; and¶

(D) Other applications within airport noise corridors and imaginary surfaces that affect airport operations.¶

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

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

Tree canopy provisions and the exemption of application to parking lots between ¼ and ½ acre in this section were adopted with the other temporary rules.

CHANGES TO RULE:

660-012-0405

Parking Regulation Improvements

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

(a) Designated employee parking areas in new developments with more than 50 parking spaces shall provide preferential parking for carpools and vanpools;¶¶

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

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

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

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

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

~~(a) Developments must provide one. The new surface parking area shall be measured based on the following:¶¶~~

~~(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space on the property. Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay perimeter of all new parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.¶¶~~

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

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

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

(C) Tree canopy covering at least 540 percent of the new parking lot area at maturity but no more than 15 years after planting.¶¶

~~(b) Developments must provide street trees along driveways but, or¶¶~~

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

(b) Developments must provide tree canopy. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide trees along drive aisles; and¶¶

~~(c) Developments must provide street-like design and features along driveways including curbs. 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.¶¶~~

(c) Developments must provide pedestrian connections throughout the parking lot, including pedestrian facilities, and between buildings built up to pedestrian facilities entrances and existing or planned pedestrian facilities in the adjacent public rights-of-way.¶¶

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

(e) In providing trees under subsections (a), ~~(b)~~ and (eb), 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

AMEND: 660-012-0410

RULE SUMMARY: The proposed amendment changes "accommodate" to "serve" in section (3), for clarity.

CHANGES TO RULE:

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.¶

(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

AMEND: 660-012-0415

RULE SUMMARY: The adopted temporary amendment would remove a requirement for more populous jurisdictions to do analysis and adopt findings for certain parking maximums.

Other proposed amendments will clarify which Metro map is referenced in section (1), and clarify key areas for parking management in section (2).

CHANGES TO RULE:

660-012-0415

Parking Maximums and Evaluation in More Populous Communities

(1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the urban growth boundary, and cities with populations over 25,000 within the Portland Metropolitan Area, shall set parking maximums in climate-friendly areas and in regional centers and town centers, designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map as of July 21, 2022. Those cities and counties shall also set parking maximums on lots or parcels within the transit corridors and rail stop areas listed in OAR 660-012-0440. Cities and counties that have designated priority transit corridors under OAR 660-012-0710 may set parking maximums in those corridors in place of the corridors identified in OAR 660-012-0440(3)(b) and (c).

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

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

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

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

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

(2) Cities with populations over 200,000 shall, in addition to the requirements in section (1) of this rule:

~~(a) Study the use of priced on-street timed parking spaces in those areas subject to listed in OAR 660-012-0435 ~~or~~ (2) and OAR 660-012-0440(2) and (3). This study shall be conducted every three years or more frequently. Cities shall adjust prices to ensure availability of on-street parking spaces at all hours. This shall include all spaces in the city paid by minutes, hours, or day but need not include spaces where a longer-term paid residential permit is required;~~

~~(b) Use time limits or pricing to manage on-street parking spaces in an area at least one year before authorizing any new structured parking on city-owned land including more than 100 spaces in that area after March 31, 2023;~~

~~(c) Adopt procedures ensuring prior to approval of construction of additional structured parking projects of more than 300 parking spaces designed to serve existing uses, developer of that parking structure must implement transportation demand management strategies for a period of at least six months designed to shift at least 10 percent of existing vehicle trips ending within one-quarter mile of the proposed parking structure to other modes; and~~

~~(d) Adopt design requirements requiring applicants to demonstrate that the ground floor of new private and public structured parking that fronts a public street and includes more than 100 parking spaces would be convertible to other uses in the future, other than driveways needed to access the garage.~~

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

AMEND: 660-012-0425

RULE SUMMARY: The adopted temporary amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates.

Other proposed amendments clarify wording and remove duplication with OAR 660-012-0405(3).

CHANGES TO RULE:

660-012-0425

Reducing the Burden of Parking Mandates

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

(a) Are within a metropolitan area; and¶

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

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

(a) Garages and carports may not be required for residential developments;¶

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

(c) Provision of shared parking shall be allowed to meet parking mandates;¶

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

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

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

(g) Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates; and¶

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

AMEND: 660-012-0430

RULE SUMMARY: The proposed amendment standardizes use of the term “enforce parking mandates” to clarify the intent for the sections was the same.

CHANGES TO RULE:

660-012-0430

Reduction of Parking Mandates for Development Types

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

(a) Are within a metropolitan area; and

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

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

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

(a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;

(b) Child care facility as defined in ORS 329A.250;

(c) Single-room occupancy housing;

(d) Residential units smaller than 750 square feet;

(e) Affordable housing as defined in OAR 660-039-0010;

(f) Publicly supported housing as defined in ORS 456.250;

(g) Emergency and transitional shelters for people experiencing homelessness; and

(h) Domestic violence shelters.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0435

RULE SUMMARY: The adopted temporary amendment removes the requirement for unbundling parking from this rule, which only applies to jurisdictions choosing to retain parking mandates.

Other proposed amendments clarify language and a map reference, and exempt townhouses and rowhouses in section (2).

CHANGES TO RULE:

660-012-0435

Parking Reform in Climate-Friendly Areas

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

(a) Are within a metropolitan area; and

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

(2) Cities and counties shall adopt land use regulations addressing parking mandates in climate-friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land use regulations addressing parking mandates in regional centers and town centers designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map as of July 21, 2022. In each such area, cities and counties shall either:

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

(b) Manage parking by:

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

(B) Adopting land use ~~amendments to~~ regulations 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.

~~(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

AMEND: 660-012-0440

RULE SUMMARY: The proposed amendments clarify and make use of consistent language, as well as allowing local governments to update parking regulations based on transit service no more frequently than once per year.

CHANGES TO RULE:

660-012-0440

Parking Reform Near Transit Corridors

(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~~enforce parking ~~spac~~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), 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 (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

AMEND: 660-012-0445

RULE SUMMARY: The adopted temporary amendment changes this subsection so that only two of the five provisions need to be met under this option, rather than three out of five. The adjustment also requires at least one of the first three provisions to be chosen, which is presently required when three out of five choices must be selected. Other proposed amendments to this section simplify provisions, remove a requirement to set parking maximums, and provide an unbundling option in lieu of a parking district.

Other proposed amendments will clarify when “unbundling” takes effect, along with clarifying references to historic resources.

CHANGES TO RULE:

660-012-0445

Parking Management Alternative Approaches

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

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

(A) A requirement that parking spaces for each residential unit in ~~developments that include five or more leased or sold residential units on a lot or parcel~~multi-unit housing developments 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 residential-unit~~multi-unit housing development to no higher than one-half spaces per unit, including visitor parking.¶

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

(A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;¶

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

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

(D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in ~~residential developments of five or more units on a lot or parcel~~multi-unit housing developments;¶

(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¶~~

~~(O) 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¶~~

~~(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

AMEND: 660-012-0505

RULE SUMMARY: The proposed amendment clarifies that the inventory requirement applies within ¼ mile of primary and secondary (K-12) schools.

CHANGES TO RULE:

660-012-0505

Pedestrian System Inventory

(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

AMEND: 660-012-0510

RULE SUMMARY: The proposed amendments clarify that local governments may apply mode-specific functional classifications to pedestrian facilities and that rights-of-way considered in section (3) includes areas dedicated for transportation purposes, but not necessarily for utilities or other purposes.

CHANGES TO RULE:

660-012-0510

Pedestrian System Requirements

- (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.¶
- (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.¶
- (4) Off-street multi-use paths must be designed to permit comfortable joint or separated use for people walking, using mobility devices, and cycling. Separated areas for higher speeds and low speeds shall be provided when there is high anticipated use of the path.¶
- (5) Enhanced crossings are pedestrian facilities to cross streets or highways that provide a high level of safety and priority to people crossing the street. Enhanced crossings must have adequate nighttime illumination to see pedestrians from all vehicular approaches. Enhanced crossings must be provided, at minimum, in the following locations:¶
- (a) Closely spaced along arterial streets in climate-friendly areas and Metro Region 2040 centers;¶
- (b) Near transit stops on local access priority arterial segments, or collector streets in a climate-friendly area or Metro Region 2040 center, or on a priority transit corridor;¶
- (c) At off-street path crossings; and¶
- (d) In areas with concentrations of underserved populations.¶
- (6) Cities may take exemptions to the requirements in this rule through findings in the transportation system plan, for each location where an exemption is desired, for the following reasons:¶
- (a) A city may plan for a pedestrian facility on one side of local streets in locations where topography or other barriers would make it difficult to build a pedestrian facility on the other side of the street, or where existing and planned land uses make it unnecessary to provide pedestrian access to the other side of the street. Street crossings must be provided near each end of sections where there is a pedestrian facility on only one side of the street.¶
- (b) A city or county may plan for no dedicated pedestrian facilities on very slow speed local streets that are sufficiently narrow, and carry little or no vehicular traffic, so that pedestrians are the primary users of the street.
- Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 366.514

AMEND: 660-012-0605

RULE SUMMARY: The proposed amendment clarifies that the inventory requirement applies within ¼ mile of primary and secondary (K-12) schools.

CHANGES TO RULE:

660-012-0605

Bicycle System Inventory

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

AMEND: 660-012-0610

RULE SUMMARY: The proposed amendment clarifies that local governments may apply mode-specific functional classifications to bicycle facilities.

CHANGES TO RULE:

660-012-0610

Bicycle System Requirements

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

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

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

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

(a) Cities and counties must design the connected network to connect to key destinations identified as provided in OAR 660-012-0360, and to and within each climate-friendly area or Metro Region 2040 center.

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

(c) The connected network shall consist of connected bicycle facilities including, but not limited to, separated and protected bicycle facilities, bicycle boulevards, and multi-use or bicycle paths. The connected network must include a series of interconnected bicycle facilities and provide direct routes to key destinations. Cities and counties must design comfortable and convenient crossings of streets with high volumes of traffic or high-speed traffic.

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

(a) Cities and counties must design bicycle facilities with higher levels of separation or protection along streets that have higher volumes or speeds of traffic.

(b) Cities and counties must plan for separated or protected bicycle facilities on streets in climate-friendly areas, Metro Region 2040 centers, and other places with a concentration of destinations. Separated or protected bicycle facilities may not be necessary on streets with very low levels of motor vehicle traffic or where a high-quality parallel bicycle facility on the connected network exists within one block.

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

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

- (a) The Urban Bikeway Design Guide, second edition, published by the National Association of City Transportation Officials;
- (b) Designing for All Ages & Abilities, December 2017, published by the National Association of City Transportation Officials; and
- (c) For state facilities, The Blueprint for Urban Design, 2019, published by the Oregon Department of Transportation.

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

AMEND: 660-012-0630

RULE SUMMARY: The adopted temporary amendment replaces a formula for determining the number of required bicycle spaces based on the number of mandated off-street motor vehicle parking spaces. The updated requirement is simpler and requires fewer bicycle parking spaces for uses where many motor vehicle parking spaces are mandated, with a cap at twenty bicycle parking spaces.

Another proposed amendment makes consistent use of the term "multi-unit development."

CHANGES TO RULE:

660-012-0630

Bicycle Parking

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

(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily-unit development or mixed-use development of four residential units or more, and new office and institutional developments. Such bicycle parking must include at least one bicycle parking space for each residential unit.¶

(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be located within a short distance from the main retail entrance.¶

(4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride lots.¶

(5) Cities and counties shall require bicycle parking in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.¶

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

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

(a) ~~Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7, rounded to the next highest whole number~~ Four bicycle parking spaces for every 10 mandated off-street motor vehicle parking spaces, in increments of four bicycle parking spaces, up to 20 bicycle parking spaces; or¶

(b) As otherwise provided in this rule.¶

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

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

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

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

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

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712

AMEND: 660-012-0700

RULE SUMMARY: The proposed amendments clarify how local governments are to work with transit service providers and make use of consistent terminology.

CHANGES TO RULE:

660-012-0700

Public Transportation System Planning

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

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

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

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

(d) Cities and counties must coordinate with transit service providers to align the public transportation system ~~plan~~ transit element with Transit Development Plans, goals, and other strategic planning documents ~~developed 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:¶

(a) 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;¶

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

(c) Locations of key public transportation destinations identified as provided in OAR 660-012-0360; and¶

(d) 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:¶

(a) Using the public transportation system inventory developed under OAR 660-012-0705 as a base; and¶

(b) 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:¶

(a) Stations, hubs, stops, shelters, signs, and ancillary features; and¶

(b) 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

AMEND: 660-012-0810

RULE SUMMARY: The proposed amendments clarify how local governments must consider planning for freeways as part of the transportation planning process.

CHANGES TO RULE:

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.¶

(a) 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.¶

(b) 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.¶

(c) 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.¶

(a) Cities and counties shall plan and design local streets for low and safe travel speeds compatible with shared pedestrian and bicycle use.¶

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

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

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

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

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

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

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

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

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

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

(a) Cities and counties shall designate each segment of an arterial as one of the three categories below in the transportation system plan. These designations must be made considering the intended function, the land use

context, and the expected users of the facility. Cities and counties must address these considerations to ensure local plans include different street standards for each category of arterial segment.¶

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

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

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

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

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

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

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

(a) Cities and counties shall consider high-occupancy vehicle lanes, including transit lanes, and managed priced lanes on freeways.¶

(b) Pedestrian and bicycle facilities should be parallel to freeways, rather than on them. Transit facilities on or along freeways ~~must~~should be designed for direct transit vehicle access.¶

(6) Notwithstanding other provisions of this rule, where appropriate, cities and counties shall plan and design streets and highways to accommodate:¶

(a) Transit vehicles on a segment of a priority transit corridor or transit corridor without dedicated transit lanes or transitway.¶

(b) Freight travel on designated freight routes and key freight terminals inventoried as provided in OAR 660-012-0805.¶

(c) Agricultural equipment on streets or highways connecting to agriculturally zoned land used for agricultural purposes where equipment access is necessary.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0830

RULE SUMMARY: The adopted temporary amendments clarify the types of roadway projects that do not need to be reviewed under this rule when making a major TSP update.

Other proposed amendments make use of consistent terminology, including use of the term "public involvement strategy."

CHANGES TO RULE:

660-012-0830

Enhanced Review of Select Roadway Projects

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

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

(A) A new or extended arterial street, highway, freeway, or bridge carrying general purpose vehicle traffic;

(B) New or expanded interchanges;

(C) An increase in the number of general purpose travel lanes for any existing arterial or collector street, highway, or freeway; and

(D) New or extended auxiliary lanes with a total length of one-half mile or more. Auxiliary lane means the portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing, maneuvering of entering and leaving traffic, and other purposes supplementary to through-traffic movement.

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

(A) Changes expected to have a capital cost of less than \$5 million;

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

(C) Facilities with no more than one general purpose travel lane in each direction, with or without one turn lane;

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

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

(F) Modifications necessary to address safety needs; or

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

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

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

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

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

(C) The project has received a decision under the National Environmental Policy Act of 1969;

(D) The project has been advertised for construction bids. (2) Cities and counties choosing to authorize a proposed facility as provided in this rule shall:

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

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

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

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

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

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

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

- (h) Conduct an alternatives review as provided in sections (5) and (6);¶
 - (i) Choose to move forward with an authorization report as provided in section (7);¶
 - (j) Complete an authorization report as provided in section (8); and¶
 - (k) Publish the authorization report as provided in section (9).¶
- (3) A city or county designating a facility impact area and determining affected jurisdictions shall:¶
- (a) Coordinate with all cities and counties with planning jurisdictions within two miles of the limits of the proposed facility to determine the extent of the facility impact area;¶
 - (b) Review the extent of the impact of the proposed facility by including all areas where implementation of the proposed facility is expected to change levels or patterns of traffic or otherwise change the transportation system or land use development patterns;¶
 - (c) Take particular care when reviewing the facility impact area in places with concentrations of underserved populations. The city or county must consider the special impact of new facilities in the context of historic patterns of discrimination, disinvestment, and harmful investments;¶
 - (d) Designate a facility impact area to include, at minimum, areas within one mile of the proposed facility; and¶
 - (e) Determine affected jurisdictions by including all cities or counties with planning jurisdictions in the designated facility impact area.¶
- (4) A city or county developing a public involvement strategy shall, in coordination with affected jurisdictions:¶
- (a) Develop the public involvement strategy as provided in OAR 660-012-0130.¶
 - (b) Require that the public involvement strategy provides for opportunities for meaningful public participation in decision-making over the course of the authorization process;¶
 - (c) Require that the public involvement strategy includes regular reports to the affected governing bodies, planning commissions, and the public on the progress of the authorization process; and¶
 - (d) Coordinate the public involvement strategy with other public involvement activities that may be concurrent, including updates to a transportation system plan or authorizations for other proposed facilities.¶
- (5) A city or county choosing to undertake an alternatives review shall, in coordination with affected jurisdictions:¶
- (a) Have designated the facility impact area, determined affected jurisdictions, transit service providers, and transportation options providers; and developed a public ~~consultation~~involvement strategy as provided in this rule;¶
 - (b) Develop a summary of the expected impacts of the proposed facility on underserved populations identified as provided in OAR 660-012-0125, particularly, but not exclusively, in neighborhoods with concentrations of underserved populations. These impacts must include, but are not limited to, additional household costs, and changes in the ability to access jobs and services without the use of a motor vehicle;¶
 - (c) Develop a summary of the estimated additional motor vehicle travel per capita that is expected to be induced by implementation of the proposed facility over the first 20 years of service, using best available science;¶
 - (d) Investigate alternatives to the proposed facility, as provided in subsections (e) through (h). Cities and counties must use a planning level of analysis, and make use of existing plans and available data as much as practical;¶
 - (e) Investigate alternatives to the proposed facility through investments in the pedestrian and bicycle systems. The city or county must:¶
 - (A) Review the transportation system plan for identified gaps and deficiencies in pedestrian and bicycle facilities within the facility impact area;¶
 - (B) Determine how much of the need for the proposed facility may be met through enhanced investments in the pedestrian and bicycle networks;¶
 - (C) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need which do not require implementation of the proposed facility; and¶
 - (D) Identify pedestrian and bicycle system investments that could contribute to meeting the identified need which may be implemented without the proposed facility, and may be retained if the proposed facility is implemented.¶
 - (f) Investigate alternatives to the proposed facility through investments in the public transportation system. The city or county must:¶
 - (A) Review the transportation system plan for identified gaps and deficiencies in public transportation facilities and services within the facility impact area;¶
 - (B) Coordinate with transit service providers to identify opportunities for providing additional transit service within or to the facility impact area; and¶
 - (C) Identify potential transit facility and service investments that contribute to meeting the identified need which may be implemented without the proposed facility.¶
 - (g) Investigate alternatives to the proposed facility through investments in transportation options programs; or other means to reduce demand for motor vehicle travel. The city or county must:¶
 - (A) Review the transportation system plan for identified existing and needed transportation demand management services within the facility impact area;¶

- (B) Coordinate with transportation options providers to identify opportunities for providing transportation demand management services in and around the facility impact area; and¶
- (C) Identify potential transportation options program investments that contribute to meeting the identified need which may be implemented without the proposed facility.¶
- (h) Investigate alternatives to the proposed facility that include system pricing. The city or county must:¶
 - (A) Determine if various types of pricing could substantially reduce the need for the proposed facility;¶
 - (B) Investigate a range of pricing methods appropriate for the facility type and need, which may include, but are not limited to: parking pricing, tolling, facility pricing, cordon pricing, or congestion pricing; and¶
 - (C) Identify pricing methods where it is reasonably expected to meet the need for the facility, may reasonably be implemented, and can be expected to generate sufficient revenue to cover the costs of operating the collection apparatus.¶
- (6) A city or county completing an alternatives review must, in coordination with affected jurisdictions:¶
 - (a) Review the projects identified in section (5) to determine sets of investments that may be made that could substantially meet the need for the proposed facility without implementation of the proposed facility. A city or county must consider adopted state, regional, and local targets for reduction of vehicle miles traveled to reduce greenhouse gas emissions when making determinations of substantially meeting the need for the proposed facility; and¶
 - (b) Complete an alternatives review report upon completion of the alternatives review phase. The alternatives review report must include a description of the effectiveness of identified alternatives. The alternatives review report must include the summaries developed in subsections (5)(b) and (c). The alternatives review report must be provided to the public, and the governing bodies and planning commissions of each affected city or county. The alternatives review report must also be included in the next annual report to the director as provided in OAR 660-012-0900.¶
- (7) The governing body of the city or county shall review the alternatives review report and may either:¶
 - (a) Select a set of investments reviewed in the alternatives review report intended to substantially meet the identified need for the proposed facility. These investments may be added to the unconstrained project list of the transportation system plan as provided in OAR 660-012-0170; or¶
 - (b) Choose to complete the authorization report for the proposed facility, as provided in section (8).¶
- (8) A city or county choosing to complete an authorization report as provided in section (7) shall, after completion of the alternatives review, include the following within the authorization report:¶
 - (a) A record of the initiation of the authorization process by the governing body;¶
 - (b) The public involvement strategy developed as provided in section (4), and how each part of the public involvement strategy was met;¶
 - (c) The alternatives review report;¶
 - (d) A summary of the estimated additional long-term costs of maintaining the proposed facility, including expected funding sources and responsible transportation facility operator.¶
- (9) A city or county shall publish the authorization report upon completion and provide it to the public and governing bodies of each affected jurisdiction.¶
- (10) A city or county, having completed and published an authorization report, may place the proposed project on the list of street and highway system projects with other projects as provided in OAR 660-012-0820. A proposed project authorized as provided in this rule may remain on a project list in the transportation system plan as long there are no significant changes to the proposed project or the land use context as described in the authorization report.

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0905

RULE SUMMARY: Amendments to this rule make small changes for clarity. The rule provides for a set of performance measures used by jurisdictions in metropolitan areas without an adopted scenario plan.

CHANGES TO RULE:

660-012-0905

Land Use and Transportation Performance Measures

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

Statutory/Other Authority: ORS 197.040

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

AMEND: 660-012-0910

RULE SUMMARY: The proposed amendment clarifies that Metro, rather than cities and counties in the region, sets regional performance targets for the Portland Metropolitan Area.

CHANGES TO RULE:

660-012-0910

Land Use and Transportation Performance Targets

(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