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**Volume II – Model Code**

*(See Table of Contents provided within Volume II)*
Introduction

Planning in Oregon’s Small Cities

Oregon is a state of small cities. In 2012, more than 80 percent of the state’s 242 cities had populations of less than 10,000. A wide range of professionals and volunteers are responsible for planning and development review in these communities. The larger jurisdictions may have one or more planners on staff, while smaller towns may have only a part-time planner. In some communities, the city manager or city recorder fills the role of land use administrator/coordinator while being responsible for the many other functions of a local government. Volunteer planning commissioners in small cities often pick up much of the work that paid staff would do in larger cities. Because of limited resources, many small communities will forego needed planning unless good tools are available to them at a reasonable cost or, better yet, for free.

Oregon’s Model Development Code for Small Cities

First published in 1999, Oregon’s Model Development Code and User’s Guide for Small Cities (“Model Code”) has been used widely around Oregon. The State of Oregon’s Transportation and Growth Management (TGM) Program developed the model in response to numerous requests for assistance from Oregon communities. Small cities wanted consistent guidance and technical expertise in zoning, development standards, review procedures, and implementation of state planning rules and statutes.

In developing the model code, now in its Third Edition (2012), the TGM Program worked with a statewide advisory committee consisting of city officials, planning commissioners, state and regional planning agency representatives, and land use advocates, and business representatives. All agreed that small communities, or those with populations under 10,000, were most in need of a technical code reference. The model code is intended to help these cities, primarily, and in the following ways:

- **Integrate land use and transportation planning – or plan for smart development** – Historically, many of Oregon’s small cities developed slowly in a compact, pedestrian-friendly pattern with a balance of land uses, adequate transportation, and a distinct character or sense-of-place. Then in the 1990s, some cities began to grow rapidly due to strong in-migration. Concerned about the loss of community character, increased traffic, and other growth-related problems, the cities wanted assistance in updating their codes to better manage growth. Likewise, other communities that have not grown as rapidly, or that have declining populations, have requested assistance in removing regulatory obstacles to economic development.

- **Meet new legal requirements** – Many of Oregon’s cities have zoning and subdivision codes that are 20- to 30-years old. These communities have requested guidance in meeting new requirements under state land use statutes, administrative rules, and case law. While the Model Code does not provide a safe harbor for complying with all of the legal requirements under Oregon’s complex land use system, it does provide examples and guidance on how to address some common legal issues. It is also intended to avoid regulatory takings by recommending standards and procedures that make it easier to build some types of projects in every zoning district. The model code provisions also encourage high quality design in development, which can increase property values.
• **Provide a user-friendly, flexible model code** – The cities wanted a one-stop reference that could be adapted to fit local characteristics and values.

### The Third Edition

Many Oregon cities, including those on both sides of the Cascade Mountains, and with populations ranging from under 1,000 to over 50,000, have used earlier editions of the model code. Some have completely updated their regulations based on the model, while others have updated selected chapters or sections of existing regulations.

The First Edition, published in 1999, was widely distributed around the state and nationally. It won recognition for its unified format, graphically based standards, and encouragement of Smart Development. However, after five years of use, some deficiencies became evident. The first edition lacked a complete set of definitions; it was difficult to break apart for communities that wanted to use only selected provisions; and cities that adopted parts of the model code without updating and cross-referencing existing regulations inadvertently created code conflicts. Others found some of the model regulations overly restrictive. Most agreed that the original user’s guide did not adequately explain how to customize the standards, and over time the legislature had changed some of the state’s planning laws, causing legal conflicts within the model code. The Second Edition (2005) addressed the above concerns, incorporated new planning best practices, and made the document easier to use and adapt to meet local needs.

The Edition 3.0 (2012) builds on the earlier versions of the model code. It provides clearer section headings; updates to planning best practices, including those related to local economic development; legal updates and improved code structure and organization; new, editable graphics; and an updated user’s guide. Unlike earlier versions, the graphics labels in this version can be customized.

Of note, there are some things that the model code does not do. It does not contain a model sign code or regulations required to implement the state’s natural resource or coastal planning goals. It also does not contain a template for creating a form-based code, though it does advance key tenants of New Urbanism and Smart Growth. Code standards encourage the formation and preservation of neighborhoods and districts that are compact in form, have interconnected streets, are pedestrian friendly, and offer a variety of housing options, among other goals. Similarly, the model code is not intended to reflect the state of the practice for Green Building or Sustainability, though it contains standards and recommendations promoting efficient land use, development patterns and uses that support alternatives to the automobile, resource (water and energy) conservation, and generation of renewable energy, among other goals.

Finally, while the authors have tried to address all applicable state land use requirements (as of April 2012), city officials should consult legal counsel when amending local regulations.

Edition 3.1 (November 2015) includes minor edits and clean up, but almost no substantive changes to the code. With the exception of corrections, references to state law have not been updated from Edition 3.0.

### Before Getting Started

Before using the model code, city staff and citizen volunteers should have a firm understanding of the community’s land use and development goals. A city that is in the process of updating its
comprehensive plan (or transportation system plan) should complete that process before drafting new implementing regulations. This will help ensure that new codes reflect the community’s vision and are based on policy. State law requires that land use regulations be consistent with the city’s acknowledged comprehensive plan.

The following steps are recommended for city officials in preparing for a code update. (The TGM Program follows a similar process in periodically reviewing and updating the model code.)

- **Interview code users.** Talk with city staff, local developers and builders, real estate professionals, surveyors, engineers, property owners (e.g., those who have been through local land use processes), and staff from other agencies and service providers who are involved in the city’s development process. These individuals can provide important input and help in clarifying problems related to existing regulations. Contacting them early in the process can also help introduce the concept of revising the city’s codes in a non-confrontational manner. This should be done in one-on-one or small group meetings to encourage candid discussion. Online surveys can also be an effective way to solicit input on specific questions.

- **Appoint an advisory committee.** An advisory committee can help in vetting issues and ideas, and in reviewing draft code amendments prior to soliciting input from the broader public. The committee should include some of the stakeholders interviewed at the outset, representatives from the planning commission, and at least one city councilor. A committee of approximately 8-15 members appointed or approved by the legislative body can effectively assist city officials and decision makers by ensuring that the codes address important community issues and include perspectives from a representative cross-section of the community; reviewing and commenting on preliminary drafts of the new code; and supporting public involvement and education efforts during the code adoption and implementation. Advisory committees are typically subject to public meeting laws.

- **Review the city’s existing codes.** After talking with stakeholders and identifying general code-related issues, you should compare the city’s existing regulations to the model code. This will help in determining whether to create a completely new code or amend the city’s existing ordinances. Technical assistance with this process is also available through the TGM Program.

- **Work program.** A complete code update work program may include the following items, as appropriate to your community:
  - Public information and education about existing ordinances;
  - Information and graphics comparing the existing ordinances to proposed amendments;
  - Public meetings, workshops, open houses, and other opportunities for public input on proposed changes;
  - Coordination with other agencies (e.g., especially if the city contracts out plan review services);
  - Public notification for code adoption hearings, including required notices under state law;
- Updated fee schedules, application forms, and any informational handouts explaining the city’s new codes and procedures for property owners;
- Training (e.g., for city officials and planning commissioners);
- Changes to other related municipal codes (e.g., system development charges, nuisances, etc.); and
- Minor modifications to the city’s comprehensive plan (e.g., enabling policies and map revisions for new or renamed districts).

How to Use the Model Code

The Model Code contains five Articles:

- **Article 1 – Introduction.** Article 1 contains updated provisions for code interpretation provisions and non-conforming uses, which are relocated from Article 4. On request of cities, the definitions section has been simplified and relocated to Article 5.
- **Article 2 – Zoning Regulations.** Article 2 contains updated zoning regulations with additional land uses and more special use standards. The design standards for specific types of development are relocated to Article 3, consolidating all design standards in that article.
- **Article 3 – Community Design Standards.** The design standards have been updated and reorganized to make the document easier to use. Article 3 now has an “applicability table,” which should help explain when design standards apply to new development. Article 3 is supported by a new library of code graphics, editable in Adobe Acrobat Standard or Professional.
- **Article 4 – Application Review Procedures and Approval Criteria.** Article 4 is updated consistent with changes made to other articles and to address current statutes and administrative rules as of April 2012. The criteria for site design review are updated and those for variances have been simplified. This version of the model code also contains procedures for adjustments, an alternative to variances. The design standards for subdivisions, previously contained in Article 4, are relocated to Article 3.
- **Article 5 – Definitions.** The definitions have been relocated from Article 1, updated, and streamlined.

The code is organized into chapters under each article. Under each chapter are code sections with regulations. The regulations typically provide a purpose statement, applicability statement, and standards. Some sections also contain approval criteria, which the approval body uses in determining when a standard has been met.

User’s Guide

In addition to the above updates, the model code contains new User’s Guide comments in easily identifiable text boxes. The User’s Guide is intended to guide the reader and assist in drafting or amending local regulations. These boxes can also be used to insert city staff’s comments, for example, to assist decision makers in reviewing draft code provisions. In addition, the Appendix (following this introduction) contains a list of technical resources, including a
Transportation Planning Rule checklist, for city officials to use in updating local codes. Because the Appendix and commentary are not part of the code, they must be removed before finalizing codes for adoption.

The *italicized and bracketed text* within the regulations indicates a range of options or places where city officials must customize the model code. For example, a reference to “[city official]” would need to be replaced with the appropriate city official title. Where the model code provides a range of numerical standards (e.g., setbacks, building heights, lot sizes), cities should tailor the standards based on existing conditions in the community. Where slashes (“/”) separate two or more options, cities are to choose an option or insert their own terminology (e.g., public hearing before the [Planning Commission / City Council]). The punctuation provided is meant to support each option, but it too must be reviewed and edited as cities prepare own their codes.

The model code options are limited only by space. Many other possibilities exist, and users of the document should carefully consider the needs of their community and applicable law in tailoring the regulations.

**Overview and Getting Started**

Graphics for the Oregon Model Code are available for download as a zip file. Graphics are intended to supplement and clarify the Model Code text. Users can select which graphics they want to include in local code documents. The PDF graphics files are named according to chapter sections and subsections in the Oregon Model Code. Example: 3.2.040_BuildingOrientation_Commercial.pdf corresponds to Article 3, Chapter 2, Section 040.

Files are optimized for Adobe Acrobat Professional and Adobe Acrobat Standard. These versions allow a user to view, create, manipulate, print, and manage the graphics files in Portable Document Format (PDF). Adobe Acrobat Reader will allow users to view the graphics and fill in the form fields (e.g., edit standards); however, Professional or Standard is required to save the files and to manipulate the following features:

- Text Labels – adjust measurements, terminology, text appearance, and size
- Footer Text – enter name of city, code title, page #, and date
- Header Text – revise section numbers, chapter names, etc.

*Note: Page numbers may need to be edited to reflect correct chapter pagination. See suggested graphic pages placeholders in Model Code Word files.*

**Saving Customized PDFs**

Once the text labels, footer, and header information have been edited, the file can be saved and renamed, as needed, to preserve updated information. Final versions of the PDFs without editable form fields (for inclusion within your finished code document) can be saved by printing the document to PDF as follows: Select PRINT>choose Adobe PDF as the printer device>SAVE PDF file in a new folder location.

Hint: Create a folder system to separate versions of the graphics files (i.e., “Working Editable Form PDFs” and “Final PDFs for Code Document”). This way it is easy to determine the file...
location for both editing purposes and inserting final pages into the Model Code. Use a file
to make sure they are well ordered and easy to locate.

How to Edit the Graphics Pages:

Advanced editing tools available in Adobe Acrobat Professional and Adobe Acrobat Standard
allow you to adjust and customize some features on the OMC graphics pages. A more complete
discussion of these tools can be found online on the Adobe Acrobat Professional or Standard
homepages.

Below are some instructions you will likely need in working with the OMC graphics files:

1. Editing and adjusting text in drop-down form fields:

- Form field boxes with drop-down arrow buttons allow you to click in and type any
text you choose. The default text is an example of appropriate text for the graphic. Place
the cursor anywhere in the form field, click into it, and you should be able to
adjust the text. You can select all or some of the default text, delete, and edit to
your preference. Press Enter to escape from the form field.

- If the text you entered is too long to fit the default form field box, or if you want to
reposition the location of the form field on the page, do the following:
  - In the FORMS menu, click on "Add or Edit Fields" (also, Shift+Ctrl+7). Now you
    are in active editing mode.
  - In active editing mode, you will see that the form fields are outlined in black.
    When your mouse hovers over the box, you should see side and corner
    handles.
  - With your mouse, click and pull on the side and/or corner handles to adjust the
    size of the form field box. Adjust the position as needed by selecting the form
    field, and either nudging it with the arrow keys or dragging it with the mouse.
  - If you want to make two or more form fields align, select the form fields with
    your mouse, right click, and select “Align.” You can choose left, right, center,
    etc.
  - Make sure all your text is visible on screen within the form field. Keep in mind
    that although the field arrow button is visible on screen, it will not print on the
    page.

- If you come across a form field box that won't move or adjust when you are in active
  editing mode, it may be locked. To unlock it, see explanation below:
  - Once you have the form fields positioned and your text entered correctly, you
    can lock the field by either right or double-clicking on the form field to get to the
    Properties dialogue box. On the "General" tab, check the box labeled "Locked"
    in the lower left-hand corner.
  - Locking the form field “freezes” it in place. Unlocking a locked form field allows
    it to be repositioned, rotated, resized, deleted, etc.
In addition to locking and unlocking form fields, there are other options in the Properties dialogue box that let you customize the text appearance (e.g., font, size, boldness, rotation, etc.). Explore and use these tools as needed.

- To exit active editing mode, click on FORMS>Close Form Editing (or Shift+Ctrl+7).

2. Editing and adjusting text using Acrobat's Advanced Editing Tools:

- You may find you want to make minor adjustments to text in the header title that was generated in MS Word.
- Before you begin, make sure you are NOT in active editing mode. To exit active editing mode, click on FORMS>Close Form Editing (or Shift+Ctrl+7).
- Go to TOOLS>Advanced Editing>Touch Up Text Tool.
- Your cursor will appear and you should be able to click into the header text and select, delete, and edit as needed. Be aware that the Touch Up Text Tool works best for making minor edits to text within the same line. If you do make changes, aim to keep the word count the same or less when using this tool.
- Remember, this tool does not allow you to edit form field text. Refer to directions above to edit form field text.
- To exit out of the Touch Up Text Tool, go to TOOLS>Advanced Editing and click Select Object Tool. Now you can return to editing form fields or move onto the next graphic.

3. Adding new form fields:

- You may find you want to add additional labels or text to the graphic. You can do this in active editing mode (Shift+Ctrl+7).
- Notice how each of the form fields has a name visible in white lettering (e.g., “Label 1,” “Dim 2,” etc.). If you want to create a new form field with unique text not already present on the graphic page, you will need to make sure that the name of the form field is also unique. Do the following:
  - Select an existing form field from the graphic and COPY (Ctrl+C) and PASTE (Ctrl+V) it onto the page. A form field identical to the one copied will appear.
  - Next, either right or double-click on the form field to get to the Properties dialogue box. In the General tab, you will see the name of the form field (e.g., “Label 3”). Change the name of the form field to something unique to the file (e.g., “Label 4,” etc.).
  - Exit from active editing mode (Shift+Ctrl+7). Now you should be able to click into the new form field and change the text.

- There are other ways to create new form fields, but copying and pasting from existing form fields retains the properties of the text that you would otherwise have to select manually in the Properties dialogue box.
4. **Inserting graphics pages into your code document:**

- Once the code text is finalized in MS Word, you will know the last page number for each chapter subsection. Placeholder graphics pages are already included at the end of each chapter subsection. These pages will be replaced with the PDF graphics pages.

- Delete any placeholder pages that you will **not** be replacing with graphics pages in MS Word so the page number count remains accurate.

- Update the page number form fields in the graphics pages based on where the chapter subsection ends in the text document. For example, if the last page in Chapter 3.2.030 is 3-12, your first graphics page for that subsection will be numbered 3-13, and so forth.

- Once the code text document is finalized in MS Word, print the document to a PDF:
  - Select PRINT>choose Adobe PDF as the printer device>SAVE PDF file in a folder location.

- From the code text PDF, delete the graphics placeholder pages:
  - From the Document menu, select Extract Pages>Delete pages after extracting. Specify the page numbers of placeholder pages you want to delete.

- Insert the final PDF graphics pages in their place.
  - From the Document menu, select Insert Pages>Insert from file. Navigate to the folder with the final graphics PDFs and select the appropriate graphics PDF page.

- Repeat these steps to insert all the graphics pages you want to include in your code document.
Appendix

1. TGM Model Code Evaluation
2. References
3. Urban Land Use Statutes and Administrative Rules
4. Transportation Planning Rule Code Revisions Checklist
Appendix 2 – References

References

American Planning Association
American Public Transportation Association
Congress for New Urbanism
Federal Highway Administration
Federal Transit Administration
League of Oregon Cities
Local Government Commission
Metro
National Association of Realtors
National Center for Bicycling and Walking
National Transportation Enhancements Clearinghouse
Oregon Bicycle/Pedestrian Program
Oregon Department of Land Conservation & Development
Oregon Department of Aviation Airport Land Use Compatibility Guidebook
Oregon Department of Transportation
ODOT Development & Planning
Oregon Transportation Enhancements Program
Oregon Transportation and Growth Management Program
Oregon Transportation and Growth Management Program Publications
Project for Public Spaces
Rails to Trails Conservancy
Reconnecting America
Smart Growth America
Smart Growth Network/U.S. EPA
Surface Transportation Policy Project
Transportation Research Board
Urban Land Institute
Walkable Communities, Inc.
Walking in Washington - Washington State Department of Transportation (Pedestrian Facilities Guidebook: Incorporating Pedestrians into Washington’s Transportation System
Appendix 3 – Urban Land Use Statutes and Administrative Rules

**Statutes**

ORS 92.830 - 92.845  
Subdivision of manufactured dwelling or mobile home park

ORS 195.110 – 195.115  
School Facility Planning

ORS 195.110(4)(b), (c)  
Notice of plan or land use regulation amendments that significantly impacts school capacity.

ORS 195.110(11)  
School capacity may not be sole basis for decision on residential development application.

ORS 197.195  
Limited land use decision

ORS 197.200  
Refinement plans

ORS 197.295 – 197.314  
Needed Housing in Urban Growth Areas

ORS 197.303  
Definition of needed housing

ORS 197.307  
Clear and objective standards and conditions required; two-track process permitted.

ORS 197.314  
Manufactured homes on individual lots

ORS 197.360 – 197.380  
Expedited Land Divisions

ORS 197.475 – 197.490  
Mobile home and manufactured dwelling park siting

ORS 197.610 – 197.650  
Post-Acknowledgment Procedures

ORS 197.610(1), (2)  
45-day notice to DLCD

ORS 197.615  
Copies of local adopted text amendments and findings to DLCD

ORS 197.626  
Copy of UGB expansion to LCDC.

ORS 197.646  
Local implementation of new or amended goals, rules, or statutes.

ORS 197.660 – 197.670  
Residential homes and facilities

ORS 197.752  
Concurrency requirement

ORS 197.763  
Conduct of quasi-judicial land use hearings

ORS 197.764  
Application to remove land from UGB

ORS 197.772  
Consent for designation of historic property

ORS 227.100, 227.110  
Review and approval of subdivision and vacation plats

ORS 227.160 – 227.187  
Planning and zoning hearings and review procedures and rules, including:

ORS 227.178  
120-day rule

ORS 227.186  
Measure 56 notice

ORS 227.215 – 227.300  
Development ordinances and their enforcement

ORS 227.500  
Zoning of land used for religious activity (RLUIPA)
Statutes (continued)
ORS 443.400 Residential facilities and homes defined
ORS 443.705 – 443.715 Adult foster home defined
ORS 443.760 Application of single-family dwelling code requirements
ORS 446.003 Mobile Home and Manufactured Dwelling Parks – definitions
ORS 446.310 Tourist Facilities – definitions
ORS 446.440 Mobile home or manufactured dwelling park is not a condominium for local zoning and planning purposes

Administrative Rules
OAR 660-007 Metropolitan Housing
OAR 660-007-0005 Definitions
OAR 660-007-0015 Clear and Objective Approval Standards Required
OAR 660-008 Housing (Interpretation of Goal 10)
OAR 660-008-0005 Definitions
OAR 660-008-0015 Clear and Objective Approval Standards Required
OAR 660-012 Transportation Planning Rule
OAR 660-012-0005 Definitions
OAR 660-012-0045 Implementation of the TSP
OAR 660-012-0060 Plan and Land Use Regulation Amendments; Multi-Modal Mixed Use Centers
OAR 660-018 Plan amendments
OAR 660-018-0010 Definitions
OAR 660-018-0020 45-day notice to DLCD
OAR 660-018-0040, 0045 Submittal of adopted amendments to DLCD
OAR 660-018-0050 Notice to Other Parties
OAR 660-018-0060 Who May Appeal
Appendix 4 – Transportation Planning Rule (TPR) Code Checklist

(Not all provisions will apply to all jurisdictions. For specific requirements, please consult the relevant code implementation provisions of the Transportation Planning Rule in OAR 660-012-045 and 660-012-060.)

1. Land Use Regulations to Protect Facilities, Corridors, and Sites
   a. Access control consistent with functional classifications
   b. Standards to protect future operation of roads, transit
   c. Measures to protect public airports
   d. Process for coordinated review of actions affecting facilities, corridors, sites
   e. Process to apply conditions to development to minimize impacts and protect facilities, corridors, and sites
   f. Notice to public agencies, Metropolitan Planning Organizations (MPOs), and ODOT
      i. Land use applications requiring public hearings
      ii. Land divisions
      iii. Applications affecting access to roads
      iv. Applications within airport noise corridors and imaginary surfaces
   g. Changes to zoning, densities, design standards consistent with the Transportation System Plan (TSP)

2. Land Use Regulations for Pedestrian, Bike, and Vehicle Circulation
   a. Bike parking with multifamily, retail, office, institutional, transit stations, and park & ride uses
   b. On-site facilities for bike and pedestrian access
      i. From within subdivisions, multifamily residential, planned unit developments (PUDs), shopping centers, commercial districts
      ii. To adjacent residential areas, transit stops, and activity centers within 1/2 mile
      iii. Activity centers: schools, shopping, transit stops, employment centers, etc.
      iv. Sidewalks required along arterials, collectors, most local streets
      v. Cul-de-sacs only where constraints make connections impracticable
   c. Safe and convenient route for bikes/pedestrians means:
      i. Reasonably free of hazards/conflicts with autos
      ii. Reasonably direct route of travel
      iii. Meets travel needs: optimal pedestrian trip within 1/4 mile or not more than 1/2 mile
   d. Internal pedestrian circulation in office parks/commercial developments

3. Transit Supportive Development
   a. >25,000 pop. with existing transit or where future system feasible
   b. Support transit by enabling bus stops, pullouts, shelters, road geometry, etc.
   c. Retail, office, institutional buildings provide convenient access to transit
      i. Walkways connecting streets to buildings
      ii. Connections except where impracticable: 045(3)(b)(E)
      iii. At major transit stops
         1. Buildings within 20 feet or provide pedestrian plaza
2. Reasonably direct connection to buildings
3. Accessibility for disabled persons
   4. Easement or dedication for shelter if transit provider requests
5. Lighting
   iv. Pedestrian districts (optional)
   v. Employee parking must provide van/carpool preference
   vi. Redevelopment for transit facilities shall be allowed
   vii. Roads for new development shall provide for transit

4. Reduce Reliance on Automobiles – MPOs must:
   a. Allow transit-oriented development (TOD) along transit routes
   b. Implement demand management program
   c. Implement parking plan
      i. 10% reduction in spaces per capita over planning period
      ii. Minimum and maximum standards
   d. Work with industrial, institutional, retail, and office owners to provide transit
      stop or pedestrian connection to transit stop when requested

5. Local Street Standards
   a. Minimize pavement width and total right of way

6. Multi-Modal Mixed Use Centers (OAR 660-12-0060)
   a. Option for waiving ODOT mobility standards in areas that meet criteria