

## Climate-Friendly and Equitable Communities Proposed Amendments to Division 12 (Transportation Planning Rules)

### PROPOSED ADOPTION DRAFT – May 5, 2022

#### Summary

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

#### About This Document

- This document is organized with proposed changes to existing rules first, followed by new proposed rules.
- Where we are making changes to **existing rules**, we use ~~strikethrough~~ and underline for deleted and new text. Where the entire rule is new, we just have the text.
- The rules have been divided into several parts, this is just for ease of reading and not part of the rules.
- The summary box at the top of each rule helps to explain it. It is not part of the rules, but just to help readers understand what is in each rule.

#### Table of Contents

Summary .....	1
About This Document .....	1
Table of Contents .....	1
Updated Rules.....	4
Changes to Existing Rules.....	4
0000: Purpose .....	5
0005: Definitions.....	8
0015: Preparation and Coordination of Transportation System Plans.....	14
0016: Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas	16
0035: Evaluation and Selection of Transportation System Alternatives .....	17
0045: Implementation of the Transportation System Plan .....	21
0060: Plan and Land Use Regulation Amendments.....	26
New Rules 0011-0012: Applicability and Effective Dates .....	36
0011: Applicable Rules.....	36

0012A: Effective Dates and Transition Period [More Urgent Option] .....	36
0012B: Effective Dates and Transition Period [More Time Option] .....	39
New Rules 0100-0215: General Provisions .....	42
0100: Transportation System Plans in Metropolitan Areas .....	42
0105: Transportation System Plan Updates .....	44
0110: Transportation System Planning Area .....	45
0115: Funding Projections .....	45
0120: Transportation System Planning Engagement.....	46
0125: Underserved Populations .....	47
0130: Decision-Making with Underserved Populations .....	48
0135: Equity Analysis .....	48
0140: Transportation System Planning in the Portland Metropolitan Area.....	49
0145: Transportation Options Planning.....	51
0150: Transportation System Inventories .....	52
0155: Prioritization Framework .....	53
0160: Reducing Vehicle Miles Traveled .....	54
0170: Unconstrained Project List.....	55
0180: Financially-Constrained Project List.....	56
0190: Transportation System Refinement Plans .....	57
0200: Temporary Projects.....	58
0210: Transportation Modeling and Analysis .....	58
0215: Transportation Performance Standards .....	59
New Rules 0300-0360: Coordinated Land Use and Transportation Planning .....	60
0300: Coordinated Land Use and Transportation System Planning .....	60
0310: Climate Friendly Areas .....	60
0315: Designation of Climate Friendly Areas.....	62
0320: Land Use Requirements in Climate Friendly Areas.....	65
0325: Transportation Review in Climate Friendly Areas.....	68
0330: Land Use Requirements .....	70
0340: Land Use Assumptions .....	73
0350: Urban Growth Boundary Expansions.....	73
0360: Key Destinations .....	74
New Rules 0400-0450: Parking .....	75

0400: Parking Management.....	75
0405: Parking Regulation Improvements .....	76
0410: Electric Vehicle Charging.....	77
0415: Parking Maximums and Evaluation in More Populous Communities.....	77
0420: Exemption for Communities without Parking Mandates .....	78
0425: Reducing the Burden of Parking Mandates .....	79
0430: Reduction of Parking Mandates for Development Types.....	79
0435: Parking Reform in Climate Friendly Areas .....	80
0440: Parking Reform near Transit Corridors .....	80
0445: Parking Management Alternative Approaches.....	81
0450: Parking Management in More Populous Communities.....	82
New Rules 0500-0520: Pedestrian System .....	83
0500: Pedestrian System Planning.....	83
0505: Pedestrian System Inventory .....	84
0510: Pedestrian System Requirements.....	84
0520: Pedestrian System Projects.....	85
New Rules 0600-0630: Bicycle System .....	86
0600: Bicycle System Planning.....	86
0605: Bicycle System Inventory .....	87
0610: Bicycle System Requirements .....	87
0620: Bicycle System Projects.....	89
0630: Bicycle Parking .....	89
New Rules 0700-0720: Public Transportation System.....	90
0700: Public Transportation System Planning .....	90
0705: Public Transportation System Inventory .....	92
0710: Public Transportation System Requirements .....	92
0720: Public Transportation System Projects .....	93
New Rules 0800-0830: Streets and Highways System.....	94
0800: Street and Highway System Planning .....	94
0805: Street and Highway System Inventory.....	95
0810: Street and Highway System Requirements .....	95
0820: Street and Highway System Projects .....	97
0830: Enhanced Review of Select Roadway Projects .....	98

New Rules 0900-0920: Reporting and Compliance .....	103
0900: Reporting .....	103
0905: Land Use and Transportation Performance Measures .....	105
0910: Land Use and Transportation Performance Targets .....	106
0915: Review of Reports .....	107
0920: Compliance Hearings .....	108

1   **Updated Rules**

2   **Changes to Existing Rules**

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

4         0000: Updates to reflect changes across the division.

5         0005: Updates to reflect changes across the division.

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

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

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

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

10        0060: Updates to reflect changes across the division.

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

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

13   ~~through deleted text~~.

1 **0000: Purpose**

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

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

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

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

- 21 (a) Provide for safe transportation for all Oregonians;
- 22 (b) Promote the development of transportation systems adequate to serve statewide, regional,  
23 and local transportation needs;
- 24 (c) Provide a transportation system that serves the mobility and access needs of those who  
25 cannot drive and other underserved populations;
- 26 (d) Provide for affordable, accessible and convenient transit, pedestrian, and bicycle access  
27 and circulation, with improved connectivity to destinations people want to reach, such as  
28 education facilities, workplaces, services, shopping, places of worship, parks, open  
29 spaces, and community centers;
- 30 (e) Reduce pollution from transportation to meet statewide statutory and executive goals to  
31 reduce climate pollution;
- 32 (f) Recognize and remedy impacts of past practices that have harmed underserved  
33 populations, such as redlining, displacement, exclusionary zoning, inaccessible design,  
34 and roadway and other public infrastructure siting;
- 35 (g) Engage underserved populations in decision-making and prioritize investments serving  
36 those communities;
- 37 (h) Facilitate the safe flow of freight, goods, and services within regions and throughout the  
38 state through a variety of modes including road, air, rail, and marine transportation;
- 39 (i) Protect the functions of existing and planned transportation facilities, corridors, and sites;
- 40 (j) Provide for the construction and implementation of transportation facilities,  
41 improvements, and services necessary to support acknowledged comprehensive plans;

- 1 (k) Identify how transportation facilities are provided on rural lands consistent with the  
2 statewide planning goals;
- 3 (l) Protect and restore safe passage for fish and wildlife, flood waters, and other natural  
4 system functions at roadway crossings of waterbodies and other native habitat corridors;
- 5 (m) Require coordination among affected local governments and transportation service  
6 providers and consistency between state, regional, and local transportation plans; and
- 7 (n) Encourage changes to comprehensive plans to be supported by adequate planned  
8 transportation facilities for all modes.

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

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

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

42 (3) The extent of planning required by this division and the outcome of individual transportation  
43 plans will vary depending on community size, needs and circumstances. Generally, larger and  
44 faster growing communities and regions will need to prepare more comprehensive and detailed  
45 plans, while smaller communities and rural areas will have more general plans. For all  
46 communities, the mix of planned transportation facilities and services should be sufficient to  
47 ~~ensure~~ promote economic, sustainable and environmentally sound mobility and accessibility for  
48 all Oregonians. Coordinating land use and transportation planning will also complement efforts to

1 meet other state and local objectives, including containing urban development, reducing the cost  
2 of public services, protecting farm and forest land, reducing air, water, and noise pollution,  
3 conserving energy and reducing climate pollution emissions of greenhouse gases that contribute  
4 to global climate change.

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

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

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

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

1 **0005: Definitions**

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

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

- 7 (1) "Access Management" means measures regulating access to streets, roads and highways from  
8 public roads and private driveways. Measures may include but are not limited to restrictions on  
9 the siting of interchanges, restrictions on the type and amount of access to roadways, and use of  
10 physical controls, such as signals and channelization including raised medians, to reduce impacts  
11 of approach road traffic on the main facility.
- 12 (2) "Accessible dwelling unit" means a dwelling unit constructed to accommodate persons with  
13 disabilities, in compliance with the Americans with Disabilities Act and applicable construction  
14 requirements in adopted building codes.
- 15 (3) "Accessible" means complying with the American with Disabilities Act.
- 16 (4) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between  
17 streets or from a street to a building or other destination such as a school, park, or transit stop.  
18 Accessways generally include a walkway and additional land on either side of the walkway, often  
19 in the form of an easement or right-of-way, to provide clearance and separation between the  
20 walkway and adjacent uses. Accessways through parking lots are generally physically separated  
21 from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include  
22 landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised,  
23 paved, or marked in a manner which provides convenient access for pedestrians.
- 24 (5) "Affected Local Government" means a city, county, or metropolitan service district that is  
25 directly impacted by a proposed transportation facility or improvement.
- 26 (6) "Approach Road" means a legally constructed, public or private connection that provides  
27 vehicular access either to or from or to and from a highway and an adjoining property.
- 28 (7) "Area, net" means the total area of a development site exclusive of proposed or existing public  
29 rights of way, public parks, public open space, protected natural features, and any other areas  
30 permanently precluded from development due to development constraints, easements, or similar  
31 legal instruments.
- 32 (8) "At or near a major transit stop: "At" means a parcel or ownership which is adjacent to or  
33 includes a major transit stop generally including portions of such parcels or ownerships that are  
34 within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300  
35 feet of a major transit stop. The term "generally" is intended to allow local governments through  
36 their plans and ordinances to adopt more specific definitions of these terms considering local  
37 needs and circumstances consistent with the overall objective and requirement to provide  
38 convenient pedestrian access to transit.
- 39 (9) "Bicycle boulevard" means bicycle facilities on streets with low motorized traffic volumes and  
40 speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs,  
41 markings, traffic diverters, or other measures to discourage through trips by motor vehicles. A  
42 bicycle boulevard may also include traffic control features to create safe, convenient bicycle  
43 crossings of intersecting streets.

- 1 (10) “Climate friendly area” means an urban mixed-use area containing, or planned to contain, a  
2 mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or  
3 planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to  
4 provide frequent and convenient connections to key destinations within the city and region. These  
5 areas feature a well-designed and connected pedestrian environment. To maximize community  
6 benefits these areas typically do not contain or require large parking lots, and are provided with  
7 abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors,  
8 residents, and employees. Climate friendly areas will reduce the reliance on light duty motor  
9 vehicle trips for residents, workers, and visitors by providing more proximate destinations within  
10 climate friendly areas, improved connectivity to key destinations elsewhere in the community,  
11 and enhanced alternative transportation options.
- 12 (11) “Commercial parking lot” means a site without a primary use where vehicle parking spaces are  
13 rented or leased . It does not include shared parking.
- 14 (12) "Committed transportation facilities" means those proposed transportation facilities and  
15 improvements which are consistent with the acknowledged comprehensive plan and have  
16 approved funding for construction in a public facilities plan or the Six-Year Highway or  
17 Transportation Improvement Program.
- 18 (13) “Demand management" means actions which are designed to change travel behavior in order to  
19 improve performance of transportation facilities and to reduce need for additional road capacity.  
20 Methods may include, but are not limited to, the use of alternative non-driving modes, ride-  
21 sharing and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and  
22 reduced or paid parking.
- 23 (14) “Equitable outcomes” means outcomes that burdens underserved populations less than and  
24 benefits underserved populations as much or more as the city or county population as a whole.  
25 Examples of equitable outcomes include:
- 26 (a) Increased stability of underserved populations, lowering the likelihood of displacement  
27 due to gentrification from public and private investments;
- 28 (b) More accessible, safe, affordable and equitable transportation choices with better  
29 connectivity to destinations people want to reach;
- 30 (c) Adequate housing with access to employment, education, and fresh food, goods, services,  
31 recreational and cultural opportunities, and social spaces;
- 32 (d) Increased safety for people in public spaces, transportation and community development;
- 33 (e) Equitable access to parks, nature, open spaces and public spaces;
- 34 (f) Better and more racially equitable health outcomes across the lifespan, particularly health  
35 outcomes connected to transportation choices, air pollution, and food;
- 36 (g) Recognizing and remedying impacts of past practices such as redlining, displacement,  
37 exclusionary zoning, and roadway and other public infrastructure siting decisions that  
38 harmed underserved communities; and
- 39 (h) Fairly-distributed benefits to residents and local governments across cities and counties  
40 within metropolitan areas.
- 41 (15) “Freeway” means a limited-access highway with access points exclusively from interchanges  
42 with other streets and highways. Limited access may be provided for rural land uses in rural areas  
43 where no other access is available.
- 44 (16) “Horizon year” means the final year of the twenty-year planning period.

- 1 (17) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal  
2 measured on the crossroad away from the mainline.
- 3 (18) "Local streets" means streets that are functionally classified as local streets to serve primarily  
4 local access to property and circulation within neighborhoods or specific areas. Local streets do  
5 not include streets functionally classified as collector or arterials.
- 6 (19) "Local Street Standards" include but are not limited to standards for right-of-way, pavement  
7 width, travel lanes, parking lanes, curb turning radius, and accessways.
- 8 (20) "Major" means, in general, those facilities or developments which, considering the size of the  
9 urban or rural area and the range of size, capacity or service level of similar facilities or  
10 developments in the area, are either larger than average, serve more than neighborhood needs or  
11 have significant land use or traffic impacts on more than the immediate neighborhood:
- 12 (a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation  
13 facilities means those facilities which are most important to the functioning of the system  
14 or which provide a high level, volume or frequency of service;
- 15 (b) "Major" as it modifies industrial, institutional and retail development means such  
16 developments which are larger than average, serve more than neighborhood needs or  
17 which have traffic impacts on more than the immediate neighborhood;
- 18 (c) Application of the term "major" will vary from area to area depending upon the scale of  
19 transportation improvements, transit facilities and development which occur in the area.  
20 A facility considered to be major in a smaller or less densely developed area may,  
21 because of the relative significance and impact of the facility or development, not be  
22 considered a major facility in a larger or more densely developed area with larger or more  
23 intense development or facilities.
- 24 (21) "Major transit stop" means:
- 25 (a) ~~Existing~~ existing and planned transit stations, including light rail stations and other transit  
26 transfer stations, except for temporary facilities; other planned stops designated as major  
27 transit stops in a transportation system plan and existing stops which:
- 28 (A) (a) Have or are planned for an above average frequency of scheduled, fixed-route  
29 service when compared to region wide service. In urban areas of 1,000,000 or  
30 more population major transit stops are generally located along routes that have  
31 or are planned for ~~20-minute~~ 15-minute or better service frequency throughout  
32 the day and on weekends during the peak hour; and
- 33 (B) (b) Are located in a transit oriented development or within one-quarter mile of an  
34 area planned and zoned for:
- 35 (i) (A) Medium or high density residential development; or
- 36 (ii) (B) Intensive commercial or institutional uses within one-quarter mile of  
37 land uses in paragraph (A) subsection (i); or
- 38 (iii) (C) Uses likely to generate a relatively high level of transit ridership.
- 39 (22) "Metropolitan area" means the local governments that are responsible for adopting local or  
40 regional transportation system plans within a metropolitan planning organization (MPO)  
41 boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.
- 42 (23) "Metropolitan Planning Organization (MPO)" means an organization located within the State of  
43 Oregon and designated by the Governor to coordinate transportation planning in an urbanized  
44 area of the state including such designations made subsequent to the adoption of this rule. The

1 Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the  
2 purposes of this division.

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

12 (25) "ODOT" means the Oregon Department of Transportation.

13 (26) "Parking benefit district" means a designated area where some of the revenues from parking fees  
14 or permits for public parking within the designated area are dedicated to public improvements in  
15 the area.

16 (27) "Parking mandates" means requirements to include a minimum number of off-street parking  
17 spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential  
18 development.

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

21 (29) "Parking spaces" means on and off-street spaces designated for automobile parking ~~in areas~~  
22 ~~planned for industrial, commercial, institutional or public uses. The following are not considered~~  
23 ~~parking spaces for the purposes of OAR 660-012-0045(5)(c): park and ride lots, handicapped~~  
24 ~~parking, and parking spaces for carpools and vanpools., other than parking spaces reserved for~~  
25 carpools, vanpools, or parking under the Americans with Disabilities Act.

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

30 (a) Lands planned for a mix of commercial or institutional uses near lands planned for  
31 medium to high density housing; or

32 (b) Areas with a concentration of employment and retail activity; and

33 (c) Which have, or could develop, or have planned a network of streets and accessways  
34 which provide convenient pedestrian circulation.

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

42 (32) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop  
43 which provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete,  
44 pavers, bricks or similar material and include seating, pedestrian scale lighting and similar  
45 pedestrian improvements. Low walls or planters and landscaping are usually provided to create a

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

1 designed to support a high level of transit use. The key features of transit oriented development  
2 include:

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (57) “Unbundled parking” means a requirement that parking spaces for each unit in a development be  
 2 rented, leased or sold separately from the unit itself. The parking space(s) must be rented, leased,  
 3 or sold at market rates for comparable local off-street parking. The renter, lessor, or buyer of the  
 4 unit must be allowed to opt out of renting, leasing, or buying the parking space.
- 5 (58) "Urban Fringe" means:
- 6 (a) Areas outside the urban growth boundary that are within five miles of the urban growth  
 7 boundary of an MPO area; and
- 8 (b) Areas outside the urban growth boundary within two miles of the urban growth boundary  
 9 of an urban area containing a population greater than 25,000.
- 10 (59) “Vehicle Miles Traveled (VMT)” means all light vehicle travel by members of households or  
 11 university group quarters living within a metropolitan area regardless of where the travel occurs,  
 12 and local commercial vehicle travel that is a function of household labor or demand regardless of  
 13 where the travel occurs. Examples include commuting to work, going to school, going shopping,  
 14 traveling for recreation, delivery vehicles, service vehicles, travel to business meetings, and travel  
 15 to jobsites.”
- 16 (60) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including  
 17 sidewalks and surfaced portions of accessways.

18 **0015: Preparation and Coordination of Transportation System Plans**

19 We propose to alter this existing rule. The existing rule gives overarching direction to local governments  
 20 in how to prepare and coordinate development of local and regional transportation system plans. We  
 21 propose to delete some parts of this rule pertaining only to metropolitan areas. This rule will apply to  
 22 local governments outside of metropolitan areas. New rules will direct how local governments in  
 23 metropolitan areas prepare and coordinate development of local transportation system plans.

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

- 1 (c) ~~Regional TSPs prepared by MPOs other than metropolitan service districts shall be~~  
2 ~~adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan~~  
3 ~~service districts shall adopt a regional TSP for areas within their jurisdiction;~~
- 4 (d) (c) Regional TSPs prepared by counties shall be adopted by the county.
- 5 (3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning  
6 jurisdiction in compliance with this division:
- 7 (a) Local TSPs shall establish a system of transportation facilities and services adequate to  
8 meet identified local transportation needs and shall be consistent with regional TSPs and  
9 adopted elements of the state TSP;
- 10 (b) Where the regional TSP or elements of the state TSP have not been adopted, the city or  
11 county shall coordinate the preparation of the local TSP with the regional transportation  
12 planning body and ODOT to assure that regional and state transportation needs are  
13 accommodated.
- 14 (4) Cities and counties shall adopt regional and local TSPs required by this division as part of their  
15 comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be  
16 adopted as a supporting document to the comprehensive plan.
- 17 (5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local  
18 governments, special districts, and private providers of transportation services.
- 19 (6) Mass transit, transportation, airport, and port districts shall participate in the development of TSPs  
20 for those transportation facilities and services they provide. These districts shall prepare and  
21 adopt plans for transportation facilities and services they provide. Such plans shall be consistent  
22 with and adequate to carry out relevant portions of applicable regional and local TSPs.  
23 Cooperative agreements executed under ORS 195.020(2) shall include the requirement that mass  
24 transit, transportation, airport, and port districts adopt a plan consistent with the requirements of  
25 this section.
- 26 (7) Where conflicts are identified between proposed regional TSPs and acknowledged  
27 comprehensive plans, representatives of affected local governments shall meet to discuss means  
28 to resolve the conflicts. These may include:
- 29 (a) Changing the draft TSP to eliminate the conflicts; or
- 30 (b) Amending acknowledged comprehensive plan provision to eliminate the conflicts.
- 31 ~~(e) For MPOs which are not metropolitan service districts, if conflicts persist between~~  
32 ~~regional TSPs and acknowledged comprehensive plans after efforts to achieve~~  
33 ~~compatibility, an affected local government may petition the Commission to resolve the~~  
34 ~~dispute.~~

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

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

6 Updated local transportation planning requirements in metropolitan areas will require advanced local  
7 actions, including the development of financially-constrained local plans, that will inform federally-  
8 required RTPs. In the Portland Metropolitan Area, many of these regional planning requirements will be  
9 retained. Additionally, metropolitan areas will be required to undertake regional scenario planning,  
10 which is required in the Metropolitan Greenhouse Gas Reduction Rules (OAR Chapter 660, Division 44).

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

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

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

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

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

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

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

42 ~~(b) Adds or deletes a project from the list of planned transportation facilities, services or  
43 improvements or from the financially constrained project list required by federal law;~~

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

31   **0035: Evaluation and Selection of Transportation System Alternatives**

32   We propose to alter this existing rule. The existing rule directs how local governments evaluate and

33   select transportation alternatives. We propose to delete some parts of this rule pertaining only to local

34   governments in metropolitan areas. New rules in OAR 660-012-0165 will direct how local governments

35   in metropolitan areas will evaluate and select transportation alternatives.

- 36   (1)   The TSP shall be based upon evaluation of potential impacts of system alternatives that can
- 37       reasonably be expected to meet the identified transportation needs in a safe manner and at a

1 reasonable cost with available technology. The following shall be evaluated as components of  
2 system alternatives:

- 3 (a) Improvements to existing facilities or services;
- 4 (b) New facilities and services, including different modes or combinations of modes that  
5 could reasonably meet identified transportation needs;
- 6 (c) Transportation system management measures;
- 7 (d) Demand management measures; and
- 8 (e) A no-build system alternative required by the National Environmental Policy Act of 1969  
9 or other laws.

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

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

26 ~~(3)~~(2) The following standards shall be used to evaluate and select alternatives:

- 27 (a) The transportation system shall support urban and rural development by providing types  
28 and levels of transportation facilities and services appropriate to serve the land uses  
29 identified in the acknowledged comprehensive plan;
- 30 (b) The transportation system shall be consistent with state and federal standards for  
31 protection of air, land and water quality including the State Implementation Plan under  
32 the Federal Clean Air Act and the State Water Quality Management Plan;
- 33 (c) The transportation system shall minimize adverse economic, social, environmental and  
34 energy consequences;
- 35 (d) The transportation system shall minimize conflicts and facilitate connections between  
36 modes of transportation; and
- 37 (e) The transportation system shall avoid principal reliance on any one mode of  
38 transportation by increasing transportation choices to reduce principal reliance on the

1 automobile. In MPO areas this shall be accomplished by selecting transportation  
2 alternatives which meet the requirements in section (4) of this rule.

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

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

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

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

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

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

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

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

25 ~~(b) In reviewing proposed standards for compliance with subsection (a), the commission  
26 shall give credit to regional and local plans, programs, and actions implemented since  
27 1990 that have already contributed to achieving the objectives specified in paragraphs  
28 (A) (E) above;~~

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

34 ~~(A) Changes to land use plan designations, densities, and design standards listed in  
35 subsections (2)(a) (d);~~

36 ~~(B) A transportation demand management plan that includes significant new  
37 transportation demand management measures;~~

38 ~~(C) A public transit plan that includes a significant expansion in transit service;~~

39 ~~(D) Policies to review and manage major roadway improvements to ensure that their  
40 effects are consistent with achieving the adopted strategy for reduced reliance on  
41 the automobile, including policies that provide for the following:~~

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

1 ~~(9)~~(3) Where existing and committed transportation facilities and services have adequate capacity to  
2 support the land uses in the acknowledged comprehensive plan, the local government shall not be  
3 required to evaluate alternatives as provided in this rule.

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

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

11 (b) Transportation system management measures that do not significantly increase capacity;  
12 or

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

16 ~~(11)~~(5) An ~~improvement~~ project significantly reduces peak hour travel time when, based on recent data,  
17 the time to travel the route is reduced more than 15 percent during weekday peak hour conditions  
18 over the length of the route located within the urban fringe. For purposes of measuring travel  
19 time, a route shall be identified by the predominant traffic flows in the project area.

20 ~~(12)~~(6) A "transportation improvement project" described in section ~~(10)~~(4) of this rule:

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

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

24 **0045: Implementation of the Transportation System Plan**

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

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

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

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

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

- 1 (C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k),  
2 consistent with the provisions of OAR 660-012-0065; and
- 3 (D) Changes in the frequency of transit, rail and airport services.
- 4 (b) To the extent, if any, that a transportation facility, service or improvement concerns the  
5 application of a comprehensive plan provision or land use regulation, it may be allowed  
6 without further land use review if it is permitted outright or if it is subject to standards  
7 that do not require interpretation or the exercise of factual, policy or legal judgment;
- 8 (c) In the event that a transportation facility, service or improvement is determined to have a  
9 significant impact on land use or to concern the application of a comprehensive plan or  
10 land use regulation and to be subject to standards that require interpretation or the  
11 exercise of factual, policy or legal judgment, the local government shall provide a review  
12 and approval process that is consistent with OAR 660-012-0050. To facilitate  
13 implementation of the TSP, each local government shall amend its land use regulations to  
14 provide for consolidated review of land use decisions required to permit a transportation  
15 project.
- 16 (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with  
17 applicable federal and state requirements, to protect transportation facilities, corridors, and sites  
18 for their identified functions. Such regulations shall include:
- 19 (a) Access control measures, for example, driveway and public road spacing, median control  
20 and signal spacing standards, which are consistent with the functional classification of  
21 roads and consistent with limiting development on rural lands to rural uses and densities;
- 22 (b) Standards to protect future operation of roads, transitways and major transit corridors;
- 23 (c) Measures to protect public use airports by controlling land uses within airport noise  
24 corridors and imaginary surfaces, and by limiting physical hazards to air navigation;
- 25 (d) A process for coordinated review of future land use decisions affecting transportation  
26 facilities, corridors or sites;
- 27 (e) A process to apply conditions to development proposals in order to minimize impacts and  
28 protect transportation facilities, corridors or sites;
- 29 (f) Regulations to provide notice to public agencies providing transportation facilities and  
30 services, MPOs, and ODOT of:
- 31 (A) Land use applications that require public hearings;
- 32 (B) Subdivision and partition applications;
- 33 (C) Other applications which affect private access to roads; and
- 34 (D) Other applications within airport noise corridors and imaginary surfaces which  
35 affect airport operations; and
- 36 (g) Regulations assuring that amendments to land use designations, densities, and design  
37 standards are consistent with the functions, capacities and performance standards of  
38 facilities identified in the TSP.
- 39 (3) Local governments shall adopt land use or subdivision regulations for urban areas and rural  
40 communities as set forth below. The purposes of this section are to provide for safe and  
41 convenient pedestrian, bicycle and vehicular circulation consistent with access management

1 standards and the function of affected streets, to ensure that new development provides on-site  
2 streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in  
3 areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids  
4 wherever possible levels of automobile traffic which might interfere with or discourage  
5 pedestrian or bicycle travel.

6 (a) Bicycle parking facilities as part of new multi-family residential developments of four  
7 units or more, new retail, office and institutional developments, and all transit transfer  
8 stations and park-and-ride lots;

9 (b) On-site facilities shall be provided which accommodate safe and convenient pedestrian  
10 and bicycle access from within new subdivisions, multi-family developments, planned  
11 developments, shopping centers, and commercial districts to adjacent residential areas  
12 and transit stops, and to neighborhood activity centers within one-half mile of the  
13 development. Single-family residential developments shall generally include streets and  
14 accessways. Pedestrian circulation through parking lots should generally be provided in  
15 the form of accessways.

16 (A) "Neighborhood activity centers" includes, but is not limited to, existing or  
17 planned schools, parks, shopping areas, transit stops, or employment centers;

18 (B) Bikeways shall be required along arterials and major collectors. Sidewalks shall  
19 be required along arterials, collectors and most local streets in urban areas, except  
20 that sidewalks are not required along controlled access roadways, such as  
21 freeways;

22 (C) Cul-de-sacs and other dead-end streets may be used as part of a development  
23 plan, consistent with the purposes set forth in this section;

24 (D) Local governments shall establish their own standards or criteria for providing  
25 streets and accessways consistent with the purposes of this section. Such  
26 measures may include but are not limited to: standards for spacing of streets or  
27 accessways; and standards for excessive out-of-direction travel;

28 (E) Streets and accessways need not be required where one or more of the following  
29 conditions exist:

30 (i) Physical or topographic conditions make a street or accessway  
31 connection impracticable. Such conditions include but are not limited to  
32 freeways, railroads, steep slopes, wetlands or other bodies of water  
33 where a connection could not reasonably be provided;

34 (ii) Buildings or other existing development on adjacent lands physically  
35 preclude a connection now or in the future considering the potential for  
36 redevelopment; or

37 (iii) Where streets or accessways would violate provisions of leases,  
38 easements, covenants, restrictions or other agreements existing as of May  
39 1, 1995, which preclude a required street or accessway connection.

40 (c) Where off-site road improvements are otherwise required as a condition of development  
41 approval, they shall include facilities accommodating convenient pedestrian and bicycle  
42 travel, including bicycle ways along arterials and major collectors;

- 1 (d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian  
2 routes, facilities and improvements which:
- 3 (A) Are reasonably free from hazards, particularly types or levels of automobile  
4 traffic which would interfere with or discourage pedestrian or cycle travel for  
5 short trips;
- 6 (B) Provide an accessible and a reasonably direct route of travel between destinations  
7 such as between a transit stop and a store; and
- 8 (C) Meet travel needs of cyclists and pedestrians considering destination and length  
9 of trip; and considering that the ~~optimum~~ most common trip length of pedestrians  
10 is generally ~~1/4 to~~ under one-half ~~1/2~~ mile.
- 11 (e) Internal pedestrian circulation within new office parks and commercial developments  
12 shall be provided through clustering of buildings, construction of accessways, walkways  
13 and similar techniques.
- 14 (4) To support transit in urban areas containing a population greater than 25,000, where the area is  
15 already served by a public transit system or where a determination has been made that a public  
16 transit system is feasible, local governments shall adopt land use and subdivision regulations as  
17 provided in subsections (a)–(g) below:
- 18 (a) Transit routes and transit facilities shall be designed to support transit use through  
19 provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking  
20 restrictions and similar facilities, as appropriate;
- 21 (b) New retail, office, and institutional buildings at or near major transit stops shall provide  
22 for convenient pedestrian access to transit through the measures listed in paragraphs (A)  
23 and (B) below.
- 24 (A) Accessible Walkways shall be provided connecting building entrances and streets  
25 adjoining the site;
- 26 (B) Accessible pPedestrian connections facilities connecting to adjoining properties  
27 shall be provided except where such a connection is impracticable as provided  
28 for in ~~OAR 660-012-0045~~ paragraph (3)(b)(E). Pedestrian connections facilities  
29 shall connect the on-site circulation system to existing or proposed streets,  
30 walkways, and driveways that abut the property. Where adjacent properties are  
31 undeveloped or have potential for redevelopment, streets, accessways and  
32 walkways on site shall be laid out or stubbed to allow for extension to the  
33 adjoining property;
- 34 (C) In addition to paragraphs (A) and (B) above, on sites at major transit stops  
35 provide the following:
- 36 (i) Either locate buildings within 20 feet of the transit stop, a transit street or  
37 an intersecting street or provide a pedestrian plaza at the transit stop or a  
38 street intersection;
- 39 (ii) An accessible and reasonably direct pedestrian ~~connection~~ facility  
40 between the transit stop and building entrances on the site;
- 41 (iii) A transit passenger landing pad accessible to ~~disabled persons~~ people  
42 with disabilities;



- ~~(B) — Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements;~~
- ~~(C) — Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments;~~
- ~~(D) — Exempt structured parking and on-street parking from parking maximums;~~
- ~~(E) — Require that parking lots over 3 acres in size provide street-like features along major driveways (including curbs, sidewalks, and street trees or planting strips); and~~
- ~~(F) — Provide for designation of residential parking districts.~~
- ~~(e) — Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.~~

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

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

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

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

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

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

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- 1 (a) Change the functional classification of an existing or planned transportation facility  
2 (exclusive of correction of map errors in an adopted plan);
- 3 (b) Change standards implementing a functional classification system; or
- 4 (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a  
5 local government is evaluating a performance standard based on projected levels of motor  
6 vehicle traffic, then the results must be based on projected conditions measured at the end  
7 of the planning period identified in the adopted TSP. As part of evaluating projected  
8 conditions, the amount of traffic projected to be generated within the area of the  
9 amendment may be reduced if the amendment includes an enforceable, ongoing  
10 requirement that would demonstrably limit traffic generation, including, but not limited  
11 to, transportation demand management. This reduction may diminish or completely  
12 eliminate the significant effect of the amendment.
- 13 (A) Types or levels of travel or access that are inconsistent with the functional  
14 classification of an existing or planned transportation facility;
- 15 (B) Degrade the performance of an existing or planned transportation facility such  
16 that it would not meet the performance standards identified in the TSP or  
17 comprehensive plan; or
- 18 (C) Degrade the performance of an existing or planned transportation facility that is  
19 otherwise projected to not meet the performance standards identified in the TSP  
20 or comprehensive plan.
- 21 (2) If a local government determines that there would be a significant effect, then the local  
22 government must ensure that allowed land uses are consistent with the ~~identified function,~~  
23 ~~capacity, and~~ performance standards of the facility measured or projected at the end of the  
24 planning period identified in the adopted TSP through one or a combination of the remedies listed  
25 in subsections (a) through (e) below, unless the amendment meets the balancing test in subsection  
26 ~~(2)(e) of this section~~ or qualifies for partial mitigation in section (11) of this rule. A local  
27 government using subsection ~~(2)(e)~~, section (3), section (10) or section (11) to approve an  
28 amendment recognizes that additional motor vehicle traffic congestion may result and that other  
29 facility providers would not be expected to provide additional capacity for motor vehicles in  
30 response to this congestion.
- 31 (a) Adopting measures that demonstrate allowed land uses are consistent with the ~~planned~~  
32 ~~function, capacity, and~~ performance standards of the transportation facility.
- 33 (b) Amending the TSP or comprehensive plan to provide transportation facilities,  
34 improvements or services adequate to support the proposed land uses consistent with the  
35 requirements of this division; ~~s.~~ Such amendments shall include a funding plan or  
36 mechanism consistent with section (4) or include an amendment to the transportation  
37 finance plan so that the facility, improvement, or service will be provided by the end of  
38 the planning period.
- 39 (c) Amending the TSP to modify the ~~planned function, capacity or~~ performance standards of  
40 the transportation facility.
- 41 (d) Providing other measures as a condition of development or through a development  
42 agreement or similar funding method, including, but not limited to, transportation system  
43 management measures or minor transportation improvements. Local governments shall,

- 1 as part of the amendment, specify when measures or improvements provided pursuant to  
2 this subsection will be provided.
- 3 (e) Providing improvements that would benefit modes other than the significantly affected  
4 mode, improvements to facilities other than the significantly affected facility, or  
5 improvements at other locations, if:
- 6 (A) The provider of the significantly affected facility provides a written statement  
7 that the system-wide benefits are sufficient to balance the significant effect, even  
8 though the improvements would not result in consistency for all performance  
9 standards;
- 10 (B) The providers of facilities being improved at other locations provide written  
11 statements of approval; and
- 12 (C) The local jurisdictions where facilities are being improved provide written  
13 statements of approval.
- 14 (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment  
15 that would significantly affect an existing transportation facility without assuring that the allowed  
16 land uses are consistent with the ~~function, capacity and~~ performance standards of the facility  
17 where:
- 18 (a) In the absence of the amendment, planned transportation facilities, improvements and  
19 services as set forth in section (4) of this rule would not be adequate to achieve  
20 consistency with the ~~identified function, capacity or~~ performance standard for that facility  
21 by the end of the planning period identified in the adopted TSP;
- 22 (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of  
23 the amendment in a manner that avoids further degradation to the performance of the  
24 facility by the time of the development through one or a combination of transportation  
25 improvements or measures;
- 26 (c) The amendment does not involve property located in an interchange area as defined in  
27 paragraph (4)(d)(C); and
- 28 (d) For affected state highways, ODOT provides a written statement that the proposed  
29 funding and timing for the identified mitigation improvements or measures are, at a  
30 minimum, sufficient to avoid further degradation to the performance of the affected state  
31 highway. However, if a local government provides the appropriate ODOT regional office  
32 with written notice of a proposed amendment in a manner that provides ODOT  
33 reasonable opportunity to submit a written statement into the record of the local  
34 government proceeding, and ODOT does not provide a written statement, then the local  
35 government may proceed with applying subsections (a) through (c) of this section.
- 36 (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected  
37 transportation facility and service providers and other affected local governments.
- 38 (a) In determining whether an amendment has a significant effect on an existing or planned  
39 transportation facility under subsection (1)(c) of this rule, local governments shall rely on  
40 existing transportation facilities and services and on the planned transportation facilities,  
41 improvements and services set forth in subsections (b) and (c) below.

- 1 (b) Outside of interstate interchange areas, the following are considered planned facilities,  
2 improvements and services:
- 3 (A) Transportation facilities, improvements or services that are funded for  
4 construction or implementation in the Statewide Transportation Improvement  
5 Program or a locally or regionally adopted transportation improvement program  
6 or capital improvement plan or program of a transportation service provider.
- 7 (B) Transportation facilities, improvements or services that are authorized in a local  
8 transportation system plan and for which a funding plan or mechanism is in place  
9 or approved. These include, but are not limited to, transportation facilities,  
10 improvements or services for which: transportation systems development charge  
11 revenues are being collected; a local improvement district or reimbursement  
12 district has been established or will be established prior to development; a  
13 development agreement has been adopted; or conditions of approval to fund the  
14 improvement have been adopted.
- 15 (C) Transportation facilities, improvements or services in a metropolitan planning  
16 organization (MPO) area that are part of the area's federally-approved, financially  
17 constrained regional transportation system plan.
- 18 (D) Improvements to state highways that are included as planned improvements in a  
19 regional or local transportation system plan or comprehensive plan when ODOT  
20 provides a written statement that the improvements are reasonably likely to be  
21 provided by the end of the planning period.
- 22 (E) Improvements to regional and local roads, streets or other transportation facilities  
23 or services that are included as planned improvements in a regional or local  
24 transportation system plan or comprehensive plan when the local government(s)  
25 or transportation service provider(s) responsible for the facility, improvement or  
26 service provides a written statement that the facility, improvement or service is  
27 reasonably likely to be provided by the end of the planning period.
- 28 (c) Within interstate interchange areas, the improvements included in paragraphs (b)(A)–(C)  
29 are considered planned facilities, improvements, and services, except where:
- 30 (A) ODOT provides a written statement that the proposed funding and timing of  
31 mitigation measures are sufficient to avoid a significant adverse impact on the  
32 Interstate Highway system, then local governments may also rely on the  
33 improvements identified in paragraphs (b)(D) and (E) of this section; or
- 34 (B) There is an adopted interchange area management plan, then local governments  
35 may also rely on the improvements identified in that plan and which are also  
36 identified in paragraphs (b)(D) and (E) of this section.
- 37 (d) As used in this section and section (3):
- 38 (A) Planned interchange means new interchanges and relocation of existing  
39 interchanges that are authorized in an adopted transportation system plan or  
40 comprehensive plan;
- 41 (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

- 1 (C) Interstate interchange area means:
- 2 (i) Property within one-quarter mile of the ramp terminal intersection of an
- 3 existing or planned interchange on an Interstate Highway; or
- 4 (ii) The interchange area as defined in the Interchange Area Management
- 5 Plan adopted as an amendment to the Oregon Highway Plan.
- 6 (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D),
- 7 (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility
- 8 provider, as appropriate, shall be conclusive in determining whether a transportation
- 9 facility, improvement<sub>2</sub> or service is a planned transportation facility, improvement<sub>2</sub> or
- 10 service. In the absence of a written statement, a local government can only rely upon
- 11 planned transportation facilities, improvements<sub>2</sub> and services identified in paragraphs
- 12 (b)(A)-(C) to determine whether there is a significant effect that requires application of
- 13 the remedies in section (2).
- 14 (5) The presence of a transportation facility or improvement shall not be a basis for an exception to
- 15 allow residential, commercial, institutional<sub>2</sub> or industrial development on rural lands under this
- 16 division or OAR 660-004-0022 and 660-004-0028.
- 17 (6) ~~If a local government is~~ determining whether proposed land uses would affect or be consistent
- 18 with planned transportation facilities as provided in sections (1) and (2), using a performance
- 19 standard based on projected levels of motor vehicle traffic, then the local governments shall give
- 20 full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-
- 21 friendly centers, and neighborhoods as provided in subsections (a)-(d) below;
- 22 (a) Absent adopted local standards or detailed information about the vehicle trip reduction
- 23 benefits of mixed-use, pedestrian-friendly development, local governments shall assume
- 24 that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will
- 25 generate 10 percent fewer daily and peak hour trips than are specified in available
- 26 published estimates, such as those provided by the Institute of Transportation Engineers
- 27 (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-
- 28 use, pedestrian-friendly development. The 10 percent reduction allowed for by this
- 29 subsection shall be available only if uses which rely solely on auto trips, such as gas
- 30 stations, car washes, storage facilities, and motels are prohibited;
- 31 (b) Local governments shall use detailed or local information about the trip reduction
- 32 benefits of mixed-use, pedestrian-friendly development where such information is
- 33 available and presented to the local government. Local governments may, based on such
- 34 information, allow reductions greater than the 10 percent reduction required in subsection
- 35 (a) ~~above~~;
- 36 (c) Where a local government assumes or estimates lower vehicle trip generation as provided
- 37 in subsection (a) or (b) ~~above~~, it shall assure through conditions of approval, site plans, or
- 38 approval standards that subsequent development approvals support the development of a
- 39 mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and
- 40 pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3)
- 41 and (4). The provision of on-site bike and pedestrian connectivity and access to transit
- 42 may be accomplished through application of acknowledged ordinance provisions which
- 43 comply with 660-012-0045(3) and (4) or through conditions of approval or findings
- 44 adopted with the plan amendment that assure compliance with these rule requirements at
- 45 the time of development approval; and

- 1 (d) The purpose of this section is to provide an incentive for the designation and  
 2 implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering  
 3 the regulatory barriers to plan amendments which accomplish this type of development.  
 4 The actual trip reduction benefits of mixed-use, pedestrian-friendly development will  
 5 vary from case to case and may be somewhat higher or lower than presumed pursuant to  
 6 subsection (a) ~~above~~. The Commission concludes that this assumption is warranted given  
 7 general information about the expected effects of mixed-use, pedestrian-friendly  
 8 development and its intent to encourage changes to plans and development patterns.  
 9 Nothing in this section is intended to affect the application of provisions in local plans or  
 10 ordinances which provide for the calculation or assessment of systems development  
 11 charges or in preparing conformity determinations required under the federal Clean Air  
 12 Act.
- 13 (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of  
 14 the criteria listed in subsections (a)–(c) ~~below~~ shall include an amendment to the comprehensive  
 15 plan, transportation system plan, the adoption of a local street plan, access management plan,  
 16 future street plan, or other binding local transportation plan to provide for on-site alignment of  
 17 streets or accessways with existing and planned arterial, collector, and local streets surrounding  
 18 the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-  
 19 0045(3):
- 20 (a) The plan or land use regulation amendment results in designation of two or more acres of  
 21 land for commercial use;
- 22 (b) The local government has not adopted a TSP or local street plan which complies with  
 23 OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with  
 24 Metro's requirement for street connectivity as contained in Title 1, Section 3.08.110 of  
 25 the Regional Transportation Functional Plan ~~Title 6, Section 3 of the Urban Growth~~  
 26 ~~Management Functional Plan~~; and
- 27 (c) The proposed amendment would significantly affect a transportation facility as provided  
 28 in section (1).
- 29 (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- 30 (a) Any one of the following:
- 31 (A) An existing central business district or downtown;
- 32 (B) An area designated as a central city, regional center, town center or main street in  
 33 the Portland Metro 2040 Regional Growth Concept;
- 34 (C) An area designated in an acknowledged comprehensive plan as a transit oriented  
 35 development or a pedestrian district; or
- 36 (D) An area designated as a special transportation area as provided for in the Oregon  
 37 Highway Plan.
- 38 (b) An area other than those listed in subsection (a) ~~above~~ which includes or is planned to  
 39 include the following characteristics:
- 40 (A) A concentration of a variety of land uses in a well-defined area, including the  
 41 following:
- 42 (i) Medium to high density residential development (12 or more units per  
 43 acre);

- 1 (ii) Offices or office buildings;
- 2 (iii) Retail stores and services;
- 3 (iv) Restaurants; and
- 4 (v) Public open space or private open space which is available for public
- 5 use, such as a park or plaza.
- 6 (B) Generally include civic or cultural uses;
- 7 (C) A core commercial area where multi-story buildings are permitted;
- 8 (D) Buildings and building entrances oriented to streets;
- 9 (E) Street connections and crossings that make the center safe and conveniently
- 10 accessible from adjacent areas;
- 11 (F) A network of streets and, where appropriate, accessways and major driveways
- 12 that make it attractive and highly convenient for people to walk between uses
- 13 within the center or neighborhood, including streets and major driveways within
- 14 the center with wide sidewalks and other features, including pedestrian-oriented
- 15 street crossings, street trees, pedestrian-scale lighting and on-street parking;
- 16 (G) One or more transit stops (in urban areas with fixed route transit service); and
- 17 (H) Limit or do not allow low-intensity or land extensive uses, such as most
- 18 industrial uses, automobile sales and services, and drive-through services.
- 19 (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a
- 20 zoning map does not significantly affect an existing or planned transportation facility if all of the
- 21 following requirements are met.
  - 22 (a) The proposed zoning is consistent with the existing comprehensive plan map designation
  - 23 and the amendment does not change the comprehensive plan map;
  - 24 (b) The local government has an acknowledged TSP and the proposed zoning is consistent
  - 25 with the TSP; and
  - 26 (c) The area subject to the zoning map amendment was not exempted from this rule at the
  - 27 time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d),
  - 28 or the area was exempted from this rule but the local government has a subsequently
  - 29 acknowledged TSP amendment that accounted for urbanization of the area.
- 30 (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional
- 31 plan, a comprehensive plan, or a land use regulation without applying performance standards
- 32 related to motor vehicle traffic congestion (*e.g.* volume to capacity ratio or V/C), delay or travel
- 33 time if the amendment meets the requirements of subsection (a) of this section. This section does
- 34 not exempt a proposed amendment from other transportation performance standards or policies
- 35 that may apply including, but not limited to, safety for all modes, network connectivity for all
- 36 modes (*e.g.* sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency
- 37 required by the development.
  - 38 (a) A proposed amendment qualifies for this section if it:
    - 39 (A) Is a map or text amendment affecting only land entirely within a multimodal
    - 40 mixed-use area (MMA); and

- 1 (B) Is consistent with the definition of an MMA and consistent with the function of  
2 the MMA as described in the findings designating the MMA.
- 3 (b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:
- 4 (A) With a boundary adopted by a local government as provided in subsection (d) or  
5 (e) of this section and that has been acknowledged;
- 6 (B) Entirely within an urban growth boundary;
- 7 (C) With adopted plans and development regulations that allow the uses listed in  
8 paragraphs (8)(b)(A) through (C) of this rule and that require new development  
9 to be consistent with the characteristics listed in paragraphs (8)(b)(D) through  
10 (H) of this rule;
- 11 (D) With land use regulations that do not require the provision of off-street parking,  
12 or regulations that require lower levels of off-street parking than required in other  
13 areas and allow flexibility to meet the parking requirements (*e.g.* count on-street  
14 parking, allow long-term leases, allow shared parking); and
- 15 (E) Located in one or more of the categories below:
- 16 (i) At least one-quarter mile from any ramp terminal intersection of existing  
17 or planned interchanges;
- 18 (ii) Within the area of an adopted Interchange Area Management Plan  
19 (IAMP) and consistent with the IAMP; or
- 20 (iii) Within one-quarter mile of a ramp terminal intersection of an existing or  
21 planned interchange if the mainline facility provider has provided written  
22 concurrence with the MMA designation as provided in subsection (c) of  
23 this section.
- 24 (c) When a mainline facility provider reviews an MMA designation as provided in  
25 subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in  
26 paragraph (A) of this subsection.
- 27 (A) The potential for operational or safety effects to the interchange area and the  
28 mainline highway, specifically considering:
- 29 (i) Whether the interchange area has a crash rate that is higher than the  
30 statewide crash rate for similar facilities;
- 31 (ii) Whether the interchange area is in the top ten percent of locations  
32 identified by the safety priority index system (SPIS) developed by  
33 ODOT; and
- 34 (iii) Whether existing or potential future traffic queues on the interchange exit  
35 ramps extend onto the mainline highway or the portion of the ramp  
36 needed to safely accommodate deceleration.
- 37 (B) If there are operational or safety effects as described in paragraph (A) of this  
38 subsection, the effects may be addressed by an agreement between the local  
39 government and the facility provider regarding traffic management plans  
40 favoring traffic movements away from the interchange, particularly those  
41 facilitating clearing traffic queues on the interchange exit ramps.

- 1 (d) A local government may designate an MMA by adopting an amendment to the  
2 comprehensive plan or land use regulations to delineate the boundary following an  
3 existing zone, multiple existing zones, an urban renewal area, other existing boundary, or  
4 establishing a new boundary. The designation must be accompanied by findings showing  
5 how the area meets the definition of an MMA. Designation of an MMA is not subject to  
6 the requirements in sections (1) and (2) of this rule.
- 7 (e) A local government may designate an MMA on an area where comprehensive plan map  
8 designations or land use regulations do not meet the definition, if all of the other elements  
9 meet the definition, by concurrently adopting comprehensive plan or land use regulation  
10 amendments necessary to meet the definition. Such amendments are not subject to  
11 performance standards related to motor vehicle traffic congestion, delay or travel time.
- 12 (11) A local government may approve an amendment with partial mitigation as provided in section (2)  
13 of this rule if the amendment complies with subsection (a) of this section, the amendment meets  
14 the balancing test in subsection (b) of this section, and the local government coordinates as  
15 provided in subsection (c) of this section.
- 16 (a) The amendment must meet paragraphs (A) and (B) of this subsection ~~or meet paragraph~~  
17 ~~(D) of this subsection.~~
- 18 (A) Create direct benefits in terms of industrial or traded-sector jobs created or  
19 retained by limiting uses to industrial or traded-sector industries.
- 20 (B) Not allow retail uses, except limited retail incidental to industrial or traded sector  
21 development, not to exceed five percent of the net developable area.
- 22 (C) For the purpose of this section:
- 23 (i) “Industrial” means employment activities generating income from the  
24 production, handling or distribution of goods including, but not limited  
25 to, manufacturing, assembly, fabrication, processing, storage, logistics,  
26 warehousing, importation, distribution and transshipment and research  
27 and development.
- 28 (ii) “Traded-sector” means industries in which member firms sell their goods  
29 or services into markets for which national or international competition  
30 exists.
- 31 ~~(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment~~  
32 ~~complies with subsection (a) if all of the following conditions are met:~~
- 33 ~~(i) The amendment is within a city with a population less than 10,000 and~~  
34 ~~outside of a Metropolitan Planning Organization.~~
- 35 ~~(ii) The amendment would provide land for “Other Employment Use” or~~  
36 ~~“Prime Industrial Land” as those terms are defined in OAR 660-009-~~  
37 ~~0005.~~
- 38 ~~(iii) The amendment is located outside of the Willamette Valley as defined in~~  
39 ~~ORS 215.010.~~
- 40 ~~(E) The provisions of paragraph (D) of this subsection are repealed on January 1,~~  
41 ~~2017.~~

- 1 (b) A local government may accept partial mitigation only if the local government  
2 determines that the benefits outweigh the negative effects on local transportation facilities  
3 and the local government receives from the provider of any transportation facility that  
4 would be significantly affected written concurrence that the benefits outweigh the  
5 negative effects on their transportation facilities. If the amendment significantly affects a  
6 state highway, then ODOT must coordinate with the Oregon Business Development  
7 Department regarding the economic and job creation benefits of the proposed amendment  
8 as defined in subsection (a) of this section. The requirement to obtain concurrence from a  
9 provider is satisfied if the local government provides notice as required by subsection (c)  
10 of this section and the provider does not respond in writing (either concurring or non-  
11 concurring) within 45 days.
- 12 (c) A local government that proposes to use this section must coordinate with Oregon  
13 Business Development Department, Department of Land Conservation and Development,  
14 area commission on transportation, metropolitan planning organization, and  
15 transportation providers and local governments directly impacted by the proposal to  
16 allow opportunities for comments on whether the proposed amendment meets the  
17 definition of economic development, how it would affect transportation facilities and the  
18 adequacy of proposed mitigation. Informal consultation is encouraged throughout the  
19 process starting with pre-application meetings. Coordination has the meaning given in  
20 ORS 197.015 and Goal 2 and must include notice at least 45 days before the first  
21 evidentiary hearing. Notice must include the following:
- 22 (A) Proposed amendment.
- 23 (B) Proposed mitigating actions from section (2) of this rule.
- 24 (C) Analysis and projections of the extent to which the proposed amendment in  
25 combination with proposed mitigating actions would fall short of being  
26 consistent with the ~~function, capacity, and~~ performance standards of  
27 transportation facilities.
- 28 (D) Findings showing how the proposed amendment meets the requirements of  
29 subsection (a) of this section.
- 30 (E) Findings showing that the benefits of the proposed amendment outweigh the  
31 negative effects on transportation facilities.

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

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

6 **0011: Applicable Rules**

7 This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-  
8 0100 and above. Local governments in other parts of the state will continue to use the existing rules,  
9 although cities outside metropolitan areas may opt into using the updated rules if they wish.

- 10 (1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-12-  
11 0050, OAR 660-012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide, where  
12 this division is applicable.
- 13 (2) OAR 660-012-0012 and OAR 660-012-0100 through OAR 660-012-0920 apply to the following  
14 local governments:
- 15 (a) Cities within metropolitan areas;
- 16 (b) Portions of counties within urban growth boundaries of cities in metropolitan areas; and
- 17 (c) Metro and cities and portions of counties within the Metro urban growth boundary.
- 18 (3) OAR 660-012-0010 through OAR 660-012-0045 and OAR 660-012-0055 apply to all local  
19 governments other than those listed in section (2) of this rule, where this division is applicable.
- 20 (4) Cities or counties that otherwise would be required to use rules as provided in section (3) of this  
21 rule, may choose to instead adopt a transportation system plan meeting the rules that apply to  
22 jurisdictions as provided in section (2) of this rule. Upon acknowledgement of such a  
23 transportation system plan, the city shall continue to be subject to these rules in all respects.
- 24 (5) All cities are either subject to the rules in section (2) or section (3) of this rule, but not both.
- 25 (6) Counties may have different applicable rules in different parts of the county.

26 **0012A: Effective Dates and Transition Period [More Urgent Option]**

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

- 30 (1) The rules in this division adopted on May 19, 2022, and amendments to rules in this division  
31 adopted on that date, are effective June 30, 2022, except as provided in this rule.
- 32 (2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make  
33 interim updates to the local transportation system plan using requirements as provided in OAR  
34 660-012-0015 if the city or county:
- 35 (a) Has submitted notice of the proposed change to the comprehensive plan to the  
36 department as provided in OAR 660-018-0020 no later than December 31, 2022; or

- 1 (b) The interim update is not a major transportation system plan update as provided in OAR  
2 660-012-0105, and the city or county has submitted notice of the proposed change to the  
3 comprehensive plan to the department as provided in OAR 660-018-0020 no later than  
4 June 30, 2027. Interim updates must comply with applicable requirements in this division  
5 within the scope of the transportation system plan amendment but need not bring the  
6 entire transportation system plan in compliance with all applicable regulations.
- 7 (3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or  
8 deadlines in section (4) of this rule.
- 9 (a) A submitted proposal for alternative dates shall include:
- 10 (A) A description of any work already underway to begin complying with the new  
11 requirements of this division;
- 12 (B) Proposed dates for accomplishing requirements in lieu of effective dates or  
13 deadlines provided in this rule; and
- 14 (C) A schedule for updating local transportation system plans to comply with new  
15 requirements of this division.
- 16 (b) Proposed alternative dates must demonstrate consistent progress toward meeting the  
17 updated requirements of this division, with at least some work implemented by December  
18 31, 2023, and expected completion of all elements included in the alternative dates by  
19 June 30, 2027.
- 20 (c) Proposed alternative dates should be designed to sequence work in a logical progression,  
21 considering acknowledged plans, other work, and the work of other jurisdictions within  
22 the metropolitan area. Cities and counties in a metropolitan area may submit joint  
23 proposed alternative dates for a metropolitan area.
- 24 (d) Proposed alternative dates may not be submitted to the department after December 1,  
25 2022.
- 26 (e) Local governments in regions required to submit a work program as provided in OAR  
27 660-044-0015 may submit a single combined work program that proposes alternative  
28 dates as provided in this rule and meets the requirements as provided in OAR 660-044-  
29 0100. Notwithstanding subsection (d), the combined work program must be submitted by  
30 the date as provided in OAR 660-044-0015.
- 31 (f) The director shall review the proposed alternative dates to make a recommendation to the  
32 commission as to whether the proposed alternative dates meet the following criteria:
- 33 (A) Ensures urgent action;
- 34 (B) Coordinates actions across jurisdictions within the metropolitan area;
- 35 (C) Coordinates with work required as provided in OAR 660-044-0100;
- 36 (D) Sequences elements into a logical progression; and
- 37 (E) Considers availability of funding and other resources to complete the work.
- 38 (g) The commission shall hold a hearing to review the proposed alternative dates and the  
39 director's recommendation. If the commission finds that the proposed alternative dates  
40 are complete and meet the criteria in subsection (f), then the commission shall issue an  
41 order approving the alternative dates; otherwise, the commission shall remand the  
42 proposed alternative dates with specific directions for changes needed. Upon approval by

- 1 the commission, the alternative dates supersede the effective dates or deadlines in this  
2 rule.
- 3 (h) The commission may modify alternative dates at any time as necessary to achieve the  
4 purposes of this division.
- 5 (4) The dates in this section apply unless alternative dates are approved by the commission as  
6 provided in section (3).
- 7 (a) Cities and counties in urban areas with a population over 5,000 and outside the Portland  
8 Metropolitan Area must adopt a major transportation system plan update as provided in  
9 OAR 660-012-0105 by December 31, 2029.
- 10 (b) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation  
11 performance standards take on June 30, 2025.
- 12 (c) A city or county that is subject to the requirements of OAR 660-012-0310(2) shall adopt  
13 land use requirements for climate friendly areas and a climate friendly comprehensive  
14 plan element as provided in OAR 660-012-0315(6) by December 31, 2024.
- 15 (d) Metro shall amend the urban growth management functional plan in conjunction with its  
16 next growth management analysis under ORS 197.296 and no later than December 31,  
17 2024, to require local government adoption of Region 2040 centers and land use  
18 regulations as described in the acknowledged urban growth management functional plan.  
19 Within the Metro urban growth boundary, a county with planning jurisdiction in  
20 unincorporated areas provided with urban water, sanitary sewer, stormwater, and  
21 transportation services, or a city shall comply with the adopted requirements of the urban  
22 growth management functional plan by December 31, 2025.
- 23 (e) Cities and counties shall adopt land use regulations to meet the requirements of OAR  
24 660-012-0330 no later than the date of adoption of a major or minor transportation  
25 system plan update as provided in OAR 660-012-0105.
- 26 (f) Cities, and counties with an unincorporated population over 5,000 within an urban  
27 growth boundary, shall adopt comprehensive plan amendments and land use regulations  
28 meeting requirements as provided in OAR 660-012-0400 through OAR 660-012-0450 no  
29 later than June 30, 2023, except as provided below. If a city or county has not done so, it  
30 may not apply parking mandates after that date.
- 31 (A) Cities and counties that pass population thresholds in OAR 660-012-0410, OAR  
32 660-012-0415, or OAR 660-012-0450 must adopt comprehensive plan  
33 amendments and land use regulations meeting requirements within 12 months of  
34 passing those population thresholds.
- 35 (B) If cities and counties adopt an approach in OAR 660-012-0445, policies must  
36 take effect no later than June 30, 2023.
- 37 (C) Cities and counties adopting an approach in OAR 660-012-0435 shall do so  
38 concurrently with adoption of any climate friendly area under OAR 660-012-  
39 0315.
- 40 (g) Cities choosing to report on the share of on-street parking spaces that are priced as  
41 provided in OAR 660-012-0450(1)(b) must:
- 42 (A) Demonstrate at least five percent of on-street parking spaces are priced by  
43 September 30, 2023; and

- 1 (B) Demonstrate at least 10 percent of on-street parking spaces are priced by  
2 September 30, 2025.
- 3 (5) The following dates may not be adjusted through proposed alternative dates as provided in  
4 section (3):
- 5 (a) The provisions of OAR 660-012-0210 take effect June 30, 2024.
- 6 (b) A city or county that is subject to the requirements of OAR 660-012-0310(2) shall submit  
7 a study of climate friendly areas as provided in OAR 660-012-0315(4) and (5) by June  
8 30, 2023.
- 9 (c) The provisions of OAR 660-012-0310(3)(a) and (b) take effect June 30, 2023.
- 10 (d) Cities shall implement the requirements for electric vehicle charging as provided in OAR  
11 660-012-0410 upon the July 1, 2022 effective date of amendments to the state building  
12 code adopted by the Director of the Department of Consumer and Business Services to  
13 implement ORS 455.417.
- 14 (e) Cities and counties shall implement the requirements of OAR 660-012-0430 and 660-  
15 012-0440 when reviewing development applications submitted after December 31, 2022.
- 16 (6) Cities and counties with voter-approved bond-funded projects where the election occurred before  
17 January 1, 2022 may use approved bond funding as a factor when prioritizing projects in an  
18 unconstrained project list as provided in OAR 660-012-0170(4).
- 19 (7) The first reporting year for the reporting requirements as provided in OAR 660-012-0900 is 2023,  
20 with reports due no later than May 31, 2024.

21 **0012B: Effective Dates and Transition Period [More Time Option]**

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

- 25 (1) The rules in this division adopted on May 19, 2022, and amendments to rules in this division  
26 adopted on that date, are effective June 30, 2022, except as provided in this rule.
- 27 (2) A city or county subject to the requirements as provided in OAR 660-012-0100 may make  
28 interim updates to the local transportation system plan using requirements as provided in OAR  
29 660-012-0015 if the city or county:
- 30 (a) Has submitted notice of the proposed change to the comprehensive plan to the  
31 department as provided in OAR 660-018-0020 no later than June 30, 2023; or
- 32 (b) The interim update is not a major transportation system plan update as provided in OAR  
33 660-012-0105, and the city or county has submitted notice of the proposed change to the  
34 comprehensive plan to the department as provided in OAR 660-018-0020 no later than  
35 June 30, 2029. Interim updates must comply with applicable requirements in this division  
36 within the scope of the transportation system plan amendment but need not bring the  
37 entire transportation system plan in compliance with all applicable regulations.
- 38 (3) Cities, counties, or Metro may choose to propose alternative dates in lieu of the effective dates or  
39 deadlines in section (4) of this rule.

- 1 (a) A submitted proposal for alternative dates shall include:
- 2 (A) A description of any work already underway to begin complying with the new
- 3 requirements of this division;
- 4 (B) Proposed dates for accomplishing requirements in lieu of effective dates or
- 5 deadlines provided in this rule; and
- 6 (C) A schedule for updating local transportation system plans to comply with new
- 7 requirements of this division.
- 8 (b) Proposed alternative dates must demonstrate consistent progress toward meeting the
- 9 updated requirements of this division.
- 10 (c) Proposed alternative dates should be designed to sequence work in a logical progression,
- 11 considering acknowledged plans, other work, and the work of other jurisdictions within
- 12 the metropolitan area. Cities and counties in a metropolitan area may submit joint
- 13 proposed alternative dates for a metropolitan area.
- 14 (d) Proposed alternative dates may not be submitted to the department after February 1,
- 15 2023.
- 16 (e) Local governments in regions required to submit a work program as provided in OAR
- 17 660-044-0015 may submit a single combined work program that proposes alternative
- 18 dates as provided in this rule and meets the requirements as provided in OAR 660-044-
- 19 0100. Notwithstanding subsection (d), the combined work program must be submitted by
- 20 the date as provided in OAR 660-044-0015.
- 21 (f) The director shall review the proposed alternative dates to make a recommendation to the
- 22 commission as to whether the proposed alternative dates meet the following criteria:
- 23 (A) Ensures urgent action;
- 24 (B) Coordinates actions across jurisdictions within the metropolitan area;
- 25 (C) Coordinates with work required as provided in OAR 660-044-0100;
- 26 (D) Sequences elements into a logical progression; and
- 27 (E) Considers availability of funding and other resources to complete the work.
- 28 (g) The commission shall hold a hearing to review the proposed alternative dates and the
- 29 director's recommendation. If the commission finds that the proposed alternative dates
- 30 are complete and meet the criteria in subsection (f), then the commission shall issue an
- 31 order approving the alternative dates; otherwise, the commission shall remand the
- 32 proposed alternative dates with specific directions for changes needed. Upon approval by
- 33 the commission, the alternative dates supersede the effective dates or deadlines in this
- 34 rule.
- 35 (h) The commission may modify alternative dates at any time as necessary to achieve the
- 36 purposes of this division.
- 37 (4) The dates in this section apply unless alternative dates are approved by the commission as
- 38 provided in section (3).
- 39 (a) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation
- 40 performance standards take effect upon the date of adoption of a major transportation
- 41 system plan update as provided in OAR 660-012-0105.

- 1 (b) A city or county that is subject to the requirements of OAR 660-012-0310(2) shall adopt  
2 land use requirements for climate friendly areas and a climate friendly comprehensive  
3 plan element as provided in OAR 660-012-0315(6) by December 31, 2025.
- 4 (c) Metro shall amend the urban growth management functional plan in conjunction with its  
5 next growth management analysis under ORS 197.296 and no later than December 31,  
6 2024, to require local government adoption of Region 2040 centers and land use  
7 regulations as described in the acknowledged urban growth management functional plan.  
8 Within the Metro urban growth boundary, a county with planning jurisdiction in  
9 unincorporated areas provided with urban water, sanitary sewer, stormwater, and  
10 transportation services, or a city shall comply with the adopted requirements of the urban  
11 growth management functional plan by June 30, 2026.
- 12 (d) Cities and counties shall adopt land use regulations to meet the requirements of OAR  
13 660-012-0330 no later than the date of adoption of a major or minor transportation  
14 system plan update as provided in OAR 660-012-0105.
- 15 (e) Cities, and counties with an unincorporated population over 5,000 within an urban  
16 growth boundary, shall adopt comprehensive plan amendments and land use regulations  
17 meeting requirements as provided in OAR 660-012-0400 through OAR 660-012-0450 no  
18 later than December 31, 2023, except as provided below. If a city or county has not done  
19 so, it may not apply parking mandates after that date.
- 20 (A) Cities and counties required to adopt parking maximums under OAR 660-012-  
21 0415 must do so prior to or when adopting a major transportation system plan  
22 update.
- 23 (B) Cities and counties that pass population thresholds in OAR 660-012-0410, OAR  
24 660-012-0415, or OAR 660-012-0450 must adopt comprehensive plan  
25 amendments and land use regulations meeting requirements within 12 months of  
26 passing those population thresholds.
- 27 (C) If cities and counties adopt an approach in OAR 660-012-0445, policies must  
28 take effect no later than December 31, 2023.
- 29 (D) Cities and counties adopting an approach in OAR 660-012-0435 shall do so  
30 concurrently with adoption of any climate friendly area under OAR 660-012-  
31 0315.
- 32 (f) Cities choosing to report on the share of on-street parking spaces that are priced as  
33 provided in OAR 660-012-0450(1)(b) must:
- 34 (A) Demonstrate at least five percent of on-street parking spaces are priced by June  
35 30, 2024; and
- 36 (B) Demonstrate at least 10 percent of on-street parking spaces are priced by June 30,  
37 2026.
- 38 (5) The following dates may not be adjusted through proposed alternative dates as provided in  
39 section (3):
- 40 (a) The provisions of OAR 660-012-0210 take effect June 30, 2025.
- 41 (b) A city or county that is subject to the requirements of OAR 660-012-0310(2) shall submit  
42 a study of climate friendly areas as provided in OAR 660-012-0315(4) and (5) by June  
43 30, 2023.
- 44 (c) The provisions of OAR 660-012-0310(3)(a) and (b) take effect December 31, 2023.

- 1 (d) Cities shall implement the requirements for electric vehicle charging as provided in OAR
- 2 660-012-0410 upon the July 1, 2022 effective date of amendments to the state building
- 3 code adopted by the Director of the Department of Consumer and Business Services to
- 4 implement ORS 455.417.
- 5 (e) Cities and counties shall implement the requirements of OAR 660-012-0430 and 660-
- 6 012-0440 when reviewing development applications submitted after December 31, 2023.
- 7 (6) Cities and counties with voter-approved bond-funded projects where the election occurred before
- 8 January 1, 2023 may use approved bond funding as a factor when prioritizing projects in an
- 9 unconstrained project list as provided in OAR 660-012-0170(4).
- 10 (7) Reporting requirements as provided in OAR 660-012-0900 for the 2023 and 2024 reporting years
- 11 are as follows:
- 12 (a) The first reporting year for the reporting requirements as provided in OAR 660-012-0900
- 13 is 2023, with reports due no later than May 31, 2024.
- 14 (b) Cities and counties otherwise required to complete a major report for the 2023 reporting
- 15 year as provided in OAR 660-012-0900 may delay submission of the major report until
- 16 the 2024 reporting year. A city or county electing to do so must submit a minor report for
- 17 the 2023 reporting year and cite this provision in that report.

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

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

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

25 ***0100: Transportation System Plans in Metropolitan Areas***

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

- 30 (1) Cities shall develop and adopt a transportation system plan. Cities shall develop a transportation
- 31 system plan and amendments to that plan consistent with the provisions of OAR 660-012-0105
- 32 through OAR 660-012-0215. A transportation system plan includes the following elements:
- 33 (a) The core transportation system plan elements as provided in section (2);
- 34 (b) Funding projections as provided in OAR 660-012-0115;
- 35 (c) A transportation options element as provided in OAR 660-012-0145;
- 36 (d) An unconstrained project list as provided in OAR 660-012-0170;
- 37 (e) A financially-constrained project list as provided in OAR 660-012-0180;
- 38 (f) Any refinement plans adopted as provided in OAR 660-012-0190;

- 1 (g) A pedestrian system element as provided in OAR 660-012-0500;
- 2 (h) A bicycle system element as provided in OAR 660-012-0600;
- 3 (i) A public transportation system element as provided in OAR 660-012-0700; and
- 4 (j) A street and highway system element as provided in OAR 660-012-0800.
- 5 (2) A transportation system plan shall include the following core elements:
- 6 (a) The base and planning horizon years as provided in section (3) of this rule;
- 7 (b) The land use assumptions as provided in OAR 660-012-0340;
- 8 (c) A list of all elements of the plan, and the date of adoption or amendment of each;
- 9 (d) The coordinated land use and transportation system planning policies in the city's
- 10 comprehensive plan;
- 11 (e) The local transportation system plan goals and policies;
- 12 (f) Areas with concentrations of underserved populations as provided in OAR 660-012-
- 13 0125, identified using best available data;
- 14 (g) A record of the engagement, involvement, and decision-making processes used in
- 15 development of the plan, as provided in OAR 660-012-0130;
- 16 (h) A major equity analysis as provided in OAR 660-012-0135, or an engagement-focused
- 17 equity analysis as provided in OAR 660-012-0135 for urban areas under 5,000 in
- 18 population; and
- 19 (i) The dates of each report made to the director as provided in OAR 660-012-0900,
- 20 including all applicable city and county reports for the planning area.
- 21 (3) Cities shall determine the base and horizon years of a transportation system plan as follows:
- 22 (a) The base year is the present or past year which is used for the development of plan
- 23 elements. The base year shall be the year of adoption of a major update to the
- 24 Transportation System Update, or no earlier than five years prior.
- 25 (b) The horizon year is the future year for which the plan contains potential projects and shall
- 26 be at least twenty years from the year of adoption of a major update to the transportation
- 27 system plan.
- 28 (4) The director may grant a whole or partial exemption from the requirements of this division to
- 29 cities with a population of less than 10,000 within the urban area. The director may also grant a
- 30 whole or partial temporary exemption from the requirements of this division to jurisdictions of
- 31 any size that are newly included in an existing metropolitan area or a newly designated
- 32 metropolitan area. The director shall use the criteria and process as provided in OAR 660-012-
- 33 0055(7) to decide to approve an exemption.
- 34 (5) The development of a transportation system plan shall be coordinated with affected cities,
- 35 counties, transportation facility owners, and transportation service providers, and transportation
- 36 options providers.
- 37 (6) Adoption or amendment of a transportation system plan shall constitute the land use decision
- 38 regarding the function, mode, general location, and need for transportation facilities, services, and
- 39 major improvements.

- 1 (7) Adoption or amendment of a transportation system plan shall include findings of compliance with  
2 applicable statewide planning goals, acknowledged comprehensive plan policies, and land use  
3 regulations.
- 4 (8) Cities and counties shall design transportation system plans to achieve transportation performance  
5 targets as provided in OAR 660-012-0910.
- 6 (9) Metro shall adopt a regional transportation system plan provided in OAR 660-012-0140.
- 7 (10) Cities and counties in the Portland Metropolitan area shall additionally meet the requirements as  
8 provided in OAR 660-012-0140.

9 **0105: Transportation System Plan Updates**

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

- 15 (1) Any amendment to a transportation system plan must be either a major update as provided in  
16 section (2), or a minor update, which is any update which is not a major update.
- 17 (2) A major update to a transportation system plan is any update that:
- 18 (a) Includes a change to the horizon year of the plan;
- 19 (b) Is adopted after January 1 of the planning horizon year of the acknowledged plan; or
- 20 (c) Adds a facility authorized as provided in OAR 660-012-0830.
- 21 (3) A city or county making a major update to a transportation system plan shall:
- 22 (a) Update the core transportation system plan elements as provided in OAR 660-012-  
23 0100(2);
- 24 (b) Include all other applicable transportation system plan elements as provided in OAR 660-  
25 012-0100; and
- 26 (c) Comply with the engagement requirements of OAR 660-012-0120.
- 27 (4) A city or county making a minor update to a transportation system plan shall, at a minimum:
- 28 (a) Update core transportation system plan elements as provided in OAR 660-012-0100(2)  
29 that are applicable to the scope of the minor update;
- 30 (b) Comply with the engagement requirements of OAR 660-012-0120; and
- 31 (c) Identify areas with concentrations of underserved populations as provided in OAR 660-  
32 012-0125 using best available data; and
- 33 (d) Conduct an engagement-focused equity analysis as provided in OAR 660-012-0135.

1 **0110: Transportation System Planning Area**

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

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

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

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

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

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

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

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

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

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

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

33 **0115: Funding Projections**

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

37 (1) Cities and counties must include funding projections in the transportation system plan. Funding  
38 projections must include the list of funding sources and amount of funding available, as provided  
39 in this rule.

- 1 (2) The required list of funding sources must include all funding sources that the city or county  
 2 expects to use over the planning period to operate, maintain, or construct the transportation  
 3 system. These sources include, but are not limited to:
- 4 (a) Local, regional, state, and federal funding sources; and  
 5 (b) Sources expected from any transportation facility or service operator within the planning  
 6 area.
- 7 (3) The list of funding sources shall include, for each source of funding identified:
- 8 (a) The expected funding over the remainder of the planning period;  
 9 (b) The purpose of the source of funding and any key limitations on the use of the funding;  
 10 and  
 11 (c) Reasons that the funding source is expected to be available during the planning period.  
 12 These reasons may include, but are not limited to, that the funding is provided by:
- 13 (A) Transportation facility pricing revenues, including parking revenues;  
 14 (B) Tax or bond revenues;  
 15 (C) Fees, charges, or other local revenues;  
 16 (D) Grants given using a formula or other regular disbursement;  
 17 (E) Regional funds from a Metropolitan Planning Organization; or  
 18 (F) A source that previously provided funds to the city or county and can reasonably  
 19 expected to provide more in the future.
- 20 (4) The city or county shall use the list of funding sources to determine the amount of funding  
 21 expected to be available to develop transportation projects over the planning period. Funding to  
 22 maintain and operate the transportation system, or used for purposes other than development of  
 23 transportation projects, shall be excluded. The transportation system plan shall clearly describe  
 24 the amounts that are included and excluded.

25 **0120: Transportation System Planning Engagement**

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

- 28 (1) Cities and counties shall develop transportation system plans using methods of public  
 29 engagement and decision making consistent with the statewide planning goals and the local  
 30 acknowledged comprehensive plan.
- 31 (2) Public engagement and decision making shall follow the practices as provided in OAR 660-012-  
 32 0130 to place an increased emphasis on centering the voices of underserved populations  
 33 identified in OAR 660-012-0125.
- 34 (3) Cities or counties engaged in an update of the transportation system plan as provided in OAR  
 35 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-012-  
 36 0340, shall make a special effort to ensure underserved populations, as identified in OAR 660-  
 37 012-0125, are:
- 38 (a) Informed about the choices that need to be made in the planning process;  
 39 (b) Given a meaningful opportunity to inform the planning process; and

1 (c) Given an equitable share of the decision-making power over key decisions, to the extent  
2 possible.

3 **0125: Underserved Populations**

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

9 This rule sets out a definition of underserved populations for use in transportation and land use planning  
10 consistent with the Equitable Outcomes Statement developed by the Rules Advisory Committee.

- 11 (1) Cities and counties shall prioritize community-led engagement and decision-making, with  
12 specific attention to the underserved populations listed in section (2) of this rule.
- 13 (2) Underserved populations deserve prioritized attention regarding transportation and land use  
14 planning due to historic and current marginalization. Underserved populations include, but are not  
15 limited to:
- 16 (a) Black and African American people;
  - 17 (b) Indigenous people (including Tribes, American Indian/Alaska Native and Hawaii  
18 Native);
  - 19 (c) People of Color (including but not limited to Hispanic, Latina/o/x, Asian, Arabic or North  
20 African, Middle Eastern, Pacific Islander, and mixed-race or mixed-ethnicity  
21 populations);
  - 22 (d) Immigrants, including undocumented immigrants and refugees;
  - 23 (e) People with limited English proficiency;
  - 24 (f) People with disabilities;
  - 25 (g) People experiencing homelessness;
  - 26 (h) Low-income and low-wealth community members;
  - 27 (i) Low- and moderate-income renters and homeowners;
  - 28 (j) Single parents;
  - 29 (k) Lesbian, gay, bisexual, transgender, queer, intersex, asexual, or two-spirit community  
30 members; and
  - 31 (l) Youth and seniors.

1 **0130: Decision-Making with Underserved Populations**

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

- 7 (1) Cities and counties shall, as a part of an involvement program required as provided in OAR 660-  
8 015-0000(1), center the voices of underserved populations in processes at all levels of decision-  
9 making under this division. Actions that may accomplish this include, but are not limited to:
- 10 (a) Reporting regularly on progress made under this rule as provided by section (3);
  - 11 (b) Conducting equity analyses as provided in OAR 660-012-0135;
  - 12 (c) Considering the effect on underserved populations when developing plans, including land  
13 use plans and plans for public investment;
  - 14 (d) Developing decision-making factors that recognize and work to reduce historic and  
15 current inequities; and,
  - 16 (e) Engaging in additional outreach activities with underserved populations and in areas with  
17 concentrations of underserved populations. Such outreach activities should include  
18 activities in multiple languages and formats, and be accessible to:
    - 19 (A) People with disabilities,
    - 20 (B) People without internet access, and
    - 21 (C) People with limited transportation and child care options, and with schedule  
22 constraints around employment or other critical responsibilities.
- 23 (2) Cities and counties shall identify federally recognized sovereign tribes whose ancestral lands  
24 include the planning area. The city or county shall engage with affected tribes to notify them of  
25 coordinated land use and transportation planning activities and projects under this division.
- 26 (3) Cities and counties shall regularly assess and report on progress made under this rule by:
- 27 (a) Reporting to the department annually as provided in OAR 660-012-0900;
  - 28 (b) Making regular reports to the planning commission and governing body of the city or  
29 county; and
  - 30 (c) Making regular public reports to the community.

31 **0135: Equity Analysis**

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

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

- 1 (2) A city or county engaging in a major equity analysis shall conduct all the actions in the  
 2 engagement-focused equity analysis in section (3). In addition, a city or county shall:
- 3 (a) Assess, document, acknowledge, and address where current and past land use,  
 4 transportation, and housing policies and effects of climate change have harmed or are  
 5 likely to harm underserved populations;
  - 6 (b) Assess, document, acknowledge, and address where current and past racism in land use,  
 7 transportation, and housing has harmed or is likely to harm underserved populations;
  - 8 (c) Identify geographic areas with significantly disproportionate concentrations of  
 9 underserved populations;
  - 10 (d) Develop key performance measures as required in OAR 660-012-0905, or review  
 11 existing performance measures, for key community outcomes as provided in subsection  
 12 (3)(a) over time; and continue to communicate with and involve the people in the  
 13 community who are members of underserved populations; and
  - 14 (e) Use the best available data in conducting sections (a) through (d).
- 15 (3) A city or county conducting an engagement-focused equity analysis shall:
- 16 (a) Engage with members of underserved populations as provided in OAR 660-012-0125 to  
 17 develop key community outcomes;
  - 18 (b) Gather, collect, and value qualitative and quantitative information, including lived  
 19 experience, from the community on how the proposed change benefits or burdens  
 20 underserved populations;
  - 21 (c) Recognize where and how intersectional discrimination compounds disadvantages;
  - 22 (d) Analyze the proposed changes for impacts and alignment with desired key community  
 23 outcomes and key performance measures under OAR 660-012-0905;
  - 24 (e) Adopt strategies to create greater equity or minimize negative consequences; and
  - 25 (f) Report back and share the information learned from the analysis and unresolved issues  
 26 with people engaged as provided in subsection (a).

27 ***0140: Transportation System Planning in the Portland Metropolitan Area***

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

- 31 (1) This rule applies to cities and counties in the Portland Metropolitan Area, and Metro. In the  
 32 Portland Metropolitan Area, cities and counties shall develop and adopt local transportation  
 33 system plans as provided in OAR 660-012-0100. Metro shall develop and adopt a regional  
 34 transportation system plan as provided in this rule.
- 35 (2) Cities and counties shall amend comprehensive plans, land use regulations, and transportation  
 36 system plans to be consistent with Metro’s regional transportation system plan. Consistent means  
 37 city and county comprehensive plans and implementing ordinances conform with the policies and  
 38 projects in the regional transportation system plan. If Metro finds a local transportation system  
 39 plan is consistent with the Regional Transportation Functional Plan, the transportation system  
 40 plan shall be deemed consistent with the regional transportation system plan.

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

1 transportation system planning where Metro finds that the additional requirement is necessary to  
2 meet regional planning objectives and supports the purposes of this division.

3 (5) Notwithstanding requirements for transportation system planning areas provided in OAR 660-  
4 012-0110:

5 (a) Metro shall work cooperatively with cities and counties to determine responsibility for  
6 planning areas in the urbanizable area. Where a county has responsibility for a planning  
7 area, the county must meet the requirements as provided for counties in OAR 660-012-  
8 0110;

9 (b) Counties planning for unincorporated areas with the urban growth boundary shall meet  
10 all applicable requirements based on the population of the planning area; and

11 (c) Counties and cities need not have the same planning horizon year.

12 (6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-  
13 0150, Metro shall prescribe inventory requirements in transportation system plans for cities and  
14 counties in a regional functional plan.

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

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

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

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

31 **0145: Transportation Options Planning**

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

36 (1) The transportation system options element of a transportation system plan shall include:

37 (a) The existing programs, services, and projects identified in section (2);

38 (b) The future transportation demand management needs identified in section (3) and the  
39 performance targets as provided in OAR 660-012-0910; and

40 (c) A trip reduction strategy for large employers.

- 1 (2) Cities and counties shall coordinate with transportation options providers, public transportation  
 2 service providers, state agencies, and other cities and counties to identify existing transportation  
 3 options and transportation demand management programs, services, and projects. These shall  
 4 include, but are not limited to:
- 5 (a) Education, encouragement, and other transportation demand management programs and  
 6 services that focus on forms of transportation other than single-occupant vehicles;
  - 7 (b) Transportation demand management programs and policies that discourage the use of  
 8 single-occupancy vehicles; and
  - 9 (c) Transportation options needs of underserved populations.
- 10 (3) Cities and counties shall coordinate with transportation options providers, public transportation  
 11 service providers, and other cities and counties to identify future transportation demand  
 12 management needs. These shall include, but are not limited to:
- 13 (a) Commute trip reduction consultation and promotion of programs such as the provision of  
 14 transit passes and parking cash-out;
  - 15 (b) Physical improvements such as carpool parking spaces and park and ride locations; and
  - 16 (c) Regional solutions for intercity travel.

17 **0150: Transportation System Inventories**

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

- 22 (1) This rule applies to transportation inventories as provided in OAR 660-012-0505, OAR 660-012-  
 23 0605, OAR 660-012-0705, and OAR 660-012-0805.
- 24 (2) Cities and counties shall coordinate with other transportation facility and service providers,  
 25 including, but not limited to state agencies, other cities and counties, and public transportation  
 26 system operators to develop the transportation system inventory.
- 27 (3) Inventories shall include all publicly owned , operated, or supported transportation facilities and  
 28 services within the planning area, regardless of ownership or maintenance responsibility.  
 29 Inventories shall note ownership or maintenance responsibility for all facilities.
- 30 (4) Inventories shall clearly identify the following for each inventoried facility or service:
- 31 (a) Function, including the classification of the facility or service, its primary uses, and  
 32 whether it primarily serves local, regional, pass-through, or freight traffic.
  - 33 (b) Primary users of the facility, including whether users are primarily on foot, bicycle,  
 34 transit, freight, or personal vehicle.
  - 35 (c) Land use context for each segment of the facility, including determining what types of  
 36 planned land uses surround the facility.

1 **0155: Prioritization Framework**

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

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

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

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

9 (b) In areas with concentrations of underserved populations, cities, counties, Metro, and state  
10 agencies shall prioritize projects addressing historic and current marginalization.  
11 Proposed projects in these areas must work to rectify previous harms and prevent future  
12 harms from occurring. These areas may have suffered from disinvestment or harmful  
13 investments, including transportation system investments. Harms include but are not  
14 limited to displacement and increased exposure to pollutants.

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

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

22 (b) In industrial areas, along routes accessing key freight terminals, and other areas where  
23 accommodations for freight are needed, cities, counties, Metro, and state agencies must  
24 consider the needs of freight users. Pedestrian, bicycle, and public transportation system  
25 connections must be provided in industrial areas at a level that provides safe access for  
26 workers.

### 27 **0160: Reducing Vehicle Miles Traveled**

28 This rule requires cities and counties to use vehicle miles traveled to link local transportation systems  
29 planning with the metropolitan greenhouse gas reduction targets. The rule applies when adopting a TSP  
30 and requires the city or county to adopt a TSP that is projected to reduce vehicle miles traveled.

31 (1) The following jurisdictions are exempt from the requirements of this rule:

32 (a) Cities under 5,000 population;

33 (b) Counties under 5,000 population within urban growth boundaries but outside of  
34 incorporated cities; and

35 (c) Counties under 10,000 population within urban growth boundaries but outside of  
36 incorporated cities.

37 (2) When a city or county, makes a major update to a transportation system plan as provided in OAR  
38 660-012-0105, or Metro makes an update to a regional transportation plan as provided in OAR  
39 660-012-0140, they shall use the following requirements to project vehicle miles traveled per  
40 capita for the planning period.

41 (a) The city, county, or Metro must prepare a projection that estimates changes between  
42 vehicle miles traveled per capita from the base year and vehicle miles traveled per capita

- 1 that would result from all projects on the financially-constrained project list as provided  
 2 in OAR 660-012-0180; and
- 3 (b) Projections of vehicle miles traveled per capita must incorporate the best available  
 4 science on latent and induced travel of additional roadway capacity.
- 5 (3) The projections prepared as provided in section (2) must be based on:
- 6 (a) Land use and transportation policies in an acknowledged comprehensive plan and in the  
 7 proposed transportation system plan;
- 8 (b) Local actions consistent with the adopted performance targets under OAR 660-012-0910,  
 9 or OAR 660-044-0120; and
- 10 (c) Forecast land use patterns as provided in OAR 660-012-0340.
- 11 (4) Cities and counties may only adopt a transportation system plan if the projected vehicle miles  
 12 traveled per capita at the horizon year using the financially-constrained project list is lower than  
 13 estimated vehicle miles traveled per capita in the base year scenario.
- 14 (5) A city or county is not required to meet the requirements in sections (2) through (4) of this rule if  
 15 the city or county has selected a financially-constrained project list that does not contain any  
 16 project that would require review as provided in OAR 660-012-0830(1).
- 17 (6) Metro shall adopt a regional transportation plan in which the projected vehicle miles traveled per  
 18 capita at the horizon year using the financially-constrained project list is lower than the estimated  
 19 vehicle miles traveled per capita at the base year by an amount that is consistent with the  
 20 metropolitan greenhouse gas reduction targets in OAR 660-044-0020. Metro may rely on  
 21 assumptions on future state and federal actions, including the following state-led actions that  
 22 affect auto operating costs:
- 23 (a) State-led pricing policies, and energy prices; and
- 24 (b) Vehicle and fuel technology, including vehicle mix, vehicle fuel efficiency, fuel mix, and  
 25 fuel carbon intensity.

26 **0170: Unconstrained Project List**

27 This rule describes how cities and counties take the combined list of projects developed in the modal  
 28 elements of the transportation system plan, develop multimodal projects, and produce a combined  
 29 project list. The rule requires cities and counties to use the combined project list to develop an  
 30 unconstrained project list.

- 31 (1) Cities and counties shall create a combined project list by combining:
- 32 (a) The pedestrian project list developed as provided in OAR 660-012-0520;
- 33 (b) The bicycle project list developed as provided in OAR 660-012-0620;
- 34 (c) The public transportation project list developed as provided in OAR 660-012-0720; and
- 35 (d) The streets and highways project list developed as provided in OAR 660-012-0820.
- 36 (2) Cities and counties shall, to the extent practicable, combine proposed projects from multiple  
 37 single-mode lists into a single multimodal project on the combined project list.
- 38 (3) Cities and counties shall develop an unconstrained project list by prioritizing the combined  
 39 project list, including multimodal projects. Cities and counties need not include every project in

1 the combined project list on the unconstrained project list. There is no limit to the number of  
2 projects which may be included on the unconstrained project list.

3 (4) Cities and counties shall develop a method of prioritizing projects on the unconstrained project  
4 list. Projects on the unconstrained project list may be ranked individually or in tiers.  
5 Unconstrained project lists ranked in tiers shall have enough tiers to clearly be able to determine  
6 the relative ranking of projects when making decisions. Cities and counties shall describe the  
7 method used to prioritize the unconstrained project list in the transportation system plan. Cities  
8 and counties must emphasize the following requirements when developing a method of  
9 prioritizing projects on the unconstrained project list:

10 (a) The project will help reduce vehicle miles traveled;

11 (b) The project burdens underserved populations less than and benefit as much as the city or  
12 county population as a whole; and

13 (c) The project will help achieve the performance targets as provided in OAR 660-012-0910.

14 (5) Cities and counties shall develop planning-level cost estimates for the top ranked projects on the  
15 prioritized unconstrained project list as provided in section (4) of this rule. The city or county  
16 shall make estimates for as many projects as the city or county reasonably believes could be  
17 funded in the planning period. The city or county need not make cost estimates for every project  
18 on the unconstrained project list.

19 **0180: Financially-Constrained Project List**

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

27 The financially-constrained list must result in equitable outcomes, demonstrate a reduction in per-capita  
28 vehicle miles traveled, and support meeting targets set against a range of performance measures.

29 (1) Cities and counties shall include a financially-constrained project list in a transportation system  
30 plan. Cities and counties shall use the prioritized unconstrained project list developed as provided  
31 in OAR 660-012-0170 and the amount of funding available developed as provided in OAR 660-  
32 012-0115 to produce the financially-constrained project list.

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

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

38 (b) Cities and counties may permit projects on the unconstrained project list but not on the  
39 financially-constrained list to be constructed if the project is built by a property owner as  
40 a requirement of land development and the project would not require review as provided  
41 in OAR 660-012-0830.

- 1 (3) Cities and counties shall create a financially-constrained project list using the top available  
2 projects on the prioritized unconstrained project list and the planning-level cost estimates  
3 developed as provided in OAR 660-012-0170. The sum of the planning-level cost estimates for  
4 projects placed on the financially-constrained project list shall not exceed 125 percent of the  
5 funding available as identified in OAR 660-012-0115. Cities and counties shall select projects  
6 such that the resulting financially-constrained list would:
- 7 (a) Reduce per capita vehicle miles traveled, as provided in OAR 660-012-0160;
- 8 (b) Burden underserved populations less than and benefit underserved populations as much  
9 or more as the city or county population as a whole; and
- 10 (c) Make significant progress towards meeting the performance targets set for each  
11 performance measure as provided in OAR 660-012-0910 or OAR 660-044-0110.
- 12 (4) If the list of projects cannot meet each test in section (3), the city or county must adjust the  
13 project list to find the highest-ranking set of projects that can meet the criteria in section (3). This  
14 is the financially-constrained project list.
- 15 (5) Cities or counties making a major or minor amendment to the transportation system plan as  
16 provided in OAR 660-012-0105 which includes an update to any project list, shall update the  
17 financially-constrained project list as provided in this rule.
- 18 (6) Cities and counties shall prioritize the implementation of projects from the financially-  
19 constrained project list for their ability to reduce climate pollution and improve equitable  
20 outcomes using the criteria provided in section (3) of this rule.

21 **0190: Transportation System Refinement Plans**

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

- 25 (1) A city or county may, when adopting a major update to the transportation system plan as  
26 provided in OAR 660-012-0105, defer decisions regarding function, general location, and mode  
27 of a refinement plan if findings are adopted that:
- 28 (a) Identify the transportation need for which decisions regarding function, general location,  
29 or mode are being deferred;
- 30 (b) Demonstrate why information required to make final determinations regarding function,  
31 general location, or mode cannot reasonably be made available within the time allowed  
32 for preparation of the transportation system plan;
- 33 (c) Explain how deferral does not invalidate the assumptions upon which the transportation  
34 system plan is based or preclude implementation of the remainder of the transportation  
35 system plan;
- 36 (d) Describe the nature of the findings which will be needed to resolve issues deferred to a  
37 refinement plan; and
- 38 (e) Set a deadline for adoption of a refinement plan.

1 (2) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements  
2 of the National Environmental Policy Act of 1969, the development of the refinement plan shall  
3 be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted  
4 prior to the issuance of the Final EIS.

5 **0200: Temporary Projects**

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

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

24 **0210: Transportation Modeling and Analysis**

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

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

1 **0215: Transportation Performance Standards**

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

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

- 9 (1) This rule applies to transportation performance standards that cities and counties use to review  
10 comprehensive plan and land use regulation amendments as provided in OAR 660-012-0060. If a  
11 city or county requires applicants to analyze transportation impacts as part of development review  
12 in acknowledged local land use regulations, then that review must include evaluation of the  
13 performance standards established under this rule. This rule applies to transportation performance  
14 standards that Metro uses to review functional plan amendments as provided in OAR 660-012-  
15 0060.
- 16 (2) Cities and counties shall adopt transportation performance standards. The transportation  
17 performance standards must support meeting the targets for performance measures provided in  
18 OAR 660-012-0910. The transportation performance standards must include these elements:
- 19 (3) Characteristics of the transportation system that will be measured, estimated, or projected, and the  
20 methods to calculate their performance;
- 21 (4) Thresholds to determine whether the measured, estimated, or projected performance meets the  
22 performance standard. Thresholds may vary by facility type, location, or other factors. Thresholds  
23 shall be set at the end of the planning period, time of development, or another time; and
- 24 (5) Findings for how the performance standard supports meeting the targets for performance  
25 measures provided in OAR 660-012-0910.
- 26 (6) Cities, counties, Metro, and state agencies shall adopt two or more transportation performance  
27 standards. At least one of the transportation performance standards must support increasing  
28 transportation options and avoiding principal reliance on the automobile. The transportation  
29 system plan must clearly establish how to apply the multiple performance standards to a proposal  
30 that meets some, but not all, of the transportation performance standards. The transportation  
31 performance standards must evaluate at least two of the following objectives for the  
32 transportation system, for any or all modes of transportation:
- 33 (a) Reducing climate pollution;
- 34 (b) Equity;
- 35 (c) Safety;
- 36 (d) Network connectivity;
- 37 (e) Accessibility;
- 38 (f) Efficiency;
- 39 (g) Reliability; and
- 40 (h) Mobility.

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

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

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

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

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

- 9 (1) Cities and counties shall coordinate land use and transportation plans.
- 10 (2) Cities and counties shall, if applicable, adopt and implement climate friendly areas as provided in  
11 OAR 660-012-0310.
- 12 (3) Cities and counties shall adopt and implement the applicable land use requirements as provided in  
13 OAR 660-012-0330.
- 14 (4) Cities and counties shall, in the development of transportation plans, use the land use assumptions  
15 developed as provided in OAR 660-012-0340.
- 16 (5) Cities and counties shall develop a list of key destinations, as provided in OAR 660-012-0360.

17 **0310: Climate Friendly Areas**

18 This rule describes the locational requirements for the designation of climate friendly areas. The rule  
19 sets out some basic standards for which areas should and should not be considered for designation as a  
20 climate friendly area.

- 21 (1) Cities and counties shall study and zone climate friendly areas for locations that meet the  
22 following requirements.
- 23 (a) Locations able to support development consistent with the land use requirements of OAR  
24 660-012-0320.
- 25 (b) The locations shall be in existing or planned urban centers, including downtowns,  
26 neighborhood centers, transit-served corridors, or similar districts. To the extent  
27 practicable, climate friendly areas should be located in close proximity to areas planned  
28 for, or provided with, high density residential uses and a high concentration of  
29 employment opportunities.
- 30 (c) The locations shall be in areas that are served, or planned for service, by high quality  
31 pedestrian, bicycle, and transit services.
- 32 (d) The locations shall not be in areas where development is not allowed under authority of  
33 Statewide Planning Goal 7. Climate friendly areas may be designated in areas subject to  
34 Statewide Planning Goal 7 if the local government has adopted requirements for  
35 development that will mitigate potential hazards to life and property.

- 1 (e) Cities may designate climate friendly areas within the urban growth boundary, but  
2 outside the city limits boundary, if the following requirements are met:
- 3 (A) The area is contiguous with the city limits boundary;
- 4 (B) The provision of urban services is contingent upon annexation into the city limits  
5 and the area is readily serviceable with urban water, sewer, stormwater, and  
6 transportation. “Readily serviceable” means that urban infrastructure services are  
7 nearby and could be provided to allow construction on the site within one year of  
8 an application for a building permit;
- 9 (C) The zoning that will be applied upon annexation, based on the city’s  
10 comprehensive plan designation for the area, is consistent with climate friendly  
11 area requirements;
- 12 (D) The county in which the subject area is located has adopted a consistent  
13 comprehensive plan designation for the area; and
- 14 (E) The city can demonstrate that at least 70 percent of complete annexation  
15 applications within the last five years have been approved within one year of the  
16 date of complete annexation application.
- 17 (f) Climate friendly areas shall have a minimum width of 750 feet, including any internal  
18 rights of way that may be unzoned. Exceptions to these minimum dimensional  
19 requirements are allowed due to natural barriers, such as rivers; or due to long-term  
20 barriers in the built environment, such as freeways. Exceptions are also allowed if  
21 potential climate friendly areas are constrained by adjacent areas planned and zoned to  
22 meet industrial land needs.
- 23 (2) Cities and counties outside Metro with a population of more than 5,000 within an urban growth  
24 boundary shall designate climate friendly areas. Counties with planning jurisdiction in  
25 unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation  
26 services within an identified urban growth boundary shall coordinate with the respective city or  
27 cities to address climate friendly area requirements for those areas. Areas under county  
28 jurisdiction outside urban growth boundaries; or within urban growth boundaries but not provided  
29 with urban water, sanitary sewer, stormwater, and transportation services; are not subject to this  
30 rule.
- 31 (3) Cities and counties outside Metro shall designate climate friendly areas as they cross the  
32 population thresholds in subsections (a) and (b). City population is as determined by the most  
33 recently certified Portland State University Population Research Center population estimate.  
34 Compliance timelines are based upon the date of the certification of the population estimate.  
35 County population within an urban growth boundary may be calculated by interpolating Portland  
36 State University Population Research Center’s population forecast for the area within an urban  
37 growth boundary, then subtracting the certified city population estimate from the total population  
38 within the urban growth boundary for the current year.
- 39 (a) A city or county with a population within an urban growth boundary exceeding 5,000  
40 shall designate climate friendly areas as provided in OAR 660-012-0315 within two years  
41 of reaching a population exceeding 5,000.
- 42 (b) A city or a county with a population exceeding 10,000 within an urban growth boundary  
43 shall designate climate friendly areas as provided in OAR 660-012-0315 within two years  
44 of reaching a population exceeding 10,000. The city or county shall maintain sufficient  
45 lands within climate friendly areas as their population grows, as provided in OAR 660-  
46 012-0315. For cities also subject to OAR 660-008-0045, compliance with this

1 requirement shall be demonstrated in each Housing Capacity Analysis following the  
2 initial designation of climate friendly areas. Land use requirements for climate friendly  
3 areas shall be established concurrent or prior to the adoption of the Housing Capacity  
4 Analysis as provided in OAR 660-012-0320. Counties subject to this rule shall coordinate  
5 with cities to address climate friendly area requirements within an urban growth  
6 boundary.

- 7 (4) If a city or county outside Metro have not designated sufficient climate friendly areas as provided  
8 in this rule, the commission may:
- 9 (a) Initiate periodic review for the subject local government to address the requirement; or
  - 10 (b) Issue an enforcement order to the local government, consistent with ORS 197.646.

11 **0315: Designation of Climate Friendly Areas**

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

- 17 (1) The designation of climate friendly areas refers to the process of studying potential climate  
18 friendly areas and adopting land use requirements and climate friendly elements into  
19 comprehensive plans, as provided in this rule. Cities and counties subject to the requirements of  
20 OAR 660-012-0310(2) with a population of 10,000 or more shall designate climate friendly areas  
21 sufficient to accommodate at least 30 percent of the total identified number of housing units  
22 necessary to meet all current and future housing needs by calculating zoned building capacity as  
23 provided in section (2), or using an alternative methodology as provided in OAR 660-012-  
24 0320(10). The total number of housing units necessary to meet all current and future housing  
25 needs shall be determined from the local government's most recent adopted and acknowledged  
26 housing capacity analysis, by adding the total number of existing dwelling units identified in the  
27 buildable land inventory to the anticipated number of future needed housing units over the  
28 planning period. A local government may use a similar methodology to determine total housing  
29 needs if lacking an adopted and acknowledged housing capacity analysis, and may rely on most  
30 current US Census data to determine the number of existing housing units within an incorporated  
31 area, if lacking other data sources. A local government may designate one or several climate  
32 friendly areas to accommodate at least 30 percent of housing units.
- 33 (2) Cities and counties subject to section (1) shall calculate the housing unit capacity within climate  
34 friendly areas, as follows:
- 35 (a) Regardless of existing development in a climate friendly area, determine the potential  
36 square footage of zoned building capacity for each net developable area based on existing  
37 or anticipated development standards within the climate friendly area, including  
38 applicable setbacks, allowed building heights, open space requirements, on-site parking  
39 requirements, and similar regulations. Within developed areas with no blocks greater than  
40 5.5 acres, analysis of net developable areas may be conducted for each city block,  
41 without regard to property boundaries within the block. Within areas bounded by streets  
42 of 5.5 acres or more, the local government shall assume the same ratio of total land area  
43 to net land area as that which exists in the most fully developed urban center.

- 1 (b) Where the local government has not established a maximum building height, assumed  
2 building height shall be 85 feet. For the purpose of calculating zoned building capacity,  
3 cities and counties may assume the following number of floors within multistory  
4 buildings, based on allowed building heights:
- 5 (A) Fifty feet allows for four floors.  
6 (B) Sixty feet allows for five floors.  
7 (C) Eighty-five feet allows for seven floors.
- 8 (c) If a local government allows height bonuses above the maximum building heights used  
9 for calculations in subsection (b) of this rule, the local government may include 25  
10 percent of that additional zoned building capacity when the bonuses:
- 11 (A) Allow building heights above the minimums established in OAR 660-012-0320(8);  
12 and,  
13 (B) Allow height bonuses for publicly-subsidized housing serving households with an  
14 income of 80 percent or less of the area median household income, or height bonuses  
15 for the construction of accessible dwelling units, as defined in OAR 660-008-  
16 0050(4)(a), in excess of minimum requirements.
- 17 (d) Local governments shall assume that residential dwellings will occupy 30 percent of the  
18 zoned building capacity calculated in subsections (a), (b), and (c) within climate friendly  
19 areas.
- 20 (e) Local governments shall assume an average dwelling unit size of 900 square feet. Local  
21 governments shall use the average dwelling unit size to convert the square footage of  
22 zoned residential building capacity calculated in subsection (d) into an estimate of the  
23 number of dwelling units that may be accommodated in the climate friendly area.
- 24 (3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of more  
25 than 5,000 but less than 10,000 shall designate at least 25 acres of land as climate friendly area, as  
26 provided in sections (4), (5), and (6).
- 27 (4) Cities and counties must submit a study of potential climate friendly areas to the department as  
28 provided in this rule. The study of potential climate friendly areas shall include the following  
29 information:
- 30 (a) Maps showing the location and size of all potential climate friendly areas. Cities and  
31 counties shall use the study process to identify the most promising area or areas to be  
32 chosen as climate friendly areas but are not required to subsequently adopt and zone each  
33 studied area as a climate friendly area.
- 34 (b) Cities and counties subject to section (1) shall provide preliminary calculations of zoned  
35 residential building capacity and resultant residential dwelling unit capacity within each  
36 potential climate friendly area consistent with section (2), or using an alternative  
37 methodology as provided in OAR 660-012-0320(10), and using land use requirements  
38 within each climate friendly area as provided in OAR 660-012-0320. Potential climate  
39 friendly areas must be cumulatively sized and zoned to accommodate at least 30 percent  
40 of the total identified number of housing units as provided in section (1).
- 41 (c) A community engagement plan for the designation of climate friendly areas, including  
42 the process to adopt associated amendments to the comprehensive plan and zoning code,  
43 consistent with the requirements of OAR 660-012-0120 through 660-012-0130 and  
44 including an engagement-focused equity analysis as provided in OAR 660-012-0135(3).

- 1 (d) Analysis of how each potential climate friendly area complies, or may be brought into  
2 compliance, with the requirements of OAR 660-012-0310(1).
- 3 (e) A preliminary evaluation of existing development standards within the potential climate  
4 friendly area(s) and a general description of any changes necessary to comply with the  
5 requirements of OAR 660-012-0320.
- 6 (f) Plans for achieving fair and equitable housing outcomes within climate friendly areas, as  
7 identified in OAR 660-008-0050(4)(a)-(f). Analysis of OAR 660-008-0050(4)(f) shall  
8 include analysis of spatial and other data to determine if the rezoning of potential climate  
9 friendly areas would be likely to displace residents who are members of state and federal  
10 protected classes. The local government shall also identify actions that may be employed  
11 to mitigate or avoid potential displacement.
- 12 (5) Cities and counties shall submit climate friendly area study reports required in section (4).  
13 Following submittal, the department shall review reports as follows:
- 14 a. Within 30 days of receipt of the report, the department shall:
- 15 (A) Post a complete copy of the submitted report on the department’s website along  
16 with a statement that any person may file a written comment regarding the  
17 submitted report no more than 21 days after the posting of the report.
- 18 (B) Provide notice to persons described under ORS 197.615(3)(a), directing them to  
19 the posting described in paragraph (A) and informing them that they may file a  
20 written comment regarding the submitted report no more than 21 days after the  
21 posting of the report.
- 22 b. Within 60 days of posting of the report on the department’s website, the department shall  
23 provide written comments to the local government regarding the report information and  
24 the progress made to identify suitable climate friendly areas. The department shall also  
25 provide the local government with any written comments submitted by interested  
26 persons, as provided in subsection (a).
- 27 (6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and  
28 climate friendly elements to their comprehensive plans. Adoption of land use requirements and  
29 the climate friendly element of the comprehensive plan shall include the following:
- 30 (a) Cities and counties subject to section (1) shall provide maps showing the location of all  
31 climate friendly areas, including calculations to demonstrate that climate friendly areas  
32 contain sufficient zoned residential building capacity to accommodate 30 percent of total  
33 housing units as provided in section (2), or using an alternative methodology as provided  
34 in OAR 660-012-0320(10), and based on adopted land use requirements in these areas as  
35 provided in OAR 660-012-0320. Cities and counties subject to section (3) shall provide  
36 maps showing the location of the climate friendly area. The local government shall  
37 include findings containing the information and analysis required in section (4) for any  
38 climate friendly areas that were not included in the initial study specified in section (4).
- 39 (b) Documentation of the number of total existing dwelling units, accessible dwelling units,  
40 and income-restricted dwelling units within all climate friendly areas. Where precise data  
41 is not available, local governments may provide estimates based on best available  
42 information.
- 43 (c) Documentation that all adopted and applicable land use requirements for climate friendly  
44 areas are consistent with the provisions of OAR 660-012-0320.

1 (d) Adoption of a climate friendly element into the comprehensive plan containing findings  
2 and analysis summarizing the local government climate friendly area designation  
3 decision process and demonstration of compliance with the provisions of OAR 660-012-  
4 0310 through 660-012-0325. Additionally, adopted findings shall include:

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

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

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

27 **0320: Land Use Requirements in Climate Friendly Areas**

28 This rule describes development codes and other land use requirements cities and counties must adopt  
29 for climate friendly areas. The rule includes a set of basic requirements that must apply to all CFAs and  
30 then provides a prescriptive set of regulations that may be adopted, or alternatively, allows for a local  
31 government to apply different regulations if able to demonstrate that existing or proposed development  
32 standards will result in equal or better results than the prescriptive standards.

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

- 1 (2) Except as noted in subsection (a) and section (3), development regulations for a climate friendly  
2 area shall allow single use or mixed-use development within individual buildings or on  
3 development sites, including the following outright permitted uses:
- 4 (a) Multifamily residential and attached single-family residential. Other residential building  
5 types may be allowed, subject to compliance with applicable minimum density  
6 requirements, or alternative land use requirements as provided in section (9) of this rule.  
7 Local governments may require ground floor commercial and office uses within  
8 multifamily residential buildings.
- 9 (b) Office-type uses.
- 10 (c) Non-auto dependent retail, services, and other commercial uses.
- 11 (d) Child care, schools, and other public uses, including public-serving government facilities.
- 12 (3) Portions of abutting residential or employment-oriented zoned areas within a half-mile walking  
13 distance of a mixed-use area zoned as provided in section (1) may count towards climate friendly  
14 area requirements, if in compliance with subsections (a) or (b). Notwithstanding existing  
15 development, zoned residential building capacity shall be calculated for the abutting areas based  
16 on allowed building heights and existing development standards in these areas, as provided in  
17 OAR 660-012-0315(2) or using an alternative methodology as provided in OAR 660-012-  
18 0320(10). Residential and employment densities for abutting areas shall correspond to the climate  
19 friendly area type, provided in subsections (8)(a), (b), or (c) or (9)(a), (b), or (c). If subsections (a)  
20 or (b) are met, no changes to existing zoning or development standards are required for these  
21 areas.
- 22 (a) Residential areas with minimum residential densities or existing residential development  
23 equal to or greater than the densities provided in section (8); or
- 24 (b) Existing employment uses equal to or greater than the number of jobs per acre provided  
25 in section (9).
- 26 (4) Local governments shall prioritize locating government facilities that provide direct service to the  
27 public within climate friendly areas and shall prioritize locating parks, open space, plazas, and  
28 similar public amenities in or near climate friendly areas that do not contain sufficient parks, open  
29 space, plazas, or similar public amenities. Local governments shall amend comprehensive plans  
30 to reflect these policies, where necessary. Streetscape requirements in climate friendly areas shall  
31 include street trees and other landscaping, where feasible.
- 32 (5) Local governments shall establish maximum block length standards as provided below. For the  
33 purpose of this rule, a development site consists of the total site area proposed for development,  
34 absent previously dedicated rights-of-way, but including areas where additional right-of-way  
35 dedication may be required.
- 36 (a) For development sites less than 5.5 acres in size, a maximum block length of 500 feet or  
37 less. Where block length exceeds 350 feet, a public pedestrian through-block easement  
38 shall be provided to facilitate safe and convenient pedestrian connectivity in climate  
39 friendly areas. Substantial redevelopment of sites of two acres or more within an existing  
40 block that does not meet the standard shall provide a public pedestrian accessway  
41 allowing direct passage through the development site such that no pedestrian route will  
42 exceed 350 feet along any block face. Local governments may grant exceptions to street  
43 and accessway requirements as provided in OAR 660-012-0330(2).
- 44 (b) For development sites of 5.5 acres or more, a maximum block length of 350 feet or less.  
45 Local governments may grant exceptions to street requirements as provided in OAR 660-  
46 012-0330(2).

- 1 (6) Development regulations may not include a maximum density limitation.
- 2 (7) Local governments shall adopt policies and development regulations in climate friendly areas that  
3 implement the following:
- 4 (a) The transportation review process in OAR 660-012-0325;
- 5 (b) The land use requirements as provided in OAR 660-012-0330;
- 6 (c) The applicable parking requirements as provided in OAR 660-012-0435; and
- 7 (d) The applicable bicycle parking requirements as provided in OAR 660-012-0630.
- 8 (8) Local governments shall adopt either the following provisions into development regulations for  
9 climate friendly areas, or the requirements in section (9). Local governments are not required to  
10 enforce the minimum residential densities below for mixed-use buildings (buildings that contain  
11 residential units, as well as office, commercial, or other non-residential uses) if the mixed-use  
12 buildings meet a minimum floor area ratio of 2.0. A floor area ratio is the ratio of the gross floor  
13 area of all buildings on a development site, excluding areas within buildings that are dedicated to  
14 vehicular parking and circulation, in proportion to the net area of the development site on which  
15 the buildings are located. A floor area ratio of 2.0 would indicate that the gross floor area of the  
16 building was twice the net area of the site. Local governments are not required to enforce the  
17 minimum residential densities below for redevelopment that renovates and adds residential units  
18 within existing buildings, but that does not add residential units outside the existing exterior of  
19 the building.
- 20 (a) Local governments with a population of 5,000 to 24,999 shall adopt the following  
21 development regulations for climate-friendly areas:
- 22 (A) A minimum residential density requirement of 15 dwelling units per net acre; and
- 23 (B) Maximum building height no less than 50 feet.
- 24 (b) Local governments with a population of 25,000 to 49,999 shall adopt the following  
25 development regulations for at least one climate-friendly area with a minimum area of 25  
26 acres. Additional climate friendly areas may comply with the following standards or the  
27 standards in subsection (a).
- 28 (A) A minimum residential density requirement of 20 dwelling units per net acre; and
- 29 (B) Maximum building height no less than 60 feet.
- 30 (c) Local governments with a population of 50,000 or more shall adopt the following  
31 development regulations for at least one climate friendly area with a minimum area of 25  
32 acres. Additional climate friendly areas may comply with the following standards or the  
33 standards in subsections (a) or (b):
- 34 (A) A minimum residential density requirement of 25 dwelling units per net acre; and
- 35 (B) Maximum building height no less than 85 feet.
- 36 (9) As an alternative to adopting the development regulations in section (8), local governments may  
37 demonstrate with adopted findings and analysis that their adopted development regulations for  
38 climate friendly areas will result in equal or higher levels of development in climate friendly  
39 areas, per the target residential and employment levels in subsections (a) – (c). The local  
40 government must demonstrate that the alternative development regulations will consistently and  
41 expeditiously allow for the levels of development described below:

- 1 (a) Local governments with a population of 5,000 to 24,999 shall adopt development  
2 regulations in climate friendly areas to enable development of at least 20 dwelling units  
3 and 20 jobs per net acre.
- 4 (b) Local governments with a population of 25,000 to 49,999 shall adopt development  
5 regulations for at least one climate friendly area of at least 25 acres to enable  
6 development of at least 30 dwelling units and 30 jobs per net acre. Additional climate  
7 friendly areas may comply with this standard or with the standard in subsection (a).
- 8 (c) Local governments with a population of 50,000 or more shall adopt development  
9 regulations for at least one climate friendly area of at least 25 acres to enable  
10 development of at least 40 dwelling units and 40 jobs per net acre. Additional climate  
11 friendly areas may comply with this standard or with the standard in subsections (a) or  
12 (b).
- 13 (10) A local government using the alternative provisions in section (9) may provide an alternative  
14 methodology for zoned residential building capacity calculations that differs from OAR 660-012-  
15 0315(2). The methodology must clearly describe all assumptions and calculation steps, and must  
16 demonstrate that the methodology provides an equal or better system for determining the zoned  
17 residential building capacity within climate friendly areas. The alternative methodology shall be  
18 supported by studies of development activity in the region, market studies, or similar research and  
19 analysis.

20 **0325: Transportation Review in Climate Friendly Areas**

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

- 24 (1) Cities or counties shall use this rule to review amendments to comprehensive plans or land use  
25 regulations within a climate friendly area designated as provided in OAR 660-012-0315 and in  
26 Region 2040 Centers designated in Title 6 of Metro's Urban Growth Management Functional  
27 Plan. Cities and counties shall use this rule to review land use decisions made to implement OAR  
28 660-012-0310 through OAR 660-012-0320. Cities and counties are exempt from requirements as  
29 provided in OAR 660-012-0060 when reviewing amendments to comprehensive plans or land use  
30 regulations within a designated climate friendly area and in Region 2040 Centers designated in  
31 Title 6 of Metro's Urban Growth Management Functional Plan.
- 32 (2) Cities and counties making amendments to comprehensive plans or land use regulations to meet  
33 requirements as provided in OAR 660-012-0320 must either:
- 34 (a) Update the transportation system plan as provided in OAR 660-012-0105 and include a  
35 multimodal transportation gap summary as provided in section (3) of this rule,  
36 considering the proposed land uses in the climate friendly area; or
- 37 (b) Develop and adopt a multimodal transportation gap summary in coordination with  
38 impacted transportation facility providers and transportation service providers as  
39 provided in section (3) to meet requirements in OAR 660-012-0320.
- 40 (3) A multimodal transportation gap summary must be coordinated between the local jurisdiction,  
41 transportation facility providers, and transportation services providers to consider multimodal

1 transportation needs in each climate friendly area as provided in OAR 660-012-0320. The  
2 multimodal transportation gap summary must include:

- 3 (a) A summary of the existing multimodal transportation network within the climate friendly  
4 area;
- 5 (b) A summary of the gaps in the pedestrian and bicycle networks in the climate friendly  
6 area, including gaps needed to be filled for people with disabilities, based on the  
7 summary of the existing multimodal transportation network;
- 8 (c) If applicable as provided in section (4), a highway impacts summary as provided in  
9 section (5); and
- 10 (d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).

11 (4) A city or county shall include a highway impacts summary in the multimodal transportation gap  
12 summary if the designated climate friendly area as provided in OAR 660-012-0315 contains a  
13 ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.

14 (5) A highway impacts summary must identify how the transportation system may be affected by  
15 implementation of the climate friendly area. The highway impacts summary must include:

- 16 (a) A summary of the existing and proposed development capacity of the climate friendly  
17 area based on the proposed changes to the comprehensive plan and land use regulations;
- 18 (b) A summary of the additional motor vehicle traffic generation that may be expected in the  
19 planning period, considering reductions for expected complementary mixed-use  
20 development, additional multimodal options, and assuming meeting goals for reductions  
21 in vehicle miles traveled per capita; and
- 22 (c) A summary of traffic-related deaths and serious injuries within the climate friendly area  
23 in the past five years.

24 (6) Cities and counties making amendments to the adopted land use regulations identified under  
25 section (2), shall adopt findings including a highway impacts summary as provided in section (5)  
26 if:

- 27 (a) A city or county is reviewing a plan amendment within one-quarter mile of a ramp  
28 terminal intersection, adopted Interchange Area Management Plan area, or adopted  
29 ODOT Facility Plan area, or;
- 30 (b) The city or county is reviewing a plan amendment that would be reasonably likely to  
31 result in increasing traffic on the state facility that exceeds the small increase in traffic  
32 defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.

33 (7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap  
34 summary or a revised highway impacts summary to ODOT and other affected transportation  
35 facility or service providers prior to submitting notice as provided in OAR 660-018-0020.

1 **0330: Land Use Requirements**

2 These land use requirements apply to cities and counties within metropolitan areas and have to do with  
3 how land use interacts with the transportation system. Many of these requirements are in the existing  
4 rule OAR 660-012-0045, particularly requirements having to do with pedestrian access, site design  
5 requirements, and the requirements in section (8) of the rule. However, this rule extends and adds to  
6 the existing requirements. These requirements apply across the urban area and are in addition to the  
7 climate friendly area specific requirements in those areas.

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

- 12 (1) Cities and counties shall implement plans and land use regulations to support compact,  
13 pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use  
14 development patterns must support access by people using pedestrian, bicycle, and public  
15 transportation networks.
- 16 (2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site  
17 would make those provisions prohibitively costly or impossible to implement. Any allowed  
18 exemption shall modify the provisions of this rule by the minimum amount necessary based on  
19 site conditions, and advance the purposes of this rule to the extent practical. Conditions that may  
20 provide for an exemption include, but are not limited to:
- 21 (a) Topography or natural features;
  - 22 (b) Railroads, highways, or other permanent barriers;
  - 23 (c) Lot or parcel size, orientation, or shape;
  - 24 (d) Available access;
  - 25 (e) Existing or nonconforming development;
  - 26 (f) To provide for accessibility for people with disabilities; or
  - 27 (g) Other site constraints.
- 28 (3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and  
29 connected neighborhoods. Land use regulations must meet the following requirements for  
30 neighborhood design and access:
- 31 (a) Neighborhoods shall be designed with connected networks of streets, paths, accessways,  
32 and other facilities to provide circulation within the neighborhood and pedestrian and  
33 bicycle system connectivity to adjacent districts. A connected street network is desirable  
34 for motor vehicle traffic but may be discontinuous where necessary to limit excessive  
35 through-travel, or to protect a safe environment for walking, using mobility devices, and  
36 bicycling in the neighborhood.
  - 37 (b) Neighborhoods shall be designed with direct pedestrian access to key destinations as  
38 provided in OAR 660-012-0360 via pedestrian facilities.
  - 39 (c) Cities and counties shall set block length and block perimeter standards at distances that  
40 will provide for pedestrian network connectivity. Cities and counties may allow alleys or  
41 public pedestrian facilities through a block to be used to meet a block length or perimeter  
42 standard.

- 1 (d) Cities and counties shall set standards to reduce out-of-direction travel for people using  
2 the pedestrian or bicycle networks.
- 3 (4) Cities and counties shall have land use regulations in commercial and mixed-use districts that  
4 provide for a compact development pattern, easy ability to walk or use mobility devices, and  
5 allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or  
6 mixed-use site design land use regulations must meet the following requirements:
- 7 (a) Primary pedestrian entrances to buildings shall be oriented to a public pedestrian facility  
8 and be accessible to people with mobility disabilities. An uninterrupted accessway,  
9 courtyard, plaza, or other pedestrian-oriented space must be provided between primary  
10 pedestrian entrances and the public pedestrian facility, except where the entrance opens  
11 directly to the pedestrian facility. All pedestrian entrances shall be designed to be barrier-  
12 free.
- 13 (b) No vehicular parking, circulation, access, display, or loading shall be permitted on-site  
14 between buildings and public pedestrian facilities. Bicycle parking may be permitted.
- 15 (c) On-site accessways shall be provided to directly connect key pedestrian entrances to  
16 public pedestrian facilities, to any on-site parking, and to adjacent properties, as  
17 applicable.
- 18 (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary  
19 pedestrian entrances as required in this section. Primary pedestrian entrances for uses  
20 open to the public must be open during business hours.
- 21 (e) Large sites must be designed with a connected network of public pedestrian facilities to  
22 meet the requirements of this section.
- 23 (f) Development on sites adjacent to a transit stop or station on a priority transit corridor  
24 shall be oriented to the transit stop or station. The site design must provide a high level of  
25 pedestrian connectivity and amenities adjacent to the stop or station. Cities and counties  
26 shall establish standards to provide for transit infrastructure where needed if there is  
27 inadequate space in the existing right of way.
- 28 (g) Development standards shall be consistent with bicycle parking requirements in OAR  
29 660-012-0630.
- 30 (h) This section does not apply to districts with a predominantly industrial character.
- 31 (5) Cities and counties shall have land use regulations in residential neighborhoods that provide for  
32 slow neighborhood streets comfortable for families, efficient and sociable development patterns,  
33 and provide for connectivity within the neighborhood and to adjacent districts. Cities and counties  
34 must adopt land use regulations to meet these objectives, including but not limited to those related  
35 to setbacks, lot size and coverage, building orientation, and access.
- 36 (6) Cities and counties shall have land use regulations that ensure auto-oriented land uses are  
37 compatible with a community where it is easy to walk or use a mobility device. Auto-oriented  
38 land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles,  
39 and uses where the use of a motor vehicle is accessory to the primary use, including drive-  
40 through uses. Land use regulations must meet the following requirements:
- 41 (a) Auto-oriented land uses must provide safe and convenient access opportunities for people  
42 walking, using a mobility device, or riding a bicycle. Ease of access to goods and services  
43 must be equivalent to or better than access for people driving a motor vehicle.

- 1 (b) Outside of climate friendly areas, cities and counties may provide for exemptions to this  
2 rule in cases where an auto-oriented land use cannot reasonably meet the standards of this  
3 rule. Standards developed in cases of an exemption must protect pedestrian facilities.
- 4 (7) Cities and counties with an urban area over 100,000 in population must have reasonable land use  
5 regulations that allow for development of low-car districts. These districts must be developed  
6 with no-car or low-car streets, where walking or using mobility devices are the primary methods  
7 of travel within the district. Cities and counties must make provisions for emergency vehicle  
8 access and local freight delivery. Low-car districts must be allowed in locations where residential  
9 or mixed-use development is authorized.
- 10 (8) Cities and counties must implement land use regulations to protect transportation facilities,  
11 corridors, and sites for their identified functions. These regulations must include, but are not  
12 limited to:
- 13 (a) Access control actions consistent with the function of the transportation facility,  
14 including but not limited to driveway spacing, median control, and signal spacing;
- 15 (b) Standards to protect future construction and operation of streets, transitways, paths, and  
16 other transportation facilities;
- 17 (c) Standards to protect public use airports as provided in OAR 660-013-0080;
- 18 (d) Processes to make a coordinated review of future land use decisions affecting  
19 transportation facilities, corridors, or sites;
- 20 (e) Processes to apply conditions to development proposals in order to minimize impacts and  
21 protect transportation facilities, corridors or sites for all transportation modes;
- 22 (f) Regulations to provide notice to public agencies providing transportation facilities and  
23 services, railroads, Metropolitan Planning Organizations, the Oregon Department of  
24 Transportation, and the Oregon Department of Aviation of:
- 25 (A) Land use applications that require public hearings;
- 26 (B) Subdivision and partition applications;
- 27 (C) Other applications which affect private access to roads; and
- 28 (D) Other applications within airport noise corridors and imaginary surfaces which  
29 affect airport operations.
- 30 (g) Regulations assuring that amendments to land use designations, densities, and design  
31 standards are consistent with the functions, capacities and performance standards of  
32 facilities identified in the TSP.

1 **0340: Land Use Assumptions**

2 This rule describes how cities and counties make assumptions about the future development of the  
3 urban area, for purposes of transportation planning. These assumptions are based on the required  
4 population forecasts, existing comprehensive plans and land use regulations, and other provisions in the  
5 Transportation Planning Rules. These assumptions are used to help make coordinated land use and  
6 transportation plans. However, these rules are distinct from the process cities are to use to evaluate  
7 residential land needs, which is referenced in OAR 660-008-0010(2).

- 8 (1) Future land use assumptions developed under this rule are for the purposes of transportation  
9 planning. These land use assumptions are distinct from those used to plan for residential land  
10 needs as provided in ORS 197.296.
- 11 (2) A city, county, or Metro must develop and adopt future land use assumptions consistent with this  
12 rule when preparing a transportation system plan, or zoning a climate friendly area or Region  
13 2040 center as provided in OAR 660-012-0325.
- 14 (3) Future land use assumptions must be developed for future years, including but not limited to the  
15 planning horizon year of the transportation system plan, and a common horizon year for all  
16 jurisdictions within the metropolitan area.
- 17 (4) Future land use assumptions must be consistent with the most recent final population forecast as  
18 provided in OAR 660-032-0020, or OAR 660-032-0030, as applicable.
- 19 (5) Future land use assumptions must assume existing acknowledged comprehensive plan  
20 designations and policies, and existing land use regulations remaining in force throughout the  
21 planning period; except where these designations, policies, or regulations are superseded by  
22 statute or rule. Future land use assumptions must assume existing acknowledged urban growth  
23 boundaries throughout the planning period.
- 24 (6) Where applicable, future land use assumptions must allocate growth assumptions for employment  
25 and housing within climate friendly areas as provided in OAR 660-012-0320 before allocating  
26 growth to other parts of the city or county.
- 27 (7) Future land use assumptions must be developed at a sufficient level of detail to understand where  
28 future development is expected.

29 **0350: Urban Growth Boundary Expansions**

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

- 34 (1) A city and county must meet the following requirements prior to undertaking an urban growth  
35 boundary expansion as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 36 (a) The city must have an acknowledged transportation system plan as provided in OAR  
37 660-012-0100. If the county has responsibility for planning in urban unincorporated areas  
38 as provided in OAR 660-012-0110, the county must also have an acknowledged  
39 transportation system plan for the urban area as provided in OAR 660-012-0100.

- 1 (b) The city and county must have submitted all regular reports as provided in OAR 660-  
 2 012-0900 and have had each report approved by order as provided in OAR 660-012-  
 3 0915.
- 4 (c) The city and county must have designated climate friendly areas as provided in OAR  
 5 660-012-0315 and must demonstrate compliance with OAR 660-008-0010(2).
- 6 (d) The city and county must have adopted land use regulations as provided in OAR 660-  
 7 012-0330.
- 8 (2) A city and county must meet the following requirements as part of the urban growth boundary  
 9 expansion process as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 10 (a) Lands otherwise of the same level of priority category for an urban growth boundary  
 11 expansion as provided in OAR 660-024-0067 or OAR 660-038-0170 may be prioritized  
 12 by determining the potential level of access to existing urban pedestrian, bicycle, and  
 13 transit networks, and the ability of those networks to be extended to the candidate areas  
 14 for expansion as part of the evaluation of the boundary location factors of Goal 14.
- 15 (b) Transportation system planning assumptions developed to make decisions about an urban  
 16 growth boundary expansion must be consistent with performance targets set under OAR  
 17 660-012-0910.
- 18 (c) Transportation system planning assumptions developed to make decisions about an urban  
 19 growth boundary expansion may not assume the construction of any facility required to  
 20 be reviewed as provided in OAR 660-012-0830 if the proposed facility has not been  
 21 authorized.
- 22 (d) The city and county must determine if the designation of additional lands as part of  
 23 climate friendly areas will be required to meet the targets for households within these  
 24 areas, as provided in OAR 660-012-0310.
- 25 (3) Where an urban growth boundary is intended to follow an existing or planned street, road, or  
 26 highway right-of-way, the boundary shall be placed on the rural side of the right-of-way or  
 27 planned right-of-way, so that the right-of-way is inside the urban growth boundary.
- 28 (4) Cities and counties with areas added to an urban growth boundary after the effective date of this  
 29 rule, where the requirements of OAR 660-012-0060 are not applied at the time of urban growth  
 30 boundary amendment as provided in OAR 660-024-0020 or OAR 660-038-0020, must update the  
 31 land use assumptions as provided in OAR 660-012-0340 prior to an update of the transportation  
 32 system plan as provided in OAR 660-012-0105.

33 **0360: Key Destinations**

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

- 36 (1) Cities and counties shall use best available data to identify key destinations for purposes of  
 37 coordinated land use and transportation planning. Key destinations are destinations described in  
 38 this rule, as well as other destinations determined locally that are expected to attract a higher than  
 39 average rate of pedestrian, bicycle, or transit trips.
- 40 (2) Key destinations include, but are not limited to:
- 41 (a) Climate friendly areas;

- 1 (b) Pedestrian-oriented commercial areas outside of climate friendly areas;
- 2 (c) Transit stations, stops, and terminals;
- 3 (d) Retail and service establishments, including grocery stores;
- 4 (e) Child care facilities, schools, and colleges;
- 5 (f) Parks, recreation centers, paths, trails, and open spaces;
- 6 (g) Farmers markets;
- 7 (h) Libraries, government offices, community centers, arts facilities, post offices, social
- 8 service centers, and other civic destinations;
- 9 (i) Medical or dental clinics and hospitals;
- 10 (j) Major employers;
- 11 (k) Gyms and health clubs;
- 12 (l) Major sports or performance venues; and
- 13 (m) Other key destinations determined locally.

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

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

21 **0400: Parking Management**

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

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

1 **0405: Parking Regulation Improvements**

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

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

8 This rule carries forward past TPR language requiring parking maximums in “appropriate locations.”

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

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

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

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

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

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

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

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

25 (A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per  
26 parking space on the property. Panels may be located anywhere on the property.  
27 In lieu of installing solar panels on site, cities may allow developers to pay  
28 \$1,500 per parking space in the development into a city or county fund dedicated  
29 to equitable solar or wind energy development or a fund at the Oregon  
30 Department of Energy designated for such purpose;

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

32 (C) Tree canopy covering at least 50 percent of the parking lot at maturity but no  
33 more than 15 years after planting.

34 (b) Developments must provide street trees along driveways but are not required to provide  
35 them along drive aisles; and

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

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

40 (e) In providing trees under subsections (a), (b) and (c), the following standards shall be met.  
41 The tree spacing and species planted must be designed maintain a continuous canopy.

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

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

10 **0410: Electric Vehicle Charging**

11 This rule works to encourage new buildings to install electrical conduit to support electric vehicle  
12 charging.

13 As buildings are 80 to 100 year structures, and Oregon is aiming to have 90% of new vehicles be EVs by  
14 2035, it is critical to install conduit as buildings are built. The rule requires more spaces to be served  
15 than in ORS 455.417.

- 16 (1) Cities shall ensure new development supports electric vehicle charging pursuant to amendments  
17 to the state building code adopted pursuant to ORS 455.417.
- 18 (2) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more  
19 residential dwelling units, and new mixed-use buildings consisting of privately owned  
20 commercial space and five or more residential dwelling units, cities shall require the provision of  
21 electrical service capacity, as defined in ORS 455.417, to accommodate 40 percent of all vehicle  
22 parking spaces.

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

24 This rule calls for parking maximums in specific areas where car-dominant development would  
25 undermine pedestrian-friendliness and other goals, and sets limits on how high parking maximums can  
26 be.

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

- 30 (1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits  
31 but within the urban growth boundary, and cities with populations over 25,000 within Metro,  
32 shall set parking maximums in climate-friendly areas and in regional centers and town centers,  
33 designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets,  
34 Adopted Boundaries map. Those cities and counties shall also set parking maximums on lots or  
35 parcels within the transit corridors and rail stop areas listed in OAR 660-012-0440.
- 36 (a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit  
37 and two off-street parking spaces per non-studio residential unit in a multi-unit  
38 development in climate friendly areas and within one-half mile walking distance of  
39 priority transit corridors. These maximums shall include visitor parking;

- 1 (b) Parking maximums shall be no higher than five spaces per 1,000 square feet of floor  
 2 space for all commercial and retail uses other than automobile sales and repair, eating and  
 3 drinking establishments, and entertainment and commercial recreation uses;
- 4 (c) For land uses with more than 65,000 square feet of floor area, surface parking may not  
 5 consist of more area than the floor area of the building;
- 6 (d) In setting parking maximums, cities and counties shall consider setting maximums equal  
 7 to or less than 150 percent of parking mandates in their adopted land use regulations in  
 8 effect as of January 1, 2020. A city or county that sets a higher parking maximum must  
 9 adopt findings for doing so. In no case shall the city or county exceed the limits in  
 10 subsections (a) through (c) in climate friendly areas and for developments on parcels or  
 11 lots within one-half mile of transit corridors and three-quarters mile of rail transit stops  
 12 listed in OAR 660-012-0440; and
- 13 (e) Non-surface parking, such as tuck-under parking, underground and subsurface parking,  
 14 and parking structures may be exempted from the calculations in this section.
- 15 (2) Cities with populations over 200,000 shall, in addition to the requirements in section (1) of this  
 16 rule:
- 17 (a) Study the use of priced on-street timed parking spaces in those areas subject to OAR 660-  
 18 012-0435 or 660-012-0440. This study shall be conducted every three years or more  
 19 frequently. Cities shall adjust prices to ensure availability of on-street parking spaces at  
 20 all hours. This shall include all spaces in the city paid by minutes, hours, or day but need  
 21 not include spaces where a longer-term paid residential permit is required;
- 22 (b) Use time limits or pricing to manage on-street parking spaces in an area at least one year  
 23 before authorizing any new structured parking on city-owned land including more than  
 24 100 spaces in that area after March 31, 2023;
- 25 (c) Adopt procedures ensuring prior to approval of construction of additional structured  
 26 parking projects of more than 300 parking spaces designed to serve existing uses,  
 27 developer of that parking structure must implement transportation demand management  
 28 strategies for a period of at least six months designed to shift at least 10 percent of  
 29 existing vehicle trips ending within one-quarter mile of the proposed parking structure to  
 30 other modes; and
- 31 (d) Adopt design requirements requiring applicants to demonstrate that the ground floor of  
 32 new private and public structured parking that fronts a public street and includes more  
 33 than 100 parking spaces would be convertible to other uses in the future, other than  
 34 driveways needed to access the garage.

35 **0420: Exemption for Communities without Parking Mandates**

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

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

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

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

- 4 (1) Cities and counties shall adopt and enforce land use regulations as provided in this section:
- 5 (a) Garages and carports may not be required for residential developments;
  - 6 (b) Garage parking spaces shall count towards off-street parking mandates;
  - 7 (c) Provision of shared parking shall be allowed to meet parking mandates;
  - 8 (d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a  
9 site. If any parking is provided on site, required parking for parking for people with  
10 disabilities shall be on site. If all parking is off-site, parking for people with disabilities  
11 must be located within the shortest possible distance of an accessible entrance via an  
12 accessible path and no greater than 200 feet from that entrance;
  - 13 (e) Parking mandates shall be reduced by one off-street parking space for each three  
14 kilowatts of capacity in solar panels or wind power that will be provided in a  
15 development;
  - 16 (f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-  
17 sharing parking space in a development. Dedicated car-sharing parking spaces shall count  
18 as spaces for parking mandates;
  - 19 (g) Parking mandates shall be reduced by two off-street parking spaces for every electric  
20 vehicle charging station provided in a development; and
  - 21 (h) Parking mandates shall be reduced by one off-street parking space for every two units in  
22 a development above minimum requirements that are fully accessible to people with  
23 mobility disabilities.
- 24 (2) Any reductions under section (1) shall be cumulative and not capped.
- 25 (3) Cities and counties that opt to retain parking mandates under OAR 660-012-0420 shall require the  
26 parking for multi-family residential units in the areas in OAR 660-012-0440 be unbundled  
27 parking.

28 **0430: Reduction of Parking Mandates for Development Types**

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

- 32 (1) Cities and counties may not require more than one parking space per unit in residential  
33 developments with more than one unit.
- 34 (2) Cities and counties may not require parking for the following development types:
- 35 (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or  
36 developmental disabilities, including but not limited to a: residential care facility,  
37 residential training facility, residential treatment facility, residential training home,  
38 residential treatment home, and conversion facility as defined in ORS 443.400;
  - 39 (b) Childcare facility as defined in ORS 329A.250;

- 1 (c) Single-room occupancy housing;
- 2 (d) Residential units smaller than 750 square feet;
- 3 (e) Affordable housing as defined in OAR 660-039-0010;
- 4 (f) Publicly supported housing as defined in ORS 456.250;
- 5 (g) Emergency and transitional shelters for people experiencing homelessness; and
- 6 (h) Domestic violence shelters.

7 **0435: Parking Reform in Climate Friendly Areas**

8 This rule encourages parking reform in climate-friendly areas (and their Metro-area equivalent), which  
 9 tend to have lower demand for parking, and are targeted for more pedestrian-friendly development  
 10 patterns.

- 11 (1) Cities and counties shall adopt land use regulations addressing parking mandates in climate  
 12 friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land  
 13 use regulations addressing parking mandates in regional centers and town centers designated  
 14 under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted  
 15 Boundaries map. In each such area, cities and counties shall either:
  - 16 (a) Remove all parking mandates within the area and on parcels in its jurisdiction that  
 17 include land within one-quarter mile distance of those areas; or
  - 18 (b) Manage parking by:
    - 19 (A) Adopting a parking benefit district with paid on-street parking and some  
 20 revenues dedicated to public improvements in the area;
    - 21 (B) Adopting land use amendments to require no more than one-half off-street  
 22 parking space per dwelling unit in the area; and
    - 23 (C) Adopting land use regulations without parking mandates for commercial  
 24 developments.
- 25 (2) Cities and counties that opt to retain parking mandates under OAR 660-012-0400(2) shall require  
 26 the parking for multi-family residential units in the areas listed in section (1) be unbundled  
 27 parking.

28 **0440: Parking Reform near Transit Corridors**

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

- 31 (1) Cities and counties may not require parking spaces for developments on a lot or parcel within  
 32 three-quarters mile of rail transit stops.
- 33 (2) Cities and counties may not enforce parking mandates for developments within one-half mile of  
 34 frequent transit corridors, including:
  - 35 (a) Priority transit corridors designated under OAR 660-012-0710;

- 1 (b) Bus service arriving with a scheduled frequency of at least four times an hour during
- 2 peak service; and
- 3 (c) The most frequent transit route or routes in the community if the scheduled frequency is
- 4 at least once per hour during peak service.
- 5 (3) Cities and counties may use either walking distance or straight-line distance in measuring
- 6 distances under sections (1) and (2).

7 **0445: Parking Management Alternative Approaches**

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

- 10 (1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420,
- 11 cities and counties shall select and implement either a fair parking policy approach as provided in
- 12 subsection (a), or a reduced regulation parking management approach as provided in subsection
- 13 (b).
- 14 (a) A fair parking policy approach shall include at least three of the following five
- 15 provisions:
- 16 (A) A requirement that parking spaces for each residential unit in developments that
- 17 include five or more leased or sold residential units on a lot or parcel be
- 18 unbundled parking. Cities and counties may exempt townhouse and rowhouse
- 19 development from this requirement;
- 20 (B) A requirement that parking spaces serving leased commercial developments be
- 21 unbundled parking;
- 22 (C) A requirement for employers of 50 or more employees who provide free or
- 23 subsidized parking to their employees at the workplace provide a flexible
- 24 commute benefit of \$50 per month or the fair market value of that parking,
- 25 whichever is greater, to those employees eligible for that free or subsidized
- 26 parking who regularly commute via other modes instead of using that parking;
- 27 (D) A tax on the revenue from commercial parking lots collecting no less than 10
- 28 percent of income, with revenues dedicated to improving transportation
- 29 alternatives to drive-alone travel; and
- 30 (E) A reduction of parking mandates for new multifamily residential development to
- 31 no higher than one-half spaces per unit, including visitor parking.
- 32 (b) A reduced regulation parking management approach shall include all of the following:
- 33 (A) A repeal of all parking mandates within one-half mile pedestrian travel of climate
- 34 friendly areas;
- 35 (B) A repeal of parking mandates for transit-oriented development and mixed-use
- 36 development;
- 37 (C) A repeal of parking mandates for group quarters, including but not limited to
- 38 dormitories, religious group quarters, adult care facilities, retirement homes, and
- 39 other congregate housing;

- 1 (D) A repeal of parking mandates for studio apartments, one-bedroom apartments
- 2 and condominiums in residential developments of five or more units on a lot or
- 3 parcel;
- 4 (E) A repeal of parking mandates for change of use of, or redevelopment of,
- 5 buildings vacant for more than two years. Cities and counties may require
- 6 registration of a building as vacant two years prior to the waiving of parking
- 7 mandates;
- 8 (F) A repeal of requirements to provide additional parking for change of use or
- 9 redevelopment;
- 10 (G) A repeal of parking mandates for expansion of existing businesses by less than
- 11 30 percent of a building footprint;
- 12 (H) A repeal of parking mandates for buildings within a National Historic District, on
- 13 the National Register of Historic Places, or on a local inventory of historic
- 14 resources or buildings;
- 15 (I) A repeal of parking mandates for commercial properties that have fewer than ten
- 16 on-site employees or 3,000 square feet floor space;
- 17 (J) A repeal of parking mandates for developments built under the Oregon
- 18 Residential Reach Code;
- 19 (K) A repeal of parking mandates for developments seeking certification under any
- 20 Leadership in Energy and Environmental Design (LEED) rating system, as
- 21 evidenced by either proof of pre-certification or registration and submittal of a
- 22 complete scorecard;
- 23 (L) A repeal of parking mandates for schools;
- 24 (M) A repeal of parking mandates for bars and taverns;
- 25 (N) Setting parking maximums consistent with OAR 660-012-0415(1),
- 26 notwithstanding populations listed in that section; and
- 27 (O) Designation of at least one residential parking district or parking benefit district
- 28 where on-street parking is managed through permits, payments, or time limits.
- 29 (2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

30 **0450: Parking Management in More Populous Communities**

31 The rule aims to ensure populous communities better understand and manage their existing on-street  
 32 parking supply before requiring new parking. It is phased in via a schedule provided in OAR 660-012-  
 33 0012.

- 34 (1) Cities with populations over 100,000 shall either:
- 35 (a) Adopt land use regulations without parking mandates; or
- 36 (b) Price at least 10 percent of on-street parking spaces, and report the percentage of on-
- 37 street parking spaces that are priced as provided in OAR 660-012-0900. Residential
- 38 parking permits priced at lower than \$15 per month, 50 cents per day per space, or
- 39 equivalent amounts do not count towards this total.
- 40 (2) Cities may change their selection made between subsections (1)(a) or (b) at any time.

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

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

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

7 **0500: Pedestrian System Planning**

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

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

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

17 (a) The complete pedestrian system as described in section (3) of this rule that includes the  
18 full buildout of the pedestrian system within the urban growth boundary;

19 (b) Identification of gaps and deficiencies in the pedestrian system as described in section  
20 (4);

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

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

23 (3) The complete pedestrian system is the full buildout of a complete pedestrian system within the  
24 planning area. A city or county determines the complete pedestrian system plan by:

25 (a) Using the pedestrian system inventory developed under OAR 660-012-0505 as a base;

26 (b) Adding the minimum pedestrian facilities to places that do not presently meet the  
27 minimum pedestrian system requirements in OAR 660-012-0510; and

28 (c) Adding enhanced facilities above the minimum pedestrian system requirements where the  
29 city or county finds that enhanced facilities are necessary or desirable to meet the goals of  
30 the jurisdiction's comprehensive plan.

31 (4) Cities and counties shall identify gaps and deficiencies in the pedestrian system by comparing the  
32 complete pedestrian system plan with the pedestrian system inventory developed under OAR  
33 660-012-0505. Cities or counties must include any part of the complete pedestrian system not  
34 presently built to the standard in the complete pedestrian system plan as a gap or deficiency.

1 **0505: Pedestrian System Inventory**

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

- 3 (1) Pedestrian system inventories must include information on pedestrian facilities and street  
4 crossings for all areas within climate friendly areas, within Metro Region 2040 centers, within  
5 one-quarter mile of all schools, and along all arterials and collectors. Pedestrian system  
6 inventories must also include information on all pedestrian facilities, including shared use paths.
  - 7 (a) Inventories of pedestrian facilities must include information on width and condition.
  - 8 (b) Inventories of street crossings must include crossing distances, the type of crossing,  
9 closed crossings, curb ramps, and distance between crossings.
- 10 (2) Pedestrian system inventories must include the crash risk factors of inventoried pedestrian  
11 facilities, including but not limited to speed, volume, and roadway width. Pedestrian system  
12 inventories must also include the location of all reported injuries and deaths of people walking or  
13 using a mobility device. This must include all reported incidents from the most recent five years  
14 prior of available data prior to the year of adoption of the pedestrian system inventory.

15 **0510: Pedestrian System Requirements**

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

- 18 (1) This rule describes the minimum planned pedestrian facilities that must be included in plans.  
19 Cities and counties may choose to exceed the requirements in this rule.
- 20 (2) Pedestrian facility owners must design, build, and maintain pedestrian facilities to allow  
21 comfortable travel for all people, including people with disabilities.
- 22 (3) All streets and highways, other than expressways, shall have pedestrian facilities, as provided in  
23 ORS 366.514.
  - 24 (a) Pedestrian facilities must be planned for both sides of each street.
  - 25 (b) Cities shall plan for enhanced pedestrian facilities such as wide, protected sidewalks and  
26 pedestrian zones, such as plazas, in the following contexts:
    - 27 (A) Along high volume or high-speed streets;
    - 28 (B) In climate friendly areas and Metro Region 2040 centers;
    - 29 (C) In areas with concentrations of underserved populations.
  - 30 (c) A substantial portion of the right-of-way in climate friendly areas and Metro Region 2040  
31 centers must be dedicated to pedestrian uses, including but not limited to sidewalks,  
32 pedestrian plazas, and protective buffers.
  - 33 (d) Cities shall plan for enhanced tree canopy and other infrastructure that uses natural and  
34 living materials in pedestrian spaces in climate friendly areas, Metro Region 2040  
35 centers, and areas with concentrations of underserved populations.
- 36 (4) Off-street multi-use paths must be designed to permit comfortable joint or separated use for  
37 people walking, using mobility devices, and cycling. Separated areas for higher speeds and low  
38 speeds shall be provided when there is high anticipated use of the path.

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

22 **0520: Pedestrian System Projects**

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

- 24 (1) Cities and counties shall develop a list of pedestrian system projects that would address all the  
 25 gaps and deficiencies in the pedestrian system identified by the city under OAR 660-012-0500(4).
- 26 (2) Cities and counties shall develop pedestrian project prioritization factors that are able to sort the  
 27 list of pedestrian system projects into a prioritized list of pedestrian system projects. Cities must  
 28 develop pedestrian project prioritization factors by engaging underserved populations as provided  
 29 in OAR 660-012-0130.
- 30 (3) Cities and counties shall use the following factors when prioritizing pedestrian system projects:

  - 31 (a) Pedestrian system investments in climate friendly areas and Metro Region 2040 centers;
  - 32 (b) Pedestrian system investments in areas with concentrations of underserved populations;
  - 33 (c) Pedestrian system investments in areas with pedestrian safety risk factors such as  
 34 roadways with high speeds and high traffic volumes;
  - 35 (d) Pedestrian system investments in areas with reported crashes involving pedestrian serious  
 36 injuries and deaths;
  - 37 (e) Pedestrian system investments that provide access to key pedestrian destinations as  
 38 provided in OAR 660-012-0360;
  - 39 (f) Pedestrian system investments that will connect to, fill gaps in, and expand the existing  
 40 pedestrian network;

- 1 (g) Pedestrian system investments that prioritize pedestrian travel consistent with the
- 2 prioritization factors in OAR 660-012-0155; and
- 3 (h) Where applicable, pedestrian system investments that implement a scenario plan
- 4 approved by order as provided in OAR 660-044-0120.
- 5 (4) The transportation system plan must include a description of the prioritization factors and method
- 6 of prioritizing pedestrian projects used to develop the prioritized list of pedestrian system
- 7 projects.

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

9 This part of the Transportation Planning Rules relates to planning for a safe, accessible, and connected  
10 bicycle system. The bicycle system is intended to serve people riding bicycles, as well as people using  
11 other types of vehicles that operate at a bicycle speed and scale. These rules also include updated  
12 requirements for bicycle parking.  
13 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

14 **0600: Bicycle System Planning**

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

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

- 1 (4) Cities and counties shall identify gaps and deficiencies in the bicycle system by comparing the  
2 complete bicycle system with the bicycle system inventory developed under OAR 660-012-0605.  
3 Cities must include any part of the complete bicycle system not presently built to the standard in  
4 the complete bicycle plan as a gap or deficiency.

5 **0605: Bicycle System Inventory**

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

- 8 (1) Bicycle system inventories must include information on bicycle lanes, bicycle routes, accessways,  
9 paths, and other types of bicycle facilities, including pedestrian facilities that may be used by  
10 bicycles. Inventories must include information on width, type, and condition.
- 11 (2) Bicycle system inventories must include information on bicycle facilities of all types within  
12 climate friendly areas, within Metro Region 2040 centers, within one-quarter mile of all schools,  
13 on bicycle boulevards, and along all arterials and collectors.
- 14 (3) Bicycle system inventories must include the crash risk factors of inventoried bicycle facilities,  
15 including but not limited to speed, volume, separation, and roadway width. Bicycle system  
16 inventories must also include the location of all reported injuries and deaths of people on  
17 bicycles. This must include all reported incidents from the most recent five years prior of  
18 available data prior to the year of adoption of the bicycle system inventory.

19 **0610: Bicycle System Requirements**

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

- 26 (1) This rule describes the minimum planned bicycle facilities that must be included in plans. Cities  
27 or counties may choose to exceed the requirements in this rule.
- 28 (2) Cities and counties shall plan for a connected network of bicycle facilities that provides a safe,  
29 low stress, direct, and comfortable experience for people of all ages and abilities. All ages and  
30 abilities includes:
- 31 (a) School-age children;
- 32 (b) People over 65 years old;
- 33 (c) Women;
- 34 (d) People of color;
- 35 (e) Low-income riders;
- 36 (f) People with disabilities;
- 37 (g) People moving goods, cargo, or other people; and
- 38 (h) People using shared mobility services.

- 1 (3) A connected network is comprised of both the ability to access key destinations within a  
2 community and enough coverage of safe and comfortable facilities to ensure most people within  
3 the community can travel by bicycle.
- 4 (a) Cities and counties must design the connected network to connect to key destinations as  
5 provided in OAR 660-012-0360, and to and within each climate friendly area or Metro  
6 Region 2040 center.
- 7 (b) Cities and counties must design the connected network to permit most residents of the  
8 planning area to access the connected network with an emphasis on mitigating  
9 uncomfortable or unsafe facilities or crossings.
- 10 (c) The connected network shall consist of connected bicycle facilities including, but not  
11 limited to, separated and protected bicycle facilities, bicycle boulevards, and multi-use or  
12 bicycle paths. The connected network must include a series of interconnected bicycle  
13 facilities and provide direct routes to key destinations. Cities and counties must design  
14 comfortable and convenient crossings of streets with high volumes of traffic or high-  
15 speed traffic.
- 16 (4) Cities and counties shall plan and design bicycle facilities considering the context of adjacent  
17 motor vehicle facilities and land uses.
- 18 (a) Cities and counties must design bicycle facilities with higher levels of separation or  
19 protection along streets that have higher volumes or speeds of traffic.
- 20 (b) Cities and counties must plan for separated or protected bicycle facilities on streets in  
21 climate friendly areas, Metro Region 2040 centers, and other places with a concentration  
22 of destinations. Separated or protected bicycle facilities may not be necessary on streets  
23 with very low levels of motor vehicle traffic or where a high-quality parallel bicycle  
24 facility on the connected network exists within one block.
- 25 (c) Cities and counties must identify locations with existing bicycle facilities along high  
26 traffic or high-speed streets where the existing facility is not protected or separated, or  
27 parallel facilities do not exist. Cities and counties must plan for a transition to appropriate  
28 facilities in these locations.
- 29 (5) Cities and counties shall adopt standards for bicycle system planning and facilities that will result  
30 in a safe, low stress, and comfortable experience for people of all ages and abilities. Cities and  
31 counties may adopt standards based on:
- 32 (a) The Urban Bikeway Design Guide, second edition, published by the National Association  
33 of City Transportation Officials;
- 34 (b) Designing for All Ages & Abilities, December 2017, published by the National  
35 Association of City Transportation Officials; and
- 36 (c) The Blueprint for Urban Design, 2019, published by the Oregon Department of  
37 Transportation.
- 38 (6) Cities and counties shall use the transportation prioritization framework in OAR 660-012-0155  
39 when making decisions about bicycle facilities.

1 **0620: Bicycle System Projects**

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

- 3 (1) Cities and counties shall develop a list of bicycle system projects that would address all the gaps  
4 and deficiencies in the bicycle system identified by the city under OAR 660-012-0600(4).
- 5 (2) Cities and counties shall develop bicycle project prioritization factors that are able to sort the list  
6 of bicycle system projects into a prioritized list of bicycle system projects. Cities must develop  
7 bicycle project prioritization factors by engaging underserved populations as provided in OAR  
8 660-012-0130.
- 9 (3) Cities and counties shall use the following factors when prioritizing bicycle system projects:
  - 10 (a) Bicycle system investments in climate friendly areas and Metro Region 2040 centers;
  - 11 (b) Bicycle system investments in areas with concentrations of underserved populations;
  - 12 (c) Bicycle system investments in areas with safety risk factors such as roadways with high  
13 speeds and high traffic volumes;
  - 14 (d) Bicycle system investments in areas with reported crashes involving serious injuries and  
15 deaths to people riding bicycles;
  - 16 (e) Bicycle system investments that provide access to key bicycle destinations as provided in  
17 OAR 660-012-0360;
  - 18 (f) Bicycle system investments system investments that will connect to, fill gaps in, and  
19 expand the existing bicycle system network;
  - 20 (g) Bicycle system investments that prioritize bicycle travel consistent with the prioritization  
21 factors in OAR 660-012-0155; and
  - 22 (h) Where applicable, bicycle system investments that implement a scenario plan approved  
23 by order as provided in OAR 660-044-0120.
- 24 (4) The transportation system plan must include a description of the prioritization factors and method  
25 of prioritizing bicycle projects used to develop the prioritized list of bicycle system projects.

26 **0630: Bicycle Parking**

27 This rule includes updated requirements for bicycle parking. Existing statewide requirements require  
28 bicycle parking for commercial and multi-family land uses. This rule expands this to require covered and  
29 secure parking for some uses where longer-term parking is expected, and short-term parking at retail  
30 uses, transit facilities, and other key destinations.

- 31 (1) Cities and counties shall require and plan for adequate parking to meet the increasing need for  
32 travel by bicycle and other small-scale mobility devices.
- 33 (2) Cities and counties shall require covered, secure bicycle parking for all new multifamily  
34 development or mixed-use development of four residential units or more, and new office and  
35 institutional developments. Such bicycle parking must include at least one bicycle parking space  
36 for each residential unit.
- 37 (3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle  
38 parking shall be located within a short distance from the main retail entrance.

- 1 (4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride  
2 lots.
- 3 (5) Cities and counties shall require bicycle parking in climate friendly areas, Metro Region 2040  
4 centers, and near key destinations as provided in OAR 660-012-0360.
- 5 (6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles  
6 or other small-scale mobility devices in climate friendly areas, Metro Region 2040 centers, and  
7 near key destinations as provided in OAR 660-012-0360.
- 8 (7) Cities and counties shall require bicycle parking for any land use where off-street motor vehicle  
9 parking is mandated. The minimum number of bicycle parking spaces shall be no less than the  
10 greater of:
- 11 a. Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7,  
12 rounded to the next highest whole number; or
- 13 b. As otherwise provided in this rule.
- 14 (8) Cities and counties shall ensure that all bicycle parking provided must:
- 15 (a) Allow ways to secure at least two points on a bicycle;
- 16 (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position  
17 where it may be secured without conflicts from other parked bicycles, walls, or other  
18 obstructions;
- 19 (c) Be in a location that is convenient and well-lit; and
- 20 (d) Include sufficient bicycle parking spaces to accommodate large bicycles, including  
21 family and cargo bicycles.

## 22 **New Rules 0700-0720: Public Transportation System**

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

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

### 27 ***0700: Public Transportation System Planning***

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

- 29 (1) Transportation system plans must include a public transportation system element that meets the  
30 requirements of this rule. Cities and counties must work in close cooperation with transit service  
31 providers in order to complete the public transportation system element of the transportation  
32 system plan.
- 33 (a) Cities and counties shall coordinate with public transportation service providers to  
34 develop the public transportation system plan element.
- 35 (b) The public transportation system plan element must include elements of the public  
36 transportation system that are in the control of the city, county, and coordinating  
37 transportation facility owners.

- 1 (c) The public transportation system plan element must identify elements of the public  
2 transportation system that the city or county will work with transit service providers to  
3 realize or improve, including transit priority corridors, transit supportive infrastructure,  
4 and stop amenities.
- 5 (d) Cities and counties must align the public transportation system plan transit element with  
6 Transit Development Plans, goals, and other strategic planning documents developed by  
7 a transit service provider.
- 8 (e) Transportation system plans do not control public transportation elements exclusively  
9 controlled by transit service providers. These include funding or details of transit service  
10 provision, including timetables and routing.
- 11 (2) A public transportation system element must include the following elements:
- 12 (a) The complete public transportation system as described in section (3) that includes the  
13 full buildout and provision of services of the public transportation system within the  
14 urban growth boundary;
- 15 (b) Identification of gaps and deficiencies in the public transportation system as described in  
16 section (4);
- 17 (c) Locations of key public transportation destinations as described in OAR 660-012-0360;  
18 and
- 19 (d) A list of prioritized public transportation system projects as described in OAR 660-012-  
20 0720.
- 21 (3) The complete public transportation system is the full buildout of a complete public transportation  
22 system within the planning area. The city or county determines the complete public transportation  
23 system plan by:
- 24 (a) Using the public transportation system inventory developed under OAR 660-012-0705 as  
25 a base; and
- 26 (b) Adding the minimum public transportation services and facilities to places that do not  
27 presently meet the minimum public transportation system requirements in OAR 660-012-  
28 0710.
- 29 (4) Cities and counties shall identify gaps and deficiencies in the public transportation system by  
30 comparing the complete public transportation system with the public transportation system  
31 inventory developed under OAR 660-012-0705. Cities and counties must include any part of the  
32 complete public transportation system not presently built or operated to the standards in the  
33 complete public transportation system plan as a gap or deficiency. Cities and counties must  
34 identify gaps in the transit supportive facilities provided on priority transit corridors and other  
35 transit corridors identified as provided in OAR 660-012-0710. Transit supportive facilities  
36 include, but are not limited to:
- 37 (a) Stations, hubs, stops, shelters, signs, and ancillary features; and
- 38 (b) Transit priority infrastructure, including signals, queue jumps, and semi-exclusive or  
39 exclusive bus lanes or transitways.

1 **0705: Public Transportation System Inventory**

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

- 3 (1) The public transportation system inventory must include information on local and intercity transit  
4 services, including the location of routes, major stations, transit stops, transitways, transit lanes,  
5 transit priority signals, queue jumps, on-route charging, and other transit supportive facilities not  
6 otherwise inventoried. The inventory must document which services and facilities are accessible  
7 for people with disabilities based on the requirements in the Americans with Disabilities Act, or  
8 locally adopted higher standards.
- 9 (2) The public transportation system inventory must include the identification of existing service  
10 characteristics, including frequency and span of service for all services along identified transit  
11 priority corridors, serving key destinations, and serving major transit stations.
- 12 (3) Where local or intercity transit services travel outside of the planning area to other cities, the  
13 public transportation system inventory must include the identification of routes connecting to the  
14 next nearest cities with a population exceeding 9,000, as well as key destinations and major  
15 stations these routes serve.

16 **0710: Public Transportation System Requirements**

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

- 19 (1) Cities and counties shall plan for a connected local transit network that serves key destinations as  
20 provided in OAR 660-012-0360, and can be accessed by housing and jobs within the planning  
21 area. Cities must identify transit corridors, including:
- 22 (a) Priority transit corridors, which are transit corridors that are planned for the highest levels  
23 of regional transit service providing for a wide range of mobility needs; and
- 24 (b) Other transit corridors, which are planned to carry at least a moderate level of transit  
25 service providing for basic mobility needs.
- 26 (2) Cities and counties shall plan for a range of transit supportive facilities along priority transit  
27 corridors and in other locations where transit priority is desired. Cities and counties shall:
- 28 (a) Coordinate with transit service providers to determine transit priority infrastructure  
29 needed on priority transit routes for efficient transit service;
- 30 (b) Prioritize expedited access for transit vehicles to and from major stops, stations, and  
31 terminals; and
- 32 (c) Consider intercity transit access to stations or terminals.
- 33 (3) Cities and counties shall plan for safe and accessible transit stops and stations.
- 34 (a) Along priority transit corridors and other locations where transit priority is desired, cities  
35 and counties shall coordinate with transit service providers on the construction of transit  
36 supportive facilities. Cities and counties shall allow transit service providers to construct  
37 amenities at stops outright, with limited permitting requirements. These amenities include  
38 but are not limited to: pedestrian facility repair and extension, signage, lighting, benches,  
39 and shelters.

- 1 (b) Cities and counties shall limit on-street parking at transit stop locations at the request of a  
2 transit service provider.
- 3 (4) Cities and counties shall coordinate with transit service providers to identify needs for intercity  
4 transit services at a level appropriate to the size of the urban area and the size and distance of  
5 intercity markets.
- 6 (5) Cities and counties shall coordinate with transit service providers to identify gaps in transit  
7 service provided in the transportation system plan, and gaps for each priority transit corridor and  
8 other transit corridors.
- 9 (6) Cities and counties with an urban area of less than 10,000 population need not plan for priority  
10 transit corridors.

11 **0720: Public Transportation System Projects**

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

- 13 (1) Cities and counties shall develop a list of public transportation projects that would address all the  
14 gaps and deficiencies in the public transportation system identified by the city under OAR 660-  
15 012-0700(4).
- 16 (2) Cities and counties shall coordinate with transit service providers to identify the gaps in transit  
17 service provided in the transportation system plan and those identified in a land use and  
18 transportation scenario plan as provided in OAR 660-044-0110 or in the Statewide Transportation  
19 Strategy as adopted by the Oregon Transportation Commission, including the gap in transit miles  
20 per capita, and gaps for each priority transit corridor and other transit corridors. The purpose of  
21 identifying these gaps is to illustrate the need for transit service operating funds for services  
22 operated within the planning area. The transportation system plan need not make provisions for  
23 funding operations of transit services directly.
- 24 (3) Cities and counties shall develop public transportation system project prioritization factors that  
25 are able to sort the list of public transportation system projects into a prioritized list of public  
26 transportation system projects. Cities must develop public transportation project prioritization  
27 factors by engaging underserved populations as provided in OAR 660-012-0130.
- 28 (4) Cities and counties shall use the following factors when prioritizing public transportation system  
29 projects:
- 30 (a) Public transportation system investments in climate friendly areas and Metro Region  
31 2040 centers;
- 32 (b) Public transportation system investments in areas with concentrations of underserved  
33 populations, particularly in areas with concentrations of people dependent on public  
34 transportation;
- 35 (c) Public transportation system investments that provide access to key public transportation  
36 destinations as provided in OAR 660-012-0360;
- 37 (d) Public transportation system investments that will connect to, fill gaps in, and expand the  
38 existing public transportation network;
- 39 (e) Public transportation system investments that prioritize transit travel consistent with the  
40 prioritization factors in OAR 660-012-0155; and
- 41 (f) Where applicable, public transportation system investments that implement a scenario  
42 plan approved by order as provided in OAR 660-044-0120.

- 1 (5) The transportation system plan must include a description of the prioritization factors and method  
2 of prioritizing public transportation projects used to develop the prioritized list of public  
3 transportation projects.

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

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

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

9 ***0800: Street and Highway System Planning***

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

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

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

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

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

22 **0810: Street and Highway System Requirements**

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

- 27 (1) Cities and counties shall plan, design, build, and maintain a connected streets and highway  
28 network in a manner that respects the prioritization factors in OAR 660-012-0155.
- 29 (a) Cities and counties shall plan streets and highways for the minimum size necessary for  
30 the identified function, land use context, and expected users of the facility.
- 31 (b) Cities and counties shall consider and reduce excessive standards for local streets and  
32 accessways in order to reduce the cost of construction, increase safety, provide for more  
33 efficient use of urban land, provide for emergency vehicle access while discouraging  
34 inappropriate traffic volumes and speeds, provide for utility placement, and support  
35 connected and safe pedestrian and bicycle networks.
- 36 (c) Cities and counties shall plan for an equitable allocation of right-of-way consistent with  
37 the prioritization factors as provided in OAR 660-012-0155. Streets in climate friendly  
38 areas, Metro Region 2040 centers, and along priority transit corridors must be designed to  
39 prioritize pedestrian, bicycle, and transit systems, as provided in OAR 660-012-0510,  
40 OAR 660-012-0610, and OAR 660-012-0710.

- 1 (2) Cities and counties shall plan local streets to provide local access to property and localized  
2 circulation within neighborhoods.
- 3 (a) Cities and counties shall plan and design local streets for low and safe travel speeds  
4 compatible with shared pedestrian and bicycle use.
- 5 (b) Cities and counties shall establish standards for local streets with pavement width and  
6 right-of-way width as narrow as practical to meet needs, reduce the cost of construction,  
7 efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve  
8 safety, and accommodate convenient pedestrian and bicycle circulation. Local street  
9 standards adopted by a city or county must be developed as provided in ORS 368.039. A  
10 local street standard where the paved width is no more than 28 feet on streets where on-  
11 street parking is permitted on both sides of the street shall be considered adequate to meet  
12 this requirement. Wider standards may be adopted if the local government makes  
13 findings that the wider standard is necessary.
- 14 (c) Cities and counties shall plan and design a complete and connected network of local  
15 streets. Cities and counties may plan for chicanes, diverters, or other strategies or devices  
16 in local street networks where needed to prevent excessive speed or through travel. These  
17 measures must continue to provide for connected and pedestrian and bicycle networks.
- 18 (d) Cities and counties shall avoid planning or designing local streets with a dead end. Dead  
19 end local streets may be permitted in locations with topographic or other barriers, or  
20 where the street is planned to continue to a connected network in the future.
- 21 (e) Cities and counties shall plan for multimodal travel on local streets as provided in OAR  
22 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710. Cities and counties must  
23 plan local streets in climate friendly areas and Metro Region 2040 centers to prioritize  
24 pedestrian and bicycle systems, and be limited to local access for motor vehicles.
- 25 (f) A city or county may plan for local streets to be wider than otherwise allowed in this rule  
26 when used exclusively for access to industrial or commercial properties outside of  
27 climate friendly areas or Metro Region 2040 centers, and where plans do not allow  
28 residential or mixed-use development.
- 29 (g) Transportation system plans need not include the specific location of all planned local  
30 streets but must describe areas where they will be necessary.
- 31 (3) Cities and counties shall plan collector streets to provide access to property and collect and  
32 distribute traffic between local streets and arterials. Cities and counties must plan and design a  
33 collector street network that is complete and connected with local streets and arterials.
- 34 (a) Cities and counties must plan for multimodal travel on collector streets as provided in  
35 OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- 36 (b) Cities and counties must plan collectors in climate friendly areas and Metro Region 2040  
37 centers to prioritize pedestrian, bicycle, and public transportation systems.
- 38 (4) Cities and counties shall plan arterial streets and highways to provide travel between  
39 neighborhoods and across urban areas. Cities and counties must plan an arterial street network  
40 that is complete and connected with local streets and collectors.
- 41 (a) Cities and counties shall designate each segment of an arterial as one of the three  
42 categories below in the transportation system plan. These designations must be made  
43 considering the intended function, the land use context, and the expected users of the  
44 facility. Cities and counties must address these considerations to ensure local plans  
45 include different street standards for each category of arterial segment.

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

35 **0820: Street and Highway System Projects**

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

- 37 (1) Cities and counties shall develop a list of street and highway system projects that would address  
 38 the gaps and deficiencies in the street and highway system.
- 39 (2) Cities and counties shall develop street and highway project prioritization factors that are able to  
 40 sort the list of street and highway system projects into a prioritized list of street and highway

1 system projects. Cities must develop street and highway project prioritization factors by engaging  
2 underserved populations as provided in OAR 660-012-0130.

3 (3) Cities and counties shall use the following factors when prioritizing street and highway system  
4 projects:

5 (a) Street and highway investments that reallocate right-of-way from facilities dedicated to  
6 moving motor vehicles to those for use by the pedestrian, bicycle, and public  
7 transportation systems, particularly:

8 (A) In climate friendly areas and Metro Region 2040 centers;

9 (B) In areas with concentrations of underserved populations; and

10 (C) In areas with reported serious injuries and deaths.

11 (b) Street and highway system investments that will fill gaps in the existing street network;

12 (c) Street and highway system investments consistent with the prioritization factors in OAR  
13 660-012-0155;

14 (d) Street and highway system investments that will help meet the performance targets as  
15 provided in OAR 660-012-0910; and

16 (e) Street and highway system investments consistent with a scenario plan approved by order  
17 as provided in OAR 660-044-0120.

18 (4) The transportation system plan must include a description of the prioritization factors and method  
19 of prioritizing street and highway projects used to develop the prioritized list of street and  
20 highway system projects.

21 (5) Cities or counties choosing to include a proposed facility requiring authorization as provided in  
22 OAR 660-012-0830 in the transportation system plan must first meet the requirements provided  
23 in OAR 660-012-0830.

24 ***0830: Enhanced Review of Select Roadway Projects***

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

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

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

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

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

38 (A) A new or extended arterial street, highway, freeway, or bridge;

39 (B) New or expanded interchanges;

- 1 (C) An increase in the number of general purpose travel lanes for any existing arterial  
2 or collector street, highway, or freeway; and
- 3 (D) New or extended auxiliary lanes with a total length of one-half mile or more.  
4 Auxiliary lane means the portion of the roadway adjoining the traveled way for  
5 speed change, turning, weaving, truck climbing, maneuvering of entering and  
6 leaving traffic, and other purposes supplementary to through-traffic movement.
- 7 b. Notwithstanding any provision in subsection (a), the following proposed facilities need  
8 not be reviewed or authorized as provided in this rule:
- 9 (A) Changes expected to have a capital cost of less than \$5 million;
- 10 (B) Changes that reallocate right of way to provide more space for pedestrian,  
11 bicycle, transit, or high-occupancy vehicle facilities;
- 12 (C) Facilities with no more than one general purpose travel lane in each direction,  
13 with or without one turn lane;
- 14 (D) Changes to intersections that do not increase the number of lanes, including  
15 implementation of a roundabout;
- 16 (E) Access management, including the addition or extension of medians;
- 17 (F) Modifications necessary to address safety needs; or
- 18 (G) Operational changes, including changes to signals, signage, striping, surfacing, or  
19 intelligent transportation systems.
- 20 (2) Cities and counties choosing to authorize a proposed facility as provided in this rule shall:
- 21 (a) Initiate the authorization process through action of the governing body of the city or  
22 county;
- 23 (b) Include the authorization process as part of an update to a transportation system plan to  
24 meet the requirements as provided in OAR 660-012-0100, or have an existing  
25 acknowledged transportation system plan meeting these requirements;
- 26 (c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;
- 27 (d) Designate the project limits and characteristics of the proposed facility, including length,  
28 number of lanes, or other key features;
- 29 (e) Designate a facility impact area and determine affected jurisdictions as provided in  
30 section (3);
- 31 (f) Conduct an engagement-focused equity analysis of the proposed facility as provided in  
32 OAR 660-012-0135;
- 33 (g) Develop a public involvement strategy as provided in section (4);
- 34 (h) Conduct an alternatives review as provided in sections (5) and (6);
- 35 (i) Choose to move forward with an authorization report as provided in section (7);
- 36 (j) Complete an authorization report as provided in section (8); and
- 37 (k) Publish the authorization report as provided in section (9).
- 38 (3) A city or county designating a facility impact area and determining affected jurisdictions shall:
- 39 (a) Coordinate with all cities and counties with planning jurisdictions within two miles of the  
40 limits of the proposed facility to determine the extent of the facility impact area;

- 1 (b) Review the extent of the impact of the proposed facility by including all areas where  
2 implementation of the proposed facility is expected to change levels or patterns of traffic  
3 or otherwise change the transportation system or land use development patterns;
- 4 (c) Take particular care when reviewing the facility impact area in places with concentrations  
5 of underserved populations. The city or county must consider the special impact of new  
6 facilities in the context of historic patterns of discrimination, disinvestment, and harmful  
7 investments;
- 8 (d) Designate a facility impact area to include, at minimum, areas within one mile of the  
9 proposed facility; and
- 10 (e) Determine affected jurisdictions by including all cities or counties with planning  
11 jurisdictions in the designated facility impact area.
- 12 (4) A city or county developing a public involvement strategy shall, in coordination with affected  
13 jurisdictions:
- 14 (a) Develop the public involvement strategy as provided in OAR 660-012-0130.
- 15 (b) Require that the public involvement strategy provides for opportunities for meaningful  
16 public participation in decision-making over the course of the authorization process;
- 17 (c) Require that the public involvement strategy includes regular reports to the affected  
18 governing bodies, planning commissions, and the public on the progress of the  
19 authorization process; and
- 20 (d) Coordinate the public involvement strategy with other public involvement activities  
21 which may be concurrent, including updates to a transportation system plan or  
22 authorizations for other proposed facilities.
- 23 (5) A city or county choosing to undertake an alternatives review shall, in coordination with affected  
24 jurisdictions:
- 25 (a) Have designated the facility impact area, determined affected jurisdictions, transit service  
26 providers, and transportation options providers; and developed a public consultation  
27 strategy as provided in this rule;
- 28 (b) Develop a summary of the expected impacts of the proposed facility on underserved  
29 populations identified as provided in OAR 660-012-0125, particularly, but not  
30 exclusively, in neighborhoods with concentrations of underserved populations. These  
31 impacts must include, but are not limited to, additional household costs, and changes in  
32 the ability to access jobs and services without the use of a motor vehicle;
- 33 (c) Develop a summary of the estimated additional motor vehicle travel per capita that is  
34 expected to be induced by implementation of the proposed facility over the first 20 years  
35 of service, using best available science;
- 36 (d) Investigate alternatives to the proposed facility, as provided in subsections (e) through  
37 (h). Cities and counties must use a planning level of analysis, and make use of existing  
38 plans and available data as much as practical;
- 39 (e) Investigate alternatives to the proposed facility through investments in the pedestrian and  
40 bicycle systems. The city or county must:
- 41 (A) Review the transportation system plan for identified gaps and deficiencies in  
42 pedestrian and bicycle facilities within the facility impact area;

- 1 (B) Determine how much of the need for the proposed facility may be met through  
2 enhanced investments in the pedestrian and bicycle networks;
- 3 (C) Identify pedestrian and bicycle system investments that could contribute to  
4 meeting the identified need which do not require implementation of the proposed  
5 facility; and
- 6 (D) Identify pedestrian and bicycle system investments that could contribute to  
7 meeting the identified need which may be implemented without the proposed  
8 facility, and may be retained if the proposed facility is implemented.
- 9 (f) Investigate alternatives to the proposed facility through investments in the public  
10 transportation system. The city or county must:
- 11 (A) Review the transportation system plan for identified gaps and deficiencies in  
12 public transportation facilities and services within the facility impact area;
- 13 (B) Coordinate with transit service providers to identify opportunities for providing  
14 additional transit service within or to the facility impact area; and
- 15 (C) Identify potential transit facility and service investments that contribute to  
16 meeting the identified need which may be implemented without the proposed  
17 facility.
- 18 (g) Investigate alternatives to the proposed facility through investments in transportation  
19 options programs; or other means to reduce demand for motor vehicle travel. The city or  
20 county must:
- 21 (A) Review the transportation system plan for identified existing and needed  
22 transportation demand management services within the facility impact area;
- 23 (B) Coordinate with transportation options providers to identify opportunities for  
24 providing transportation demand management services in and around the facility  
25 impact area; and
- 26 (C) Identify potential transportation options program investments that contribute to  
27 meeting the identified need which may be implemented without the proposed  
28 facility.
- 29 (h) Investigate alternatives to the proposed facility that include system pricing. The city or  
30 county must:
- 31 (A) Determine if various types of pricing could substantially reduce the need for the  
32 proposed facility;
- 33 (B) Investigate a range of pricing methods appropriate for the facility type and need,  
34 which may include, but are not limited to: parking pricing, tolling, facility  
35 pricing, cordon pricing, or congestion pricing; and
- 36 (C) Identify pricing methods where it is reasonably expected to meet the need for the  
37 facility, may reasonably be implemented, and can be expected to generate  
38 sufficient revenue to cover the costs of operating the collection apparatus.
- 39 (6) A city or county completing an alternatives review must, in coordination with affected  
40 jurisdictions:
- 41 (a) Review the projects identified in section (5) to determine sets of investments that may be  
42 made that could substantially meet the need for the proposed facility without  
43 implementation of the proposed facility. A city or county must consider adopted state,

- 1 regional, and local targets for reduction of vehicle miles traveled to reduce greenhouse  
2 gas emissions when making determinations of substantially meeting the need for the  
3 proposed facility; and
- 4 (b) Complete an alternatives review report upon completion of the alternatives review phase.  
5 The alternatives review report must include a description of the effectiveness of identified  
6 alternatives. The alternatives review report must include the summaries developed in  
7 subsections (5)(b) and (c). The alternatives review report must be provided to the public,  
8 and the governing bodies and planning commissions of each affected city or county. The  
9 alternatives review report must also be included in the next annual report to the director  
10 as provided in OAR 660-012-0900.
- 11 (7) The governing body of the city or county shall review the alternatives review report and may  
12 either:
- 13 (a) Select a set of investments reviewed in the alternatives review report intended to  
14 substantially meet the identified need for the proposed facility. These investments may be  
15 added to the unconstrained project list of the transportation system plan as provided in  
16 OAR 660-012-0170; or
- 17 (b) Choose to complete the authorization report for the proposed facility, as provided in  
18 section (8).
- 19 (8) A city or county choosing to complete an authorization report as provided in section (7) shall,  
20 after completion of the alternatives review, include the following within the authorization report:
- 21 (a) A record of the initiation of the authorization process by the governing body;
- 22 (b) The public involvement strategy developed as provided in section (4), and how each part  
23 of the public involvement strategy was met;
- 24 (c) The alternatives review report;
- 25 (d) A summary of the estimated additional long-term costs of maintaining the proposed  
26 facility, including expected funding sources and responsible transportation facility  
27 operator.
- 28 (9) A city or county shall publish the authorization report upon completion and provide it to the  
29 public and governing bodies of each affected jurisdiction.
- 30 (10) A city or county, having completed and published an authorization report, may place the  
31 proposed project on the list of street and highway system projects with other projects as provided  
32 in OAR 660-012-0820. A proposed project authorized as provided in this rule may remain on a  
33 project list in the transportation system plan as long there are no substantial changes to the  
34 proposed project as described in the authorization report.

1 **New Rules 0900-0920: Reporting and Compliance**

2 This part of the Transportation Planning Rules set requirements for how cities and counties will regularly  
3 report progress to the department. Annual reports will include a narrative of progress made over the  
4 past year, with more substantial reports required every four or five years.

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

6 **0900: Reporting**

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

- 11 (1) Cities and counties outside of the planning area of Metro shall report annually on progress toward  
12 meeting the requirements in division 44 and this division.
- 13 (2) Metro shall prepare a report annually on progress toward meeting the requirements in division 44  
14 and this division. Cities and counties within the planning area of Metro shall coordinate with  
15 Metro and provide information to Metro. Cities and counties within the planning area of Metro  
16 are not required to report directly to the department as provided in this rule.
- 17 (3) Cities, counties, and Metro shall submit the report to the director no later than May 31 of each  
18 year for the report for the previous calendar year.
- 19 (4) The director shall provide for a method of submission. The director shall review reports as  
20 provided in OAR 660-012-0915.
- 21 (5) Cities, counties, and Metro shall submit either a minor report, as provided in section (6), or a  
22 major report, as provided in section (7), each year.
- 23 (a) Minor reports shall be submitted each year where a major report is not submitted.
- 24 (b) Major reports shall be submitted for each year in which the metropolitan planning  
25 organization representing the city or county approved a regional transportation plan as  
26 provided in 23 CFR § 450.324.
- 27 (6) A minor report must include the following information:
- 28 (a) A narrative summary of the state of coordinated land use and transportation planning in  
29 the planning area over the reporting year, including any relevant activities or projects  
30 undertaken or planned by the city or county;
- 31 (b) The planning horizon date of the acknowledged transportation system plan, a summary of  
32 any amendments made to the transportation system plan over the reporting year, and a  
33 forecast of planning activities over the near future which may include amendments to the  
34 transportation system plan;
- 35 (c) Copies of reports made in the reporting year for progress towards centering the voices of  
36 underserved populations in processes at all levels of decision-making as provided in OAR  
37 660-012-0130 and a summary of any equity analyses conducted as provided in OAR 660-  
38 012-0135; and
- 39 (d) Any alternatives reviews undertaken as provided in OAR 660-012-0830, including those  
40 underway or completed.

- 1 (7) A major report must include the following information:
- 2 (a) All information required in a minor report as provided in section (6);
- 3 (b) For reporting cities and counties:
- 4 (A) A description of what immediate actions the city or county has considered to be
- 5 taken to reduce greenhouse gas emissions as provided in ORS 184.899(2); and
- 6 (B) A description of the consultations with the metropolitan planning organization on
- 7 how the regional transportation plan could be altered to reduce greenhouse gas
- 8 emissions as provided in ORS 184.899(2).
- 9 (c) Reporting for each regional and local performance measures as provided in OAR 660-
- 10 012-0905 or OAR 660-044-0110 including:
- 11 (A) Baseline data;
- 12 (B) Baseline projections of expected outcomes from acknowledged plans;
- 13 (C) An assessment of whether the city, county, or Metro has met or is on track to
- 14 meet each performance target for each reporting year between the base year and
- 15 planning horizon year as provided in OAR 660-012-0910;
- 16 (D) For any performance targets that were not met, a proposal for the corrective
- 17 actions that will be taken to meet the performance target by the next major report;
- 18 (E) An assessment of whether the reporting city or county has adopted local
- 19 amendments to implement the approved land use and transportation scenario plan
- 20 as provided in OAR 660-044-0130;
- 21 (F) For any amendments to implement the approved land use and transportation
- 22 scenario plan as provided in OAR 660-044-0130 that have not yet been adopted,
- 23 a proposal for the corrective actions that will be taken to adopt the amendments;
- 24 and
- 25 (G) The status of any corrective actions identified in prior reports.
- 26 (8) Upon a written request for an exemption submitted to the department prior to the due date of a
- 27 report, the director may grant a city or county an exemption to a requirement to include any
- 28 required element of a report under sections (6) or (7) when the director determines that the
- 29 requestor has established that collection and reporting of the information would not be possible or
- 30 would place an undue burden on the city or county.
- 31 (9) Counties need only report for those portions of the county within an urban growth boundary
- 32 inside the metropolitan area. A county may jointly report with a city for the entire urban growth
- 33 area of the city.
- 34 (10) Reports as provided by this rule are not land use decisions.

1 **0905: Land Use and Transportation Performance Measures**

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

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

- 1 (C) Share of key destinations within one-half mile of a priority transit corridor.
- 2 (e) Parking Costs and Management: Average daily public parking fees in climate friendly
- 3 areas.
- 4 (f) Transportation System
- 5 (A) Vehicle miles traveled per capita.
- 6 (B) Percent of jurisdiction transportation budget spent in climate friendly areas and
- 7 underserved population neighborhoods.
- 8 (C) Share of investments that support modes of transportation with low pollution.

9 **0910: Land Use and Transportation Performance Targets**

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

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

1 **0915: Review of Reports**

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

- 6 (1) Upon receipt of a submitted minor report as provided in OAR 660-012-0900(6);
- 7 (a) The director shall make a preliminary determination of completeness within 30 calendar  
8 days of receipt and shall notify the submitter of any missing items required under OAR  
9 660-012-0900(6) that is not subject to an exemption under OAR 660-012-0900(8).
- 10 (b) The submitter must submit information to the department within 30 days of the director’s  
11 notification under subsection (a), unless the submitter requests, and the director grants, an  
12 extension of time to submit the missing information, for a period not to exceed 90  
13 additional days.
- 14 (c) If the submitter does not submit the missing information within the time allotted by the  
15 director, the director may refer the report for a compliance hearing as provided in OAR  
16 660-012-0920.
- 17 (d) Once a minor report submitted as provided in OAR 660-012-0900(6) is determined to be  
18 complete, the director shall post the minor report on the department website and send  
19 notice of approval to the submitter.
- 20 (2) Upon receipt of a submitted major report as provided in OAR 660-012-0900(7);
- 21 (a) The director shall make a preliminary determination of completeness within 30 calendar  
22 days of receipt and shall notify the submitter of any missing items required under OAR  
23 660-012-0900(7) that is not subject to an exemption under OAR 660-012-0900(8).
- 24 (b) The submitter must submit information to the department within 30 days of the director’s  
25 notification under subsection (a), unless the submitter requests, and the director grants, an  
26 extension of time to submit the missing information, for a period not to exceed 90  
27 additional days. If the submitter does not submit additional information, the director shall  
28 proceed with review of the submission as provided in sections (3) and (4).
- 29 (c) If the director does not notify the submitter of missing items within 30 days of submittal,  
30 the director shall proceed with review of the submission as provided in sections (3) and  
31 (4).
- 32 (3) Upon completion of the process in section (2), the director shall:
- 33 (a) Post a complete copy of the major report on the department’s website along with the  
34 alternative findings the director may make in section (4), and a statement that any person  
35 may file a written comment regarding the submitted report no more than 21 days after the  
36 posting of the report.
- 37 (b) Provide notice to persons described under ORS 197.615(3)(a), directing them to the  
38 posting described in subsection (a) and informing them that they may file a written  
39 comment regarding the submitted report no more than 21 days after the posting of the  
40 report.
- 41 (4) Within 60 days of completion of the process in section (2), the director shall;

- 1 (a) Find that the submitter has met the performance targets as provided in OAR 660-012-  
2 0910, and has adopted local amendments to implement any approved land use and  
3 transportation scenario plan as provided in OAR 660-044-0130;
- 4 (b) Find that the submitter has proposed adequate corrective actions to address any  
5 performance targets that were not met and adequate to meet any performance targets as  
6 provided in OAR 660-012-0910;
- 7 (c) Find that the submitter has not met a performance target as provided in OAR 660-012-  
8 0910 and has proposed inadequate corrective actions; or
- 9 (d) Find that the submitter has not implemented an approved land use and transportation  
10 scenario plan as provided in OAR 660-044-0130 and proposed inadequate corrective  
11 actions.
- 12 (5) If the director makes findings described in subsections (4)(a) or (b);
- 13 (a) The director shall issue an order approving the report. The department shall post an  
14 approval order on a public website and send notice to the submitter, and persons who  
15 provided written comment under section (3). The order must include information on the  
16 process to appeal the director's order as described in this rule.
- 17 (b) A person who has provided written comment under section (3) may appeal the director's  
18 order to the commission. An appeal is valid only if the appeal clearly identifies a  
19 deficiency in the submitted report based on the requirements of this division on issues  
20 raised in the written comments.
- 21 (c) The director shall determine if the appeal filed is valid, and the director's determination  
22 of validity is final.
- 23 (d) If no valid appeals are filed in response to the director's order, the order is final.
- 24 (e) If any valid appeals are filed in response to the director's order, then the director shall  
25 refer the report for a compliance hearing as provided in OAR 660-012-0920.
- 26 (6) If the director makes findings described in subsections (4)(c) or (d), then the director shall refer  
27 the report for a compliance hearing as provided in OAR 660-012-0920.

28 **0920: Compliance Hearings**

29 Compliance hearings can be the result of a director finding that report is unacceptable, no report has  
30 been submitted, or due to complaint by other parties.

- 31 (1) The commission shall hold a compliance hearing in response to referral from the director at its  
32 next regularly scheduled meeting that is at least 30 days after the referral.
- 33 (2) The commission may hold a compliance hearing on its own motion or in response to an allegation  
34 that a city, county, or Metro has:
- 35 (a) Missed a deadline in this division;
- 36 (b) Missed a deadline in OAR 660-044-0015;
- 37 (c) Failed to implement corrective actions required by this division; or
- 38 (d) Failed to comply with a requirement in this division.

- 1 (3) The department shall post notice of a compliance hearing on a public website and send notice to  
2 the parties.
- 3 (4) At the compliance hearing the commission shall:
- 4 (a) Consider the director’s written and oral report; and
- 5 (b) Consider oral testimony and written testimony provided at least 14 days prior to the  
6 hearing from a city, a county, or Metro and any persons who provided written comment  
7 as provided in OAR 660-012-0915(3)(b).
- 8 (5) The commission may evaluate the compliance of the cities and counties within a metropolitan  
9 area in a collective evaluation, or the commission may evaluate the compliance of an individual  
10 city or county separately.
- 11 (6) If the commission finds that a report meets the requirements of this division, or that the city,  
12 county, or Metro is in compliance with the requirements of this division, then the commission  
13 shall issue an order of approval.
- 14 (7) If the commission finds a city, a county, or Metro out of compliance with the requirements of this  
15 division, the commission may use any authority granted to commission, including but not limited  
16 to the actions below.
- 17 (a) Issue an order to remand a report with specific directions for changes necessary to  
18 comply with this division;
- 19 (b) Issue an enforcement order as provided in ORS 197.319 through 197.335.
- 20 (c) Issue an order to invalidate the acknowledgement of local transportation system plans  
21 that are not consistent with an approved Land use and Transportation Scenario Plan.
- 22 (d) Provide notice to the Oregon Department of Transportation and the United States  
23 Department of Transportation of the lack of compliance with state planning requirements.
- 24 (8) The director shall mail the order to all parties.
- 25 (9) A commission order under this rule may be reviewed as provided in ORS 183.484 for orders in  
26 other than a contested case. Reports and orders as provided in this rule are not land use  
27 decisions.