

TPR and Rural Roads

660-012-0065 Transportation Improvements on Rural Lands

- 1) This rule identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goals 3, 4, 11, and 14 without a goal exception.
- 2) For the purposes of this rule, the following definitions apply:
 - a) "**Access Roads**" means low volume public roads that principally provide access to property or as specified in an acknowledged comprehensive plan;
 - c) "**Collectors**" means public roads that provide access to property and that collect and distribute traffic between access roads and arterials or as specified in an acknowledged comprehensive plan;
 - d) "**Arterials**" means state highways and other public roads that principally provide service to through traffic between cities and towns, state highways and major destinations or as specified in an acknowledged comprehensive plan;
 - e) "**Accessory Transportation Improvements**" means transportation improvements that are incidental to a land use to provide safe and efficient access to the use;
 - f) "**Channelization**" means the separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns.
"Channelization" does not include continuous median turn lanes;
 - g) "**Realignment**" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan;
 - h) "**New Road**" means a public road or road segment that is not a realignment of an existing road or road segment.
- 3) The following transportation improvements are consistent with Goals 3, 4, 11, and 14 subject to the requirements of this rule:
 - a) **Accessory transportation** improvements for a use that is allowed or conditionally allowed by *ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);*
 - b) **Transportation improvements** that are allowed or conditionally allowed by *ORS 215.213, 215.283 or OAR chapter 660, division 6 (Forest Lands);*
 - c) **Channelization not otherwise allowed** under subsections (a) or (b) of this section;
 - d) **Realignment of roads not otherwise allowed** under subsection (a) or (b) of this section;
 - e) **Replacement of an intersection with an interchange;**
 - f) **Continuous median turn lane;**
 - g) **New access roads and collectors within a built or committed exception area**, or in other areas where the function of the road is to reduce local access to or local traffic on a state highway.

These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

- h) **Bikeways, footpaths and recreation trails** not otherwise allowed as a modification or part of an existing road;
 - i) **Park and ride lots;**
 - j) **Railroad mainlines and branchlines;**
 - k) **Pipelines;**
 - l) **Navigation channels;**
 - m) **Replacement of docks and other facilities without significantly increasing the capacity** of those facilities;
 - n) **Expansions or alterations of public use airports that do not permit service to a larger class of airplanes;** and
 - o) **Transportation facilities, services and improvements other than those listed in this rule that serve local travel needs.** The **travel capacity and performance standards of facilities** and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.
- 4) Accessory transportation improvements required as a condition of development listed in subsection (3)(a) of this rule shall be subject to the same procedures, standards and requirements applicable to the use to which they are accessory.
- 5) For transportation uses or improvements listed in subsections (3)(d) to (g) and (o) of this rule within an exclusive farm use (EFU) or forest zone, a jurisdiction shall, in addition to demonstrating compliance with the requirements of [ORS 215.296](#):
- a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
 - c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
- 6) Notwithstanding any other provision of this division, if a jurisdiction has not met the deadline for TSP adoption set forth [in OAR 660-012-0055](#), or any extension thereof, a transportation improvement that is listed in section (5) of this rule and that will significantly reduce peak hour travel time as provided [in OAR 660-012-0035\(10\)](#) may be allowed in the urban fringe only if the jurisdiction applies either:
- a) The criteria applicable to a "reasons" exception provided in [Goal 2 and OAR 660, division 4](#); or
 - b) The evaluation and selection criteria set forth in [OAR 660-012-0035](#).

STAT. AUTH.: ORS 183, 197.040, 197.245, 215.213, 215.283, 215.296

STATS. IMPLEMENTED: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717, 197.232, 215.213, 215.283

HIST.: LCDC 1-1991, F. & CERT. EF. 5-8-91; LCDC 3-1995, F. & CERT. EF. 3-31-95; LCDD 6-2006, F. 7-13-06, CERT. EF. 7-14-06

660-012-0070 - Exceptions for Transportation Improvements on Rural Land

- 1) Transportation facilities and improvements which do not meet the requirements of **OAR 660-012-0065** require an exception to be sited on rural lands.
 - b) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons that demonstrate that the standards in this rule have been met. A local government denying a proposed exception shall adopt findings of fact and a statement of reasons explaining why the standards in this rule have not been met. However, findings and reasons denying a proposed exception need not be incorporated into the local comprehensive plan.
 - c) The facts and reasons relied upon to approve or deny a proposed exception shall be supported by substantial evidence in the record of the local exceptions proceeding.
- 1) When an exception to **Goals 3, 4, 11, or 14** is required to locate a transportation improvement on rural lands, the exception shall be taken pursuant to **ORS 197.732(1)(c)**, **Goal 2**, and this division. The exceptions standards in **OAR chapter 660, division 4** and **OAR chapter 660, division 14** shall not apply. Exceptions adopted pursuant to this division shall be deemed to fulfill the requirements for goal exceptions required under **ORS 197.732(1)(c) and Goal 2**.
- 2) An exception shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement:
 - a) The general location shall be specified as a corridor within which the proposed facility or improvement is to be located, including the outer limits of the proposed location. Specific sites or areas within the corridor may be excluded from the exception to avoid or lessen likely adverse impacts. Where detailed design level information is available, the exception may be specified as a specific alignment;
 - b) The size, design and capacity of the proposed facility or improvement shall be described generally, but in sufficient detail to allow a general understanding of the likely impacts of the proposed facility or improvement and to justify the amount of land for the proposed transportation facility. Measures limiting the size, design or capacity may be specified in the description of the proposed use in order to simplify the analysis of the effects of the proposed use;
 - c) The adopted exception shall include a process and standards to guide selection of the precise design and location within the corridor and consistent with the general description of the proposed facility or improvement. For example, where a general location or corridor crosses a river, the exception would specify that a bridge crossing would be built but would defer to project development decisions about precise location and design of the bridge within the selected corridor subject to requirements to minimize impacts on riparian vegetation, habitat values, etc.;

- d) Land use regulations implementing the exception may include standards for specific mitigation measures to offset unavoidable environmental, economic, social or energy impacts of the proposed facility or improvement or to assure compatibility with adjacent uses.
- 3) To address **Goal 2, Part II(c)(1)** the exception shall provide reasons justifying why the state policy in the applicable goals should not apply. Further, the exception shall demonstrate that there is a transportation need identified consistent with the requirements of **OAR 660-012-0030** which cannot reasonably be accommodated through one or a combination of the following measures not requiring an exception:
- a) Alternative modes of transportation;
 - b) Traffic management measures; and
 - c) Improvements to existing transportation facilities.
- 4) To address **Goal 2, Part II(c)(2)** the exception shall demonstrate that non-exception locations cannot reasonably accommodate the proposed transportation improvement or facility. The exception shall set forth the facts and assumptions used as the basis for determining why the use requires a location on resource land subject to **Goals 3 or 4**.
- 5) To determine the reasonableness of alternatives to an exception under sections (4) and (5) of this rule, cost, operational feasibility, economic dislocation and other relevant factors shall be addressed. The thresholds chosen to judge whether an alternative method or location cannot reasonably accommodate the proposed transportation need or facility must be justified in the exception.
- a) In addressing **sections (4) and (5)** of this rule, the exception shall identify and address alternative methods and locations that are potentially reasonable to accommodate the identified transportation need.
 - b) Detailed evaluation of such alternatives is not required when an alternative does not meet an identified threshold.
 - c) Detailed evaluation of specific alternative methods or locations identified by parties during the local exceptions proceedings is not required unless the parties can specifically describe with supporting facts why such methods or locations can more reasonably accommodate the identified transportation need, taking into consideration the identified thresholds.
- 6) To address **Goal 2, Part II(c)(3)**, the exception shall:
- a) Compare the long-term economic, social, environmental and energy consequences of the proposed location and other alternative locations requiring exceptions. The exception shall describe the characteristics of each alternative location considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the location for the proposed transportation facility or improvement, and the typical positive and negative consequences resulting from the transportation facility or improvement at the proposed location with measures designed to reduce adverse impacts;
 - b) Determine whether the net adverse impacts associated with the proposed exception site, with mitigation measures designed to reduce adverse impacts, are significantly more adverse than the net impacts from other locations which would also require an exception. A proposed exception location would fail to meet this requirement only if the affected local government concludes that the impacts associated with it are significantly more adverse than the other

identified exception sites. The exception shall include the reasons why the consequences of the needed transportation facility or improvement at the proposed exception location are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed location. Where the proposed goal exception location is on resource lands subject to *Goals 3 or 4*, the exception shall include the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base; and

- c) The evaluation of the consequences of general locations or corridors need not be site-specific, but may be generalized consistent with the requirements of section (3) of this rule. Detailed evaluation of specific alternative locations identified by parties during the local exceptions proceeding is not required unless such locations are specifically described with facts to support the assertion that the locations have significantly fewer net adverse economic, social, environmental and energy impacts than the proposed exception location.
- 7) To address *Goal 2, Part II(c)(4)*, the exception shall:
- a) Describe the adverse effects that the proposed transportation improvement is likely to have on the surrounding rural lands and land uses, including increased traffic and pressure for nonfarm or highway oriented development on areas made more accessible by the transportation improvement;
 - b) Demonstrate how the proposed transportation improvement is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses; and
 - c) Adopt as part of the exception, facility design and land use measures which minimize accessibility of rural lands from the proposed transportation facility or improvement and support continued rural use of surrounding lands.
- 8)
- a) Exceptions taken pursuant to this rule shall indicate on a map or otherwise the locations of the proposed transportation facility or improvement and of alternatives identified under *subsection (4)(c), sections (5) and (7)* of this rule.
 - a) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.
- 10) An exception taken pursuant to this rule does not authorize uses other than the transportation facilities or improvements justified in the exception.
- a) Modifications to unconstructed transportation facilities or improvements authorized in an exception shall not require a new exception if the modification is located entirely within the corridor approved in the exception.
 - b) Modifications to constructed transportation facilities authorized in an exception shall require a new exception, unless the modification is permitted without an exception under *OAR 660-012-0065(3)(b)-(f)*. For purposes of this rule, minor transportation improvements made to a transportation facility or improvement authorized in an exception shall not be considered a modification to a transportation facility or improvement and shall not require a new exception.

- c) Notwithstanding subsections (a) and (b) of this section, the following modifications to transportation facilities or improvements authorized in an exception shall require new goal exceptions:
- (A) New intersections or new interchanges on limited access highways or expressways, excluding replacement of an existing intersection with an interchange.
 - (B) New approach roads located within the influence area of an interchange.
 - (C) Modifications that change the functional classification of the transportation facility.
 - (D) Modifications that materially reduce the effectiveness of facility design measures or land use measures adopted pursuant to subsection (8)(c) of this rule to minimize accessibility to rural lands or support continued rural use of surrounding rural lands, unless the area subject to the modification has subsequently been relocated inside an urban growth boundary.

STAT. AUTH.: ORS 183 & 197.040

STATS. IMPLEMENTED: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717, 197.732

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