

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING CON-)
CEPTS IN THE PROPOSED TRANSPORTA-)
TION PLANNING RULE OF THE LAND)
CONSERVATION AND DEVELOPMENT COM-)
MISSION AND SUBMITTING COMMENTS)

RESOLUTION NO. 91-1419A

Introduced by the Council
Transportation and
Planning Committee

WHEREAS, A statewide Transportation Planning Rule which would apply to the Regional Transportation Plan has been under consideration during the past year by the Oregon Department of Land Conservation and Development, and the Transportation Department of the Metropolitan Service District has actively participated in the development of said rule; and

WHEREAS, Transportation System Plans under the rule are a new form of mandatory public facilities plan, similar in concept to the Regional Transportation Plan of the Metropolitan Service District, to be required for all Metropolitan Planning Organizations (MPOs) and affected Oregon jurisdictions; and

WHEREAS, The Metropolitan Service District is the designated Metropolitan Planning Organization for the Portland/Tri-County metropolitan area; and

WHEREAS, The Land Conservation and Development Commission has requested comments on the latest draft of the proposed Transportation Planning Rule by April 5, 1991 and has scheduled the proposed Transportation Planning Rule for adoption at its next meeting in April 1991; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District endorses the concepts in the proposed Transportation Planning Rule (Draft of February 25, 1991 attached hereto as Exhibit A) with the following comments:

1. The Council supports development of transportation system plans similar in concept to the current Regional Transportation Plan of the District.

2. The Council believes the Oregon Department of Transportation should operate under the same rules as local jurisdictions for compliance with statewide transportation planning goals.

3. The Council supports strategies to reduce reliance on the automobile, including statewide goals for reducing Vehicle Miles Traveled (VMT) per capita.

4. The Council supports requiring evaluation of land use designations, densities and design standards in the development and selection of transportation alternatives. Supplemental rule sections of the Transportation Rule should be included in this evaluation criteria to assist local jurisdictions in their preparation of transportation system plans. The language reflected in Exhibit B to this resolution is recommended.

5. The Council supports the division of transportation decision-making into two distinct steps: a System Planning decision regarding the need for a system of transportation facilities and major improvements and their function, mode and general location followed by a Project Development decision

regarding the final build/no-build decision based upon project level details on design, alignment, impacts and mitigation.

6. The Council supports the detailed comments reflected in Exhibit C to this resolution.

ADOPTED by the Council of the Metropolitan Service District this 28th day of March, 1991.



Tanya Collier, Presiding Officer

**DRAFT
TRANSPORTATION PLANNING RULE**

660-12-000 Purpose

The purpose of this division is to implement Statewide Planning Goal 12 (Transportation). It is also the purpose of this division to explain how local governments and state agencies responsible for transportation planning demonstrate compliance with other statewide planning goals and to identify how transportation facilities are provided on rural lands consistent with the goals. The division sets requirements for coordination among affected levels of government for preparation, adoption, refinement, implementation and amendment of transportation system plans. Transportation system plans adopted pursuant to this division fulfill the requirements for public facilities planning required under ORS 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 11, as they relate to transportation facilities.

660-12-005 Definitions

For the purposes of this division, the definitions in ORS 197.015, the Statewide Planning Goals and OAR Chapter 660 shall apply. In addition the [following] definitions listed below shall apply[.].

- (1) **Access Management:** means measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.
- (2) **Affected local government:** means a city, county or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.
- (3) **Committed Transportation Facilities:** means those proposed transportation facilities and improvements which are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.
- (4) **Demand Management:** means actions which are designed to change travel behavior in order to improve performance of [highway] transportation facilities and to reduce need for additional [highway] road capacity. Methods may include but are not limited to the use of alternative modes, [and] ride-sharing and vanpool programs, and trip-reduction ordinances.[, and development impact fees.]
- (5) **Metropolitan Planning Organization (MPO):** [the] an organization located within the State of Oregon and [that has been] designated by the Governor to coordinate transportation planning in an urbanized area of the state including such designations made subsequent

to the adoption of this rule. The Longview-Kelso-Rainier MPO is not considered an MPO for the purposes of this rule.

- (6) ODOT: means the Oregon Department of Transportation.
- (7) Parking spaces: means on and off street spaces designated for automobile parking in areas planned for industrial, commercial, institutional or public uses. The following are not considered parking spaces for the purposes of 660-12-045(6)(c): park and ride lots, handicapped parking, and parking spaces for carpools and vanpools.
- (8) Planning Period: means the twenty year period beginning with the date of adoption of a TSP to meet the requirements of this rule.
- (9) Preliminary Design: means an engineering design which specifies in detail the location and alignment of a planned transportation facility or improvement.
- (10) [(7)] Refinement Plan: an amendment to the transportation system plan, which resolves, at a systems level, determinations on function, mode [and] or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.
- (11) [(8)] Roads: means streets, roads and highways.
- (12) [(11)] Transit-oriented development (TOD): means a mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit oriented development include:
 - (a) a mixed use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;
 - (b) high density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD.
 - (c) a network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.
- (13) [(9)] Transportation facilities: means [the transportation facilities identified in Section 660-12-025 of this division] any physical facility that moves or assists in the movement of people and goods including facilities identified in 660-12-020 but excluding electricity, sewage and water systems.
- (14) [(10)] [Traffic] Transportation system management measures: means techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal

improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping for high occupancy vehicle (HOV) lanes.

- (15) [(12)] Transportation Needs, Local: means needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.
- (16) [(13)] Transportation Needs, Regional: means needs for movement of people and goods between and through communities and accessibility to [or] regional destinations within a metropolitan area, county or associated group of counties.
- (17) [(14)] Transportation Needs, State: means needs for movement of people and goods between and through regions of the state and between the state and other states.
- (18) [(15)] Transportation Project Development [Planning]: means implementing the transportation system plan (TSP) by determining the precise location, [design and] alignment, and preliminary design of improvements included in the [plan] TSP based on [detailed] site-specific engineering and environmental studies.
- (19) [(16)] Transportation Service: means a service for moving people and goods, such as intercity bus service and passenger rail service.
- (20) [(17)] Transportation System Plan (TSP): means a plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.
- (21) [(18)] Urban Area: means lands within an urban growth boundary or two or more contiguous urban growth boundaries.

660-12-010 Transportation Planning

- (1) As described in this division, transportation planning shall be divided into two phases: transportation system planning and transportation project [planning] development. Transportation system planning establishes land use controls and a network of [improvements] facilities and services to meet overall transportation needs. Transportation project [planning] development implements the TSP by determining the precise location, [design and] alignment, and preliminary design of improvements included in the TSP, [, including a decision to build a project to comply with the requirements of the National Environmental Policy Act of 1969.]
- (2) It is not the purpose of this division to cause duplication of or to supplant existing applicable transportation plans and programs. Where all or part of an acknowledged comprehensive plan, TSP either of the local government or appropriate special district, capital improvement program, regional functional plan, or similar plan or combination of

plans meets all or some of the requirements of this division, those plans or programs may be incorporated by reference into the TSP required by this division. Only those referenced portions of such documents shall be considered to be a part of the TSP and shall be subject to the administrative procedures of this division and ORS Chapter 197.

660-12-015 Preparation and Coordination of Transportation System Plans

- (1) ODOT shall prepare, adopt and amend a state TSP in accordance with ORS 184.618, its program for state agency coordination certified under ORS 197.180, and [sections] OAR 660-12-030, 035, 050, [and] 065 and 070 [of this division]. The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs.
 - (a) The state TSP shall include the state transportation policy plan, modal systems plans and transportation facility plans as set forth in OAR 731, Division 15.
 - (b) State transportation project plans shall be compatible with acknowledged comprehensive plans as provided for in OAR 731, Division 15. Disagreements between ODOT and affected local governments shall be resolved in the manner established in that division.
- (2) MPOs and counties shall prepare and amend regional TSPs in compliance with this division. MPOs shall prepare regional TSPs for [areas and] facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other areas and facilities.
 - (a) Regional TSPs shall establish a system of transportation facilities and services adequate to meet identified regional transportation needs and shall be consistent with adopted elements of the state TSP.
 - (b) Where elements of the state TSP have not been adopted, the MPO or county shall coordinate the preparation of the regional TSP with ODOT to assure that state transportation needs are accommodated.
 - (c) Regional TSPs prepared by MPOs other than metropolitan service districts shall be adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan service districts shall adopt a regional TSP for areas within their jurisdiction.
 - (d) Regional TSPs prepared by counties shall be adopted by the county.
- (3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction in compliance with this division.

- (a) Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP.
 - (b) Where the regional TSP or elements of the state TSP have not been adopted, the city or county shall coordinate the preparation of the local TSP with the regional transportation planning body and ODOT to assure that regional and state transportation needs are accommodated.
- (4) Cities and counties shall adopt regional and local TSPs required by this division as part of their comprehensive plans. Transportation financing programs required by OAR 660-12-040 may be adopted as a supporting document to the comprehensive plan.
 - (5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services.
 - (6) [Special districts] Mass transportation, transit, airport and port districts shall [assist] participate in the development of [the] TSPs for those transportation facilities and services they provide. [A transportation plan prepared by a special district shall be coordinated with the TSP adopted by the affected local government.] These districts shall prepare and adopt plans for transportation facilities and services they provide. Such plans shall be consistent with and adequate to carry out relevant portions of applicable regional and local TSPs. Cooperative agreements executed under ORS 197.185(2) shall include the requirement that mass transportation, transit, airport and port districts adopt a plan consistent with the requirements of this section.
 - (7) Where conflicts are identified between proposed regional TSPs and acknowledged comprehensive plans, representatives of affected local governments shall meet to discuss means to resolve the conflicts. These may include:
 - (a) Changing the draft TSP to eliminate the conflicts; or
 - (b) Amending acknowledged comprehensive plan provisions to eliminate the conflicts;

For MPOs which are not metropolitan service districts, if conflicts persist between regional TSPs and acknowledged comprehensive plans after [pursuing these] efforts to achieve compatibility, an affected local government may petition the Commission to resolve the dispute.

660-12-020 Elements of Transportation System Plans

- (1) A TSP shall establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs.
- (2) The TSP shall include the following elements:

- (a) A determination of transportation needs as provided in 660-12-030.
- (b) A road plan for a network of arterials and collectors. [Road] Functional classifications of roads in regional and local TSPs shall be consistent with [road classifications] functional classifications of roads in state and regional TSPs and shall provide for continuity between adjacent jurisdictions.
- (c) A public transportation plan which:
 - (A) Describes public transportation services for the transportation disadvantaged and identifies service inadequacies.
 - (B) Describes intercity bus and passenger rail service and identifies the location of terminals.
 - (C) For areas within an urban growth boundary which have public transit service, identifies existing and planned transit trunk routes, exclusive transit ways, terminals and major transfer stations, and park-and-ride stations.
 - (D) For areas within an urban [growth boundary] area containing a population greater than 25,000 persons, not currently served by transit, evaluates the feasibility of developing a public transit system at buildout. Where a transit system is determined to be feasible, the plan shall meet the requirements of subsection 2(c)(C) of this section.
- (d) A bicycle and pedestrian plan for a network of bicycle and pedestrian routes throughout the planning area. The network and list of facility improvements shall be consistent with the requirements of ORS 366.514.¹
- (e) An air, rail, water and pipeline transportation plan which identifies where public use airports, mainline and branchline railroads and railroad facilities, port facilities, and major regional pipelines and terminals are located or planned within the planning area. For airports, the planning area shall include all areas within airport imaginary surfaces and other areas covered by state or federal regulations.
- (f) For areas within an urban area containing a population greater than 25,000 persons a plan for transportation system management and demand management.

¹ ORS 366.514 states that "Footpaths and bicycle trails, including curb cuts or ramps as part of the project, shall be provided wherever a highway, road or street is being constructed, reconstructed or relocated" by any county, city or the state using money from the State Highway Fund. Several exceptions are provided for in the law. -- Note: this footnote is for explanatory purposes only and is not part of the proposed rule.

- (g) A parking plan in MPO areas as provided in 660-12-045(6).
 - (h) Policies and land use regulations for implementing the TSP as provided in 660-12-045.
 - (i) For areas within an urban growth boundary containing a population greater than 2500 persons, a transportation financing program as provided in [Section] 660-12-040.
- (3) Each element identified in subsection (2)(b)-[(e)](d) of this section shall contain:
- (a) An inventory and general assessment of existing and committed transportation facilities and services by function, type, capacity and condition[:].
 - (A) The transportation capacity analysis shall include information on:
 - (i) The capacities of existing and committed facilities;
 - (ii) The degree to which those capacities have been reached or surpassed on existing facilities; and,
 - (iii) The assumptions upon which these capacities are based.
 - (B) For state and regional facilities, the transportation capacity analysis shall be consistent with standards of facility performance considered acceptable by the affected state or regional transportation agency.
 - (C) The transportation facility condition analysis shall describe the general physical and operational condition [and safety] of each transportation facility (e.g. very good, good, fair, poor, very poor).
 - (b) A [list] system of planned transportation facilities, services and major improvements. The [list] system shall include a description of the type or functional classification of planned facilities and services and their planned capacities and levels of service.
 - (c) A description of the location of planned facilities, services and major improvements, establishing the general corridor within which the facilities, services or improvements may be sited. This shall include a map showing the general location of proposed transportation improvements, a description of facility parameters such as minimum and maximum road right of way width and the number and size of lanes, and any other additional description that is appropriate.
 - (d) Identification of the provider of each transportation facility or service.

660-12-025. Complying with the Goals in Preparing Transportation System Plans; Refinement Plans

- (1) Except as provided in subsection (3) of this section, adoption of a TSP shall [be presented in sufficient detail to support a final] constitute the land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location. [and need for transportation facilities, services and major improvements.] The TSP shall not constitute the land use decision on the site-specific design, alignment or location of facilities, services or major improvements unless clear and objective standards governing design, alignment and location are adopted pursuant to 660-12-045(2).
- (2) Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP.
- (3) A local government or MPO may defer [final determinations] decisions regarding [the] function, general location and mode of [needed transportation facilities] to a refinement plan if findings are adopted which:
 - (a) Identify the transportation need for which decisions regarding function, general location or mode are being deferred;
 - (b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;
 - (c) Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;
 - [(c) Address all issues of compliance with applicable statewide goals, plan policies and land use regulations that can reasonably be addressed with available information;]
 - (d) Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and
 - (e) Demonstrate that the refinement effort will be completed within three years [of] or prior to initiation of the periodic review following adoption of the TSP.
- (4) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements of the National Environmental Policy Act of 1969, the development of the refinement plan shall be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted prior to the issuance of the Final EIS.

- [(4) The TSP or a refinement plan may defer issues concerning the precise design, alignment or location of proposed transportation facilities, where:]
- [(a) deferral is required by the National Environmental Policy Act of 1969; or]
 - [(b) resolution of those issues requires detailed environmental or engineering information that can only reasonably be obtained during project planning. However, such issues may not be deferred if failure to resolve those issues could affect the mode, function or capacity of the facility.]

660-12-030 Determination of Transportation Needs

- (1) The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:
 - (a) State, regional, and local transportation needs.
 - (b) Needs of the transportation disadvantaged.
 - (c) Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR 660-09.
- (2) Counties or MPOs preparing regional TSPs shall rely on the analysis of state transportation needs in adopted elements of the state TSP[s]. Local governments preparing local TSPs shall rely on the analyses of state and regional transportation needs in adopted elements of the state TSP and adopted regional TSPs.
- (3) Within urban growth boundaries, the determination of local and regional transportation needs shall be based upon:
 - (a) Population and employment forecasts and distributions which are consistent with the acknowledged comprehensive plan, including those policies which implement Goal 14, including Goal 14's requirement to encourage urban development on urban lands prior to conversion of urbanizable lands. Forecasts and distributions shall be for 20 years and, if desired, for longer periods.
 - (b) Measures adopted pursuant to [OAR] 660-12-045 to encourage reduced reliance on the automobile.
- (4) In MPO areas, calculation of local and regional transportation needs also shall be based upon accomplishment of the requirement in 660-12-035(4) to reduce reliance on the automobile. [the following transportation planning objectives over the planning period:]
 - [(a) A reduction in vehicle miles travelled (VMT) per capita;]

- [(b) A doubling of the modal share of non-auto trips (i.e. transit, bicycle, pedestrian); and]
- [(c) An average automobile occupancy during commuting hours of 1.3 persons per vehicle.]

660-12-035 Evaluation and Selection of Transportation Alternatives

- (1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology. The following shall be evaluated as components of system alternatives [shall be evaluated individually and in combination]:
 - (a) Improvements to existing facilities or services;
 - (b) New facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs;
 - (c) [Traffic] Transportation system management measures;
 - (d) Demand management measures; and
 - (e) A no-build system alternative[, for those facilities subject to the requirements of the] where required by the National Environmental Policy Act of 1969 or other laws.
- (2) Local governments may also evaluate alternative land use designations, densities and design standards to meet local and regional transportation needs.
- (3) The following standards shall be used to evaluate and select alternatives:
 - (a) The transportation system shall support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan.
 - (b) The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan;
 - (c) The transportation system shall minimize adverse economic, social, environmental and energy consequences.
 - (d) The transportation system shall minimize conflicts and facilitate connections between modes of transportation.

(e) The transportation system shall reduce principal reliance on the automobile. In MPO areas this shall be accomplished by selecting transportation alternatives which meet the requirements in [030(4)] 660-12-035(4).

(4) In MPO areas, regional and local TSPs shall achieve a 20% reduction in automobile vehicle miles travelled (VMT) per capita for the MPO area over the planning period.

(a) Regional TSP shall specify measurable objectives for each of the following and demonstrate how the combination selected will accomplish the overall standard of a 20% reduction in VMT per capita:

(A) An increase in the modal share of non-automobile trips (i.e. transit, bicycle, pedestrian); for example, a doubling of the modal share of non-automobile trips; and

(B) An increase in average automobile occupancy (i.e. persons per vehicle) during commuting hours; for example, an increase to an average of 1.5 persons per vehicle.

(b) Regional and local TSPs shall include interim benchmarks to assure satisfactory progress towards meeting the requirements of this section at five year intervals over the planning period.

(c) MPOs and local governments shall evaluate progress in meeting interim benchmarks at five year intervals from adoption of the regional and local TSPs. Where interim benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this section.

(5) Where existing and committed transportation facilities and services have adequate capacity to support the land uses in the acknowledged comprehensive plan, the local government [complies with this section] shall not be required to evaluate alternatives as provided in this section.

660-12-040 Transportation Financing Program

(1) For areas within an urban growth boundary containing a population greater than 2,500 persons, the TSP shall include a transportation financing program.

(2) A transportation financing program shall include:

(a) A list of planned transportation facilities and major improvements;

(b) A general estimate of the timing for planned transportation facilities and major improvements.

- (c) Determination of rough cost estimates for the transportation facilities and major improvements identified in the TSP.
- (3) The determination of rough cost estimates is intended to provide an estimate of the fiscal requirements to support the land uses in the acknowledged comprehensive plan and allow jurisdictions to assess the adequacy of existing and possible alternative funding mechanisms. In addition to including rough cost estimates for each transportation facility and major improvement, the transportation financing plan shall include a discussion of the facility provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each transportation facility and major improvement. These funding mechanisms may also be described in terms of general guidelines or local policies.
- (4) Anticipated timing and financing provisions in the transportation financing program are not considered land use decisions as specified in ORS 197.712(2)(e) and, therefore, cannot be the basis of appeal under ORS 197.610(1) and (2) or ORS 197.835(4).
- (5) The transportation financing program shall provide for phasing of improvements of major public transportation facilities to encourage infill and redevelopment of urban lands prior to facilities which would cause premature development of urbanizable areas or conversion of rural lands to urban uses.

660-12-045 Implementation of the Transportation System Plan

- [(1) Each local government shall amend its land use regulations to allow in each zone, outright or conditionally, the transportation facilities, services and improvements authorized by the TSP. Uses may be permitted outright where all applicable statewide goal and acknowledged comprehensive plan policies and land use regulations already have been addressed during transportation system planning, refinement planning or project planning, and where no further interpretation or exercise of factual, legal or policy judgment is required. Uses permitted outright may include, as appropriate:]
- [(a) Operation, maintenance, repair, and preservation of roads, bicycle and pedestrian facilities, airport facilities, rail facilities, major regional pipelines and terminals, and port facilities;]
- [(b) Road, bicycle, pedestrian, rail, pipeline, port and airport improvements which do not increase the capacity of the facility and are consistent with the TSP.]
- [(c) Dedication of right of way, authorization of financing and construction, and the financing and construction of facilities and improvements, where the improvements are consistent with dimensional standards identified in the TSP.]
- [(d) Uses permitted outright under ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n), consistent with the provisions of OAR 660-12-065.]

- [(e) Traffic management measures which are consistent with the functional classification of the facility.]
- [(f) Transit service improvements consistent with the adopted regional TSP including increases in the frequency of transit service, expansion of the coverage of transit service, and traffic management measures to improve transit service.]
- (1) Local governments shall adopt land use regulations to allow operation, maintenance and repair of existing transportation facilities and services in all zones subject to clear and objective standards.
- [(2) To facilitate implementation of TSPs, each local government[s] shall adopt comprehensive plan policies and land use regulations authorizing consolidated review of land use actions required to permit a transportation project.]
- (2) Local governments shall adopt land use regulations to allow the construction or expansion of transportation facilities and services which are authorized by the adopted TSP and which are consistent with other requirements of the comprehensive plan. The adopted regulations shall:
 - (a) Define minor transportation improvements and allow them as outright uses subject only to clear and objective standards;
 - (b) Provide a review and approval process for other improvements that is consistent with 660-12-050.
 - (c) Be consistent with ORS 215.213, ORS 215.283 and OAR 660-12-065.
- (3) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:
 - [(a) Facility design standards, including right of way widths;]
 - (a) Access control measures, such as driveway and public road spacing, median control and signal spacing standards, which are consistent with the functional classification of roads and consistent with limiting development on rural lands to rural uses and densities;
 - (b) Standards to protect future operation of [highways] roads, transitways and major transit corridors;
 - (c) Measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation.

- (d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites;
 - (e) A process to apply conditions of approval to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites.
 - (f) Regulations to provide notice to public agencies providing transportation facilities and services [providers] and ODOT of:
 - (A) Land use applications that require public hearings;
 - (B) Subdivision and partition applications;
 - (C) Other applications which affect private access to [state highways] roads; and
 - (D) Other applications within airport noise corridors and imaginary surfaces which affect airport operations.
 - (g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP.
- (4) Local governments shall adopt land use or subdivision regulations to require:
- (a) Bicycle parking facilities as part of new multi-family residential developments of four units or more, [and new commercial and industrial developments] new retail, office and institutional developments, and all major transit transfer stations and park and ride lots.
 - (b) Facilities providing safe and convenient pedestrian and bicycle access from new subdivisions, planned developments, shopping centers and industrial parks to [adjacent] nearby residential areas, transit stops, and neighborhood activity centers, such as schools, parks and shopping. This shall include, where appropriate, separate bike or pedestrian ways to minimize travel distances within and between residential and commercial areas.
 - (c) Provision of internal pedestrian circulation in new office parks and commercial developments through clustering of buildings, construction of pedestrian ways, skywalks, and similar techniques.
- (5) To support transit in [areas within] urban areas [growth boundaries] containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations to require:

- (a) Design of transit trunk routes and transit facilities to support transit use through provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking restrictions and similar facilities, as appropriate.
 - (b) New buildings at or near major transit stops to provide preferential access to transit through the following measures:
 - (A) Orienting building entrances to the transit stop or station;
 - (B) Clustering buildings around transit stops; and,
 - (C) Locating buildings as close as possible to transit stops
 - (c) New industrial and commercial developments to provide preferential parking for carpools and vanpools.
 - (d) An opportunity for existing development to redevelop a portion of existing parking areas for transit oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit oriented developments, and similar facilities, where appropriate.
 - (e) Road systems for new development which can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate bicycle and pedestrian ways to minimize travel distances.
 - (f) Along transit trunk routes, designation of types and densities of land uses adequate to support transit.
- (6) In MPO areas, local governments shall adopt land use and subdivision regulations to [support transit which] reduce reliance on the automobile which:
- (a) Allow transit oriented developments (TODs) on lands along transit trunk routes;
 - (b) Implements a demand management program to meet the measurable standards set in the TSP in response to 660-12-035(4).
 - [(b) Implement, over the planning period, a parking plan which:]
 - [(A) Within central business districts and TODs, limits parking spaces to 1 for every 2 employees and 2 parking spaces for every 1000 square feet of gross leasable retail floor space;]
 - [(B) Within other employment areas, limits parking spaces to 1.5 for every 2 employees and, within other retail areas, limits parking spaces to 3 for every 1000 square feet of gross leasable floor space; and]

[(C) Provides for phase-in of the parking limits in (A) and (B) over the planning period through redevelopment of existing parking areas to other uses.]

(c) Implements a parking plan which:

(A) Achieves a 20% reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;

(B) Aids in achieving the measurable standards set in the TSP in response to 660-12-035(4);

(C) Includes land use and subdivision regulations setting minimum and maximum parking requirements; and,

(D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.

(d) 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 authority requires such an improvement.

660-12-050 Transportation Project [Planning] Development

(1) For projects identified by ODOT pursuant to OAR 731, Division 15, project [planning] development shall occur in the manner set forth in that Division.

(2) Regional TSPs shall provide for coordinated project [planning] development among affected local governments. The process shall include:

(a) Designation of a lead agency to prepare and coordinate [the project plan] project development;

(b) A process for citizen involvement, including public notice and hearing, if project [planning] development involves land use decision-making. The process shall include notice to affected transportation facility and service providers and ODOT.

(c) A process for developing and adopting findings of compliance with applicable statewide planning goals, if any. This shall include a process to allow amendments to acknowledged comprehensive plans where such amendments are necessary to accommodate the project;

- (d) A process for developing and adopting findings of compliance with applicable acknowledged comprehensive plan policies and land use regulations of individual local governments, if any. This shall include a process to allow amendments to acknowledged comprehensive plans or land use regulations where such amendments are necessary to accommodate the project.
- (3) Project [planning] development involves land use decision-making to the extent that issues of compliance with applicable requirements remain outstanding at the project [planning stage] development phase. Issues may include, but are not limited to, compliance with regulations protecting or regulating development within floodways and other hazard areas, identified Goal 5 resource areas, estuarine and coastal shoreland areas, and the Willamette River Greenway. Where project [planning] development involves land use decisionmaking, all unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance [entered] adopted prior to project approval. To the extent compliance has already been determined during transportation system planning, including adoption of a refinement plan, affected local governments may rely on and reference the earlier findings of compliance with applicable standards.
- (4) Where an Environmental Impact Statement (EIS) is prepared pursuant to the National Environmental Policy Act of 1969, project development shall be coordinated with the preparation of the EIS. All unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to issuance of the Final EIS.
- (5) If a local government decides not to build a project authorized by the TSP, it must evaluate whether the needs that the project would serve could otherwise be satisfied in a manner consistent with the TSP. If identified needs cannot be met consistent with the TSP, the local government shall initiate a plan amendment to change the TSP or the comprehensive plan to assure that there is an adequate transportation system to meet transportation needs.
- (6) Transportation project development may be done concurrently with preparation of the TSP or a refinement plan.

660-12-055 Timing of Adoption and Update of Transportation System Plans; Exemptions

- (1) MPOs shall complete regional TSPs for their planning areas within [three] four years following the effective date of this division. For those areas within an MPO, cities and counties shall adopt local TSPs and implementing measures within one year following completion of the regional TSP. Urban areas designated as MPOs subsequent to the adoption of this rule shall adopt TSPs in compliance with applicable requirements of this rule within three years of designation.
- (2) For areas outside an MPO, cities and counties shall complete and adopt regional and local TSPs and implementing measures within five years of the effective date of this division.

- (3) Cities and counties shall update their TSPs and implementing measures as necessary to comply with this division at each periodic review subsequent to initial compliance with this division. This shall include a reevaluation of the land use designations, densities and design standards in the following circumstances:
- (a) If the interim benchmarks established pursuant to 660-12-035(4)(b) have not been achieved; or,
 - (b) If a refinement plan has not been adopted consistent with the requirements of 660-12-025(3).
- (4) The director may grant a whole or partial exemption from the requirements of this division to cities under 2,500 population outside MPO areas and counties under 25,000 population. Eligible jurisdictions may, within five years [of] following the adoption of this rule or at subsequent periodic reviews, request that the director approve an exemption from all or part of the requirements in this division until the jurisdiction's next periodic review.
- (a) The director's decision to approve an exemption shall be based upon the following factors:
 - (A) Whether the existing and committed transportation system is generally adequate to meet likely transportation needs;
 - (B) Whether the new development or population growth is anticipated in the planning area over the next five years;
 - (C) Whether major new transportation facilities are proposed which would affect the planning areas;
 - (D) Whether deferral of planning requirements would conflict with accommodating state or regional transportation needs; and,
 - (E) Consultation with the Oregon Department of Transportation on the need for transportation planning in the area, including measures needed to protect existing transportation facilities.
 - (b) The director's decision to grant an exemption under this section is appealable to the Commission as provided in OAR 660-02-020 (Delegation of Authority Rule).
- (5) Portions of TSPs and implementing measures adopted as part of comprehensive plans prior to the responsible jurisdiction's periodic review shall be reviewed pursuant to OAR 660, Division 18, Post Acknowledgement Procedures.

660-12-060 Plan and Land Use Regulation Amendments

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:
 - (a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility; [or]
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division[.]; or,
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
 - (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing a functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.
- (3) Determinations under subsections (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local governments.
- (4) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-04-022 and 028.

660-12-065 Transportation Improvements on Rural Lands

- (1) This section 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 section, the following definitions apply:
 - (a) Access roads: means low volume roads that provide access to property and travel within a built and committed area.

- (b) Local service roads: means collectors and arterials, but does not [including] include state highways of regional or statewide significance.
 - (c) Local travel: means travel within a built and committed area, or between resource lands or a built and committed area and a nearby urban area or rural community.
 - (d) State highways of regional [and] or statewide significance: means highways identified in ODOT's Highway Plan as [being of] interstate highways, Access Oregon highways, and highways of regional [and] or statewide significance.
 - (e) Major road improvement: means a major realignment; addition of travel lanes; and new interchanges and intersections. Major road improvements [does] do not include replacement of an existing intersection with an interchange, the replacement of one or more intersections with another intersection to correct a safety deficiency, or the creation of an intersection for a log haul road.
 - (f) Major realignment: means a realignment where the center line of the roadway shifts outside of the existing right of way for a distance of one half mile or more.
- (3) The following transportation facilities and improvements are consistent with Goals 3 and 4 and may be sited on rural agricultural and forest land [consistent with Goals 3 and 4]:
- (a) On land zoned for agricultural use, transportation facilities and improvements permitted outright or conditionally under ORS 215.213 (1) or (2) or ORS 215.283 (1) or (2); and,
 - (b) On land zoned for forest use, transportation facilities and improvements permitted outright or conditionally under OAR 660, Division 6.
- (4) The following transportation facilities and improvements are consistent with Goals 11 and 14 and may be located on rural lands [consistent with Goal 11 and 14.]:
- (a) Maintenance or repair of an existing transportation facility.
 - (b) Reconstruction, surfacing, minor widening or realignment of an existing road, but not including the addition of travel lanes;
 - (c) Replacement of bridges [, docks, and other facilities without significantly increasing the capacity of those facilities];
 - (d) Replacement of docks, and other facilities without significantly increasing the capacity of those facilities;
 - (e) Climbing and passing lanes;
 - (f) New access roads in built and committed exception areas;

- (g) Temporary improvements in association with construction projects, such as temporary roads and detours;
 - (h) Bikeways, footpaths, and recreation trails;
 - (i) Turn refuges at existing street intersections;
 - (j) [Access] Transportation system management measures, including medians which limit or prevent turning movements, but not including the creation of additional travel lanes or median turn lanes;
 - (k) Streets and bridges on farm or forest lands for the purpose of managing land for farm or forest uses;
 - (l) Railroad mainlines and branchlines;
 - (m) Pipelines;
 - (n) Navigation channels;
 - (o) Personal use airports and expansions or alterations of public use airports that do not permit service to a larger class of airplanes;
 - (p) Accessory uses to transportation facilities, such as weigh stations, maintenance stations, stockpile sites, and safety rest areas.
 - (q) New local service roads and extensions of existing local service roads on farm and forest lands as provided in subsection (5) of this section;
 - (r) Major road improvements to state highways of regional and statewide significance as provided in subsection (6) of this section;
 - (s) Other transportation facilities, services and improvements serving local needs as provided in subsection (7) of this section.
- (5) New local service roads including extensions of existing local service roads shall comply with the following standards:
- (a) Only two lanes of traffic shall be accommodated.
 - (b) Intersections and private accesses shall be limited to be consistent with rural uses and densities.
 - (c) Major realignments shall not be permitted.

- (d) New local service roads shall be permitted only to connect built and committed areas or to reduce local access to and local traffic on a state highway. Access to farm and forest lands shall be limited.
- (6) Major road improvements to state highways of regional or statewide significance shall comply with the following standards:
 - (a) Accesses shall be reduced to the minimum practicable and shall not exceed that which would be consistent with the function and operation of the highway considering traffic at buildout of nearby rural lands.
 - (b) Local travel may be accommodated to the extent that it is not feasible to meet such needs on other existing roads or through improvements to other existing roads, including construction of local access roads in built and committed areas.
 - (c) New interchanges or intersections may be allowed only in the following circumstances:
 - (A) To connect to other state highways of regional or statewide significance;
 - (B) To replace existing interchanges or intersections; or
 - (C) To reduce and consolidate direct road accesses consistent with (a) and (b) above.
 - (d) Direct private access to new facilities shall not be permitted.
 - (e) Median turn lanes shall comply with the following standards:
 - (A) The median turn lane is needed to correct a safety problem which cannot practicably be corrected through other measures such as:
 - (i) Limited left turn refuges;
 - (ii) Construction or extension of local service roads as otherwise permitted by this section;
 - (iii) Median barriers; and
 - (iv) Reconstruction of existing road accesses or purchase of access rights.
 - (B) The median turn lane is consistent with the function and operation of the facility considering traffic on affected roads and accesses at buildout of nearby rural lands; and

- (f) Realignments shall not create new parcels of land that are provided direct access to the highway.
 - (g) A bypass of all or part of an urban growth boundary shall be permitted only if planned, designed and operated to limit use for trips between locations within the urban growth boundary to be less than a third of the average daily traffic on the bypass.
- (7) Other transportation facilities, services or improvements serve local needs if:
- (a) The facility, service or improvement serves the rural land uses identified in the acknowledged comprehensive plan; and
 - (b) *The capacity and level of service provided to the rural area does not exceed that which is necessary to serve the land uses identified in the acknowledged comprehensive plan.*
- or
- (b) *The facility, service or improvement provides travel capacity and a level of service which is adequate but which does not exceed that required to serve travel needs in the rural area over the planning period. Travel needs in the rural area includes travel that would result from development otherwise anticipated to occur in the rural area consistent with overall objectives to encourage new development to locate within urban growth boundaries.*

660-12-070 Exceptions for Transportation Improvements on Rural Land

- (1) Transportation facilities and improvements which do not meet the requirements of 660-12-065 require an exception to be sited on rural lands.
- (2) Where an exception to Goals 3, 4, 11, or 14 is required, the exception shall be taken pursuant to ORS 197.732(1)(c), Goal 2, OAR 660, Division 4 and this division.
- (3) [The exception shall] An exception adopted as part of a TSP or refinement plan shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement. [The general location shall be specified in conformance with the following standards:]
 - (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.
 - (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. 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 [implementing measures] 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 the assure compatibility with adjacent uses.

[(4) The exception shall address the four factors in Goal 2, Part II(C) as follows:]

[(a) Reasons justify why the state policy embodied in the applicable goals should not apply:]

[(b) Areas which do not require a new exception cannot reasonably accommodate the transportation facility or improvement;]

[(c) The long-term environmental, economic, social and energy consequences resulting from the proposed facility or improvement, with measures designed to reduce adverse impacts, are not significantly more adverse than would typically result from the same facility or improvement being located in areas requiring a goal exception other than the proposed area; and,]

[(d) The proposed facility or improvement is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.]

(4) To address [660-12-070(4)(a)] Goal 2, Part II(c)(1) the exception shall demonstrate that there is a transportation need identified consistent with the requirements of 660-12-030 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.

- (5) To address [660-12-070(2)(b)] Goal 2, Part II(c)(2), the exception shall demonstrate that non-exception locations cannot reasonably accommodate the proposed transportation improvement or facility.
- (6) To determine the reasonableness of alternatives to an exception under subsections (4) and (5) of this section, 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 [explained] justified in the exception.
- (7) To address [660-12-070(2)(c)] Goal 2, Part II(c)(3), the exception shall:
- (a) [Identify] Compare the economic, social, environmental and energy consequences of the proposed location [with] and other alternative locations requiring exceptions.
 - (b) Determine whether the net adverse impacts associated with the proposed exception site 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.
 - (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 660-12-070(3).
- (8) To address [660-12-070(2)(d)] 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) 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.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: March 18, 1991

TO: Transportation & Planning Committee

FROM: Jessica *J.M.* Marlitt, Council Analyst

REGARDING: DRAFT RESOLUTION NO. 91-1419, ENDORSING CONCEPTS IN THE PROPOSED TRANSPORTATION RULE OF THE LAND CONSERVATION AND DEVELOPMENT COMMISSION AND SUBMITTING COMMENTS

At the Transportation and Planning Committee meeting March 12, 1991, Council staff was directed to draft a resolution, to support the policy concepts contained in the proposed Transportation Rule of Oregon's Land Conservation and Development Commission (LCDC). The attached draft Resolution No. 91-1419 was prepared in consultation with Metro Legal Counsel, but has not yet been reviewed by the Metro Transportation Department. (Department Director Andy Cotugno is out of town until March 20, 1991.) This draft is intended as a framework for Council positions on the major policy issues raised in LCDC's February 25 draft Rule scheduled for adoption at LCDC's April meeting.

As noted at the March 12 meeting, the full Council will need to act on this issue at its March 28 meeting in order to meet LCDC's April 5 deadline for receiving comments on the draft Transportation Rule. Therefore, DRAFT Resolution No. 91-1419 will be submitted to the Presiding Officer for inclusion in the March 28 Council agenda packet and the Committee's recommendations will be presented separately at the Council meeting.

BACKGROUND & SUMMARY

Council members were first briefed on the draft Transportation Rule at the December 11, 1990 Intergovernmental Relations Committee meeting. At that time, Metro Transportation Department Director Andy Cotugno discussed comments the Department had submitted to LCDC (Attachment 1 hereto) and the tentative timeline for LCDC's review and adoption of the Transportation Rule.

Resolution No. 91-1419 provides for Council endorsement of planning concepts promoted by the Transportation Rule: reducing reliance on the automobile as a strategy in calculating a region's transportation needs; promoting the development of multi-modal transportation systems; establishing transportation financing programs which phase in public improvements and encourage infill and redevelopment of urban lands; and developing transportation plans which support land uses identified in acknowledged comprehensive plans.

The draft resolution also includes four proposed comments to address specific issues of concern to LCDC in the latest draft of their Rule, as follows:

Resolution No. 91-1419
Memo 3-18-91
Page 2

Comment 1: To acknowledge the Regional Transportation Plan as a primary source of the policy framework for Transportation System Plans (TSP) in the proposed Transportation Planning Rule;

Comment 2: To reiterate the importance of the Oregon Department of Transportation being held to the same statewide planning standards as local jurisdictions;

Comment 3: To address the general concept of reducing reliance on automobiles without limiting support to the specific target for reducing per capita Vehicle Miles Traveled; and

Comment 4: To support proposed amendment of section 660-12-035, Evaluation and Selection of Transportation Alternatives, subsection (2) to require local governments in MPO areas to consider land use alternatives when developing plans to meet transportation needs.

Comment 4 responds specifically to the 1000 Friends of Oregon proposal, presented at the March 12 meeting, to amend section 660-12-035(2) of the Rule from "...Local governments may also evaluate alternative land use designations, densities and design standards to meet local and regional transportation needs" to "...Local governments shall evaluate..."

However, 1000 Friends' attorney agreed with Metro Legal Counsel's advice to the Committee that supplemental Rule language would be required to guide implementation of 1000 Friends' amendment and to prevent litigation over its application. 1000 Friends transmitted a facsimile to Council staff March 15 of possible supplemental language (Attachment 2 hereto), but Comment 4 at this point only endorses the need for supplemental language, not any specific additions.

If you have any questions or require additional information, please contact me at ext. 286.



METRO

ATTACHMENT 1

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

November 29, 1990

Mr. Bill Blosser, Chairman
Land Conservation and Development Commission
5100 Breyman Orchards Road
Dayton, OR 97114

Dear Mr. Blosser:

Re: Metro Comments, Draft
November 7, 1990, Transportation Planning Rule

Executive Officer
Rena Cusma
Metro Council

Tanya Collier
Presiding Officer
District 9

Gary Hansen
Deputy Presiding
Officer
District 12

David Saucy
District 1

Lawrence Bauer
District 2

Jim Gardner
District 3

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Judy Wyers
District 8

Roger Buchanan
District 10

David Knowles
District 11

As requested at Roundtable II, Metro has prepared the following detailed comments on the DLCD/ODOT staff Preliminary Draft rule. Significant amendments are needed to make the proposed rule workable for regional government.

Purpose - 660-12-000. It is unclear how the PFP rules are "fulfilled" by these rules. 1988 Goal 11 amendments now explicitly include transportation facilities in the definition of a "Public Facilities Plan" which is a mandatory part of all comprehensive plans. Goal 11 mandates that "A provision for key facilities shall be included in each (comprehensive) plan." Goal 12 states that "Each (comprehensive) plan shall include a provision for transportation as a key facility." ORS 197.712(2)(e) requires that a Public Facilities Plan shall include rough cost estimates for needed transportation projects and provides that project timing and financing in PFPs shall not be land use decisions. OAR 660-11-005(8) "Land Use Decision" definition.

Therefore, these interpretative rules should explicitly clarify, in addition to the purpose statement, that Transportation Systems Plans shall be the statutorily required public facility plan for transportation projects.

Affected Local Government - 660-12-005(2) could be amended to reflect the fact that federal MPO requirements vary. MPOs are not required for cities up to 50,000 and may become optional for 50,000-200,000 population. Over 200,000 population, an MPO is required. Also, a COG may be an MPO but not a local government. Metro, however, is a local government for land use purposes. ORS 197.015(12).

Mr. Bill Blosser
November 29, 1990
Page 2

Therefore, 660-12-005(2) is amended to read:

"(2) Affected local government: means a city, county, or metropolitan service district that is directly impacted by a proposed transportation facility or improvement."

Transportation System Plan Definition - 660-12-005(19) refers to "acknowledged...regional comprehensive land use plans." The Court of Appeals has ruled in League of Women Voters v. Metro (1989) that there are not any acknowledged regional plans, only a unique Urban Growth Boundary that is a mandatory comprehensive plan provision of city and county plans, unless ORS 197.015(1) and 197.251 are amended. There are no regional comprehensive plans, Metro has only functional planning authority in ORS 268.390(2). Therefore, the proposed definition requires amendment to read:

"(19) Transportation System Plan: means a plan that establishes the need for a network of facilities and improvements to meet overall transportation needs in conformance with regional functional plans and acknowledged local comprehensive land use plans."

If Transportation Systems Plans (TSP) are intended to comply with statutory and Goal 11 PFP requirements as a "support document to a comprehensive plan," then the TSP must conform to both comprehensive plans that designate the land uses which the transportation facilities are to support (see Goal 11 "Public Facilities Plan") as well as any binding regional functional plans. This is consistent with OAR 660-11-010(3) of the existing PFP rules.

OTHER DEFINITIONS

- No definition is included for a Transit Plan.
- The definition of "Transportation Project Planning" should include the concept that the final decision to build a facility is made at this step. (See 660-12-015 amendment below.)

Applicability 660-12-010(2) should be amended to clarify the extent of a Transportation Systems Plan Metro is statutorily authorized to do. Since the TSP is being established as a form of PFP for transportation, not all of

Mr. Bill Blosser
November 29, 1990
Page 3

the street or transit projects would be in Metro's TSP, because Metro's statutory authority for transportation planning is limited to projects of "metropolitan significance," defined as "having major or significant district-wide impact." ORS 268.020(6).

Therefore, 660-12-010(2) can be clarified by adding the following sentence:

"Metropolitan service districts shall prepare transportation systems plans for transportation facilities and services of metropolitan significance."

The clarification, in 660-12-010(5), that portions of existing plans, such as the RTP, may be incorporated by reference into the TSP is very good and should be retained.

Transportation Planning 660-12-015, second and third sentences should be amended to read:

"Transportation system planning establishes the need for a network of improvements to meet overall transportation needs. Transportation project planning implements the transportation system plan by determining the precise location, design, and alignment of improvements included in the transportation system plan, including the decision to build the project."

TSP Preparation - 660-12-020 is amended to read:

"The local government responsible for the preparation of the transportation system plan shall coordinate such preparation with affected local governments and, as necessary state and federal agencies and private providers of transportation services. Where an MPO is responsible for a federal regional transportation plan, the MPO shall be the responsible agency for preparing and coordinating the transportation system plan for those facilities over which it has planning authority. Where no MPO exists, the County shall be the responsible agency unless otherwise specified in an intergovernmental agreement or urban growth management agreement."

Mr. Bill Blosser
November 29, 1990
Page 4

660-12-020(5) seems to violate current state law by making the state plans superior to local TSP which are part of local comprehensive plans. This is inconsistent with 660-12-020(6).

660-12-020(7) petition to the Commission to resolve a dispute probably will be unnecessary in the Portland metro area because Metro has explicit functional plan authority to resolve conflicts under ORS 268.390(2). Chapter 8 of the current RTP has a conflict resolution procedure that has been reviewed and approved by JPACT.

Requirements - 660-12-025(1) is amended to read:

"A transportation system plan shall establish the need for a network of transportation facilities adequate to serve proposed land uses in acknowledged comprehensive plans and identified state and regional transportation needs."

660-12-025(3)(c) (1st option) is most consistent with systems level planning, editing out "clearly" as surplusage and changing "necessary" to "appropriate." The 2nd option reflects parts of PFP rule 660-10-010, but doesn't translate well here in the attempt to enforce greater specificity than may be appropriate for some identified problems areas.

660-12-025(3)(e) is not specific enough to clearly indicate what it means.

660-12-023(3)(f)(B) is amended to read:

"A discussion of the ability of the provider to fund the development of each facility, service, or major improvement."

Process

660-12-030(1) is amended to read:

"(1) The local government or MPO responsible for preparing the transportation system plan shall:"

System Plan Final Decision

The structure of transportation system plan decisions in proposed 660-12-030(2) provides for a general rule of mandatory decisions at the systems level on "mode, function, general location and need" for transportation facilities. Refinement plans in 660-12-030(4) allow for "deferral" of any of these systems issues but "need." A local government decision to "defer" is treated as exceptional and must be based on mandatory findings in subsection 4(c). This "defer" decision would be second guessed at LUBA and in the courts as a land use decision itself under the current draft language.

The following proposed amendments seek to reflect the reality of needed flexibility for systems plan decisions. Under STOP v. Metro, the court allows a systems decision to be a final policy decision on a needed project or a contingent decision to continue study. Different circumstances may dictate which approach to use. Therefore, the proposed rule locks systems plans into either (1) reaching final decisions selecting mode and general location and finding a refinement plan is needed or (2) leaving major projects under study out of the systems plan. The latter result substantially reduces the facilities planning effectiveness of the TSP.

This set of amendments follows:

Proposed 660-12-030(2) is amended to read:

~~"The level of detail presented in A~~ transportation system plan shall be sufficient to identify existing and future transportation facilities, services and major improvements needed to accommodate acknowledged comprehensive plan land uses. ~~The level of detail shall be~~ If detailed information is sufficient to support a final land use decision regarding function, mode, general location or need for transportation facilities, services or major improvements, findings of compliance shall be made for all applicable statewide goals, acknowledged comprehensive plan policies and land use regulations."

Proposed 660-12-030(3), first sentence is amended to read:

"For final decisions regarding function, mode, general location and need, findings of compliance with

applicable statewide planning goals, and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the transportation system plan."

660-12-030(4) is amended to read:

"To the extent the local government responsible for preparing the transportation system plan may determine that detailed information cannot reasonably be obtained during preparation of the transportation system plan to allow a final determination to be made selecting functions, mode, and general location of needed transportation facilities. Then, for any projects or facilities recommended as needed in the transportation system plan determination and findings of compliance with applicable goals, plan policies and land use regulations shall be deferred to a refinement plan. upon demonstration of compliance with this section. (a) Findings of compliance with applicable goals, plan policies, and land use regulations shall be made for issues not deferred for recommended projects or facilities. (b) Any project or facility recommendations shall include a description of the nature of the findings which will be needed to resolve issues deferred to the refinement plan."

660-12-030(4)(a) is renumbered and amended to read:

"(5) A refinement plan resolves system planning issues deferred from the transportation system plan by providing additional information needed for final determinations regarding function, mode and general location of planned transportation facilities, services or improvements. (a) A refinement plan shall result in final determinations on these issues, be supported by findings addressing applicable statewide goals, comprehensive plan policies and land use regulations, and be adopted as an amendment to the transportation system plan. (b) The refinement plan will be completed within three years. Where a refinement plan is dependent upon adoption of a plan identified in OAR 731-15-025 by ODOT, it shall be completed within one year.

"(6) The transportation system plan may include descriptions and rough cost estimates of alternative

Mr. Bill Blosser
November 29, 1990
Page 7

projects, if appropriate, for identified transportation needs where no recommendation of an alternative solution is made."

660-12-030(5) is renumbered and amended to read:

"(7) The transportation system plan or refinement plan need not address the precise design, alignment or location of proposed transportation facilities. Resolution of those issues requires detailed environmental or engineering information that can only reasonably be obtained during project planning."

These amendments to the crucial systems plan decision process create a workable TSP that includes alternative situations: (1) final land use decisions for need and mode selection when the planning jurisdiction determines data is available, (2) recommendations of projects with a final decision on need and mandatory three-year refinement plans on unresolved issues, and (3) identified problems or needs without a project recommendation or a deadline for resolution. The latter may even show rough cost estimates for alternative solutions for the need without a recommendation.

Please note that most of the preliminary draft criteria to determine whether a refinement plan is permissible has been retained for recommended projects. 660-12-030(4)(c)(C) is now (4)(a); (4)(c)(D) is (5)(b); 4(c)(5) is (5)(b).

The Preliminary Draft includes a LUBA enforceable general rule requirement that the new TSP, a PFP for transportation, always reach final land use decisions on need and mode choice before showing a project. These amendments provide the structure for that alternative and a structure for "need" findings and a time-limited refinement plan and a structure for problem identification only.

If ODOT seeks assurance of the land use viability of a project at the systems level, it may require final land use decision findings for a LUBA test as a condition of spending more money on studies. The Preliminary Draft would allow opposition groups to throw the project out of the TSP based on LUBA's idea of what data is or is not "reasonably available," regardless of the substantive value of the project. It is not good facilities planning to have no large proposed project in the facilities plan or tested on substance until years of studies are complete.

Financing 660-12-045(3)(4) complies with mandatory PFP requirements for transportation. But (5) is a useful and valid concept with no clear standard possible to make it enforceable as it is written. It is a Goal 14 issue that should be omitted from this section and considered with a reworking of Transportation Improvements on Rural Lands.

660-12-045(5) at p. 12 should be omitted from this section and considered as a Goal 14 issue in a reworking of Transportation Improvements on Rural Lands.

Implementation - 660-12-050(1) overstates the requirement for uses to be permitted outright. By attempting to reach a "clear and objective standard" level, zone changes for outright uses are unnecessarily limited. The flexibility to permit more outright uses by doing supplementary findings should be retained. Therefore, the following phrase should be omitted: "...and where no further interpretation or exercise of factual, legal or policy judgment is required."

To be consistent with Metro's amended system plan approach above, "authorized" should be changed to "required" to refer to those projects with final land use decisions on need, mode, function, and general location in the TSP.

660-12-050(2) should be omitted unless made clear.

- (3) seems to assume State rulemaking authority to require amendments to local governmental comprehensive plans which seems to be in violation of State law like 660-12-020(5) above.
- (4)(a)-(d) provisions could be omitted in favor of the requirements for the intergovernmental coordination agreement above.
- (5) is unclear whether "consolidated review" is between affected local governments, for multiple permits within one local government or whether it refers to consolidated appeals.

Project Planning - 660-12-055(1). Add to the end of the sentence: "...resulting in the decision to build the project."

- (5), p. 16 needs amendment to be consistent with Metro's modifications for more flexibility in the system plan. The first two sentences should be omitted and (5) is amended to read:

"Project planning involves land use decision making to the extent that issues of compliance with applicable requirements remain at the project planning stage. The decision to build a project or facility is usually made at this stage. Other issues may include, but are not limited to, compliance with policies and regulations regulating development within hazard areas, identified resource areas, estuarine and coastal shoreland areas, and the Willamette River Greenway."

- 5(a) should then be added to (5) and (5)(b) omitted.
- (6) p. 17, last phrase should be amended to:

"...unless a project modification requires an amendment to the transportation systems plan."

Rural Land - 660-12-070. This section needs to be completely reworked for consistency to be helpful rulemaking. I suggest the following principles:

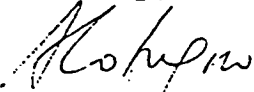
1. A consistent approach is needed identifying facilities of concern with all Goal 3, 4, 11, and 14 requirements applied to describe what is allowed as (8) at p. 20 starts to do for Goals 11 and 14.
2. Focus on types of facilities is more helpful than a facility's predominant function or use. (8) list is more helpful than (2) restatement of the Farm Bureau v. Washington Co. LUBA case.
3. Specify the requirement for whether different facilities require an exception.

Mr. Bill Blosser
November 29, 1990
Page 10

4. Avoid full exceptions approach at the systems plan level because (12)(c) and (d) are project planning considerations.
5. The alternatives analysis should be consistent in (13), p. 21 with 660-12-040 feasibility.

Thank you for the opportunity to comment on the Preliminary Draft Transportation Planning Rule.

Sincerely,



Andrew C. Cotugno,
Transportation Director

AC/LS/dr
1156



Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 373-0050 FAX 362-6705

November 7, 1990

TO: Roundtable Participants
FROM: Bob Cortright, ^{BC} Policy Specialist
SUBJECT: TRANSPORTATION RULE ROUNDTABLE II

Thank you for agreeing to participate in our second transportation rule roundtable on November 16. The meeting will be held in Salem in Room 257 of the State Capitol beginning at 10:00 am. The meeting should conclude by 3:00 pm.

The purpose of the meeting is to review the preliminary draft rule prepared by DLCD and ODOT staff. (A copy is attached.) Although the preliminary draft is the result of close cooperative work between our two departments it does not represent the position or formal recommendation of either agency. It is intended to serve as a basis for discussion of issues and alternatives prior to release of a formal draft rule. (This is presently planned for early January.) Several sections of the rule are highlighted in *italics*. This highlights areas where more than one alternative is proposed for consideration.

The format for the roundtable will be a section-by-section review of the draft rule. We will ask that participants comment on the proposed language and offer alternatives. Written alternatives for specific sections are welcome. (If you prepare a written recommendation please bring twenty copies.)

Follow-Up

We recognize that you will have only a few days to review this draft prior to the roundtable. We appreciate that more time is both desirable and necessary to refine the preliminary rule. We intend to follow-up on the roundtable meeting with either another roundtable or meetings with individual participants. We will discuss options for further meetings at the roundtable.

Based on comments received at the roundtable and subsequent meetings, the department will refine and revise the language in the preliminary draft rule. We plan to mail the formal draft rule review to interested persons the first week of January. The draft rule may include alternative language for controversial sections or requirements. An initial Commission hearing would be

held on the draft rule as part of the January 24-25 Commission meeting. A second hearing would be held at the Commission's March meeting.

Lunch

If you would like a box lunch please call Cindy Lesmeister at DLCD (373-0066) no later than Wednesday November 14 and be prepared to pay \$5.50 in cash when your lunch is delivered.

If you have any questions about the roundtable, our proposed schedule or the preliminary draft rule please call me at 373-0084.

SB:bc

<bcort>ip.oct31

Roundtable Participants

LCDC Transportation Subcommittee

Bill Blosser (Chairman)
Ginny Burdick
Hector MacPherson

Invited Participants

G.B. Arrington, Tri-Met
Keith Bartholomew, 1000 Friends
Jim Blair, Benton County Public Works
Andy Cotugno, Metro
Jan Childs, City Planning Directors
Brent Curtis, Washington County
Steve Dotterer, Portland
Russ Nebon, County Planning Directors
Dave Reinhard, Eugene Public Works
David Smith, Oregonians in Action

Staff

Susan Brody, DLCD
Bob Cortright, DLCD
Mark Greenfield, ODOT/DLCD Consultant
Brian Gregor, ODOT
Bob Royer, ODOT

Attachment

1000 FRIENDS OF OREGONMEMORANDUM

TO: Jessica Marlitt
FROM: Keith Bartholomew
DATE: March 15, 1991
RE: LCDC transportation rule language.

At last Tuesday's meeting of the Metro Transportation and Planning Committee, members of the Committee indicated they were interested in establishing a position with regard to the draft LCDC draft transportation planning rule. Specifically, Committee members were interested in making the consideration of land use alternatives mandatory as part of transportation alternatives analyses.

The Committee requested that I supply them with the language DLCD staff has drafted on the issue by sending the draft to you. The attached draft is the DLCD language. Please call me if you have any questions. Thank you.

660-12-035 Evaluation and Selection of Transportation Alternatives

- (1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology. The following shall be evaluated as components of system alternatives:
 - (a) Improvements to existing facilities or services;
 - (b) New facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs;
 - (c) Transportation system management measures;
 - (d) Demand management measures; and,
 - (e) A no-build system alternative where required by the National Environmental Policy Act of 1969 or other laws.
- (2) Local governments may also evaluate alternative land use designations, densities and design standards to meet local and regional transportation needs.
- (2) Local governments in MPO areas shall also prepare and evaluate a land use strategy alternative which meets transportation needs by altering the land use pattern to reduce the number or length of automobile trips. In preparing such a strategy local governments shall consider:
 - (a) Increasing residential densities and establishing minimum residential densities within one quarter mile of transit trunk lines, major employment areas and major retail shopping areas;
 - (b) Increasing densities (i.e. minimum floor area ratios) in new commercial office and retail developments;
 - (c) Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas;
 - (d) Designating land uses to provide a better balance between jobs and housing considering:
 - (A) The total number of jobs and total of number of housing units expected in the area or subarea;
 - (B) The income levels of expected employees and the expected housing costs in the area or subarea;
and,

Require design to retrofit
future city blocks / of parking lots

- (C) Provision of housing opportunities in close proximity to employment areas.
- (e) Establishing maximum parking limits for commercial, industrial and institutional developments consistent with 660-12-045(6) which reduce the amount of parking available at such developments.

<bcort>transalt

EXHIBIT B

660-12-035(2) should be amended to read:

When the Transportation System Plan (TSP) in MPO areas is proposed to include new or improved highway facilities of regional significance, local governments ~~in MPO areas~~ shall also prepare and evaluate a land use strategy alternative which meets transportation needs by altering the land use pattern to reduce the number or length of automobile trips. In preparing such a strategy local governments shall consider:

- (a) Increasing residential densities and establishing minimum residential densities within one-quarter mile of transit trunk lines, major regional employment areas and major regional retail shopping areas;
- (b) Increasing densities (i.e., minimum floor area ratios) in new commercial office and retail developments within one-quarter mile of major transit centers;
- (c) Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas;
- (d) Designating land uses to provide a ~~better~~ balance between jobs and housing considering:
 - (A) The total number of jobs and total number of housing units expected in the area or subarea;
 - (B) The income levels of expected employees and the expected housing costs availability of affordable housing in the area or subarea; and,
 - (C) Provision of housing opportunities in close proximity to employment areas.
- (e) Establishing maximum parking limits for ~~commercial,~~ industrial office and institutional developments consistent with 660-12-045(6) which reduce the amount of parking available at such developments.



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Exhibit C to Resolution No. 91-1419A

March 25, 1991

Mr. William Blosser, Chairman
Land Conservation and Development Commission
5100 Breyman Orchards Road
Dayton, OR 97114

Re: Transportation Rule Comments - February 25, 1991 Draft

Dear Mr. Blosser:

As I stated at your public hearing March 8, 1991, Metro generally supports the latest draft of a Transportation Rule. It addresses the Commission's goals in clarifying the transportation planning process and beginning the integration of land use and transportation planning. These comments suggest a few adjustments prior to adoption to make transportation planning under the rule a better process.

660-12-035(2) - "may" to "shall"

The most controversial concept is one of the two provisions that could yield litigation without standards in the rule to resolve the conflict. This is the proposal to change -035(2) to require consideration of a land use alternative as part of evaluating Transportation System Plans: "Local governments shall also evaluate alternative land use designations, densities, and design standards to meet local and regional transportation needs."

As noted in Metro Resolution 91-1419A, the Metro Council supports this requirement. It is important, however, to provide clear and specific provisions for how this mandatory reevaluation would be accomplished. We recommend the language reflected in Exhibit B to the Metro Resolution. In addition, we are concerned that consideration of alternative land use patterns be coordinated with periodic review requirements since transportation is one of many factors to consider when changing land use plans. We urge LCDC to pursue development of an "urbanization rule" to address the issue of alternative land use patterns in a more comprehensive fashion.

Executive Officer
Rena Cusma

Metro Council

Tanya Collier
Presiding Officer
District 9

Jim Gardner
Deputy Presiding
Officer
District 3

Susan McLain
District 1

Lawrence Bauer
District 2

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Judy Wyers
District 8

Roger Buchanan
District 10

David Knowles
District 11

Sandi Hansen
District 12

Mr. William Blosser
March 25, 1991
Page 2

660-12-045(5)

Another provision that could yield litigation with no resolving standards in the draft rule is -040(5). The transportation financing program is required to avoid "premature development of urbanizable areas." Without defining a standard for this general statement, any plan's phasing of major improvements is subject to an appeal without a resolving standard.

660-12-005(15), (16), (17) - Local, Regional, State Needs

There is a need for a more complete definition of local, regional, and state needs because of the lack of emphasis on mobility. These definitions should add after "needs" the following: "* * * to ensure sufficient mobility and safety in providing for movement of people and goods
* * * *"

660-12-030,035 - Needs Calculation

Determination of needs must be based on the best population and employment data available and actual current experience as outlined in this section. However, calculation of needs cannot be based on program goal statements about where we hope to go. Therefore, -030(4) artificially impacts actual needs by mixing in the program requirement to reduce reliance on the automobile. This requirement and the vehicle miles travelled (VMT) standard are part of the transportation system plan in policies, programs, projects and service, not part of the need calculation. Therefore, -030(4) should be omitted.

660-12-035(4) - Evaluation of Alternatives

The VMT reduction strategy itself is not the inherent goal in evaluation of transportation alternatives. Meeting transportation needs is the goal and VMT reduction is a means of mitigating negative consequences. Therefore, this subsection should be restructured:

"(4) Transportation needs should be met by selection of transportation project alternatives, programs, and services which meet the needs while

Mr. William Blosser
March 25, 1991
Page 3

achieving a goal of a 20 percent reduction in automobile vehicle miles travelled (VMT) per capita:"

It is particularly appropriate to define this section as a VMT reduction goal which is balanced against meeting the defined transportation need if the rule elsewhere requires consideration of a land use alternative.

660-12-045(3)(a) - Facility Design Standards

Metro shares the concerns expressed at LCDC's March 8, 1991 hearing about appeals of engineering judgments to implement the systems and project development land use decisions. The impact of a facility on the site-specified land is addressed at the alignment decision in project planning, except for subsequent permits or following adopted engineering standards. LCDC is legally limited from changing the definition of appealable "land use decision" in this rule. However, pending HB 2261 addresses the issue of amending ORS 197.015(10) by adding a "limited land use decision" exclusion.

Metro recommends that, with the adoption of the Transportation Rule, LCDC requests an additional amendment to HB 2261 providing an exemption under ORS 197.015(10)(b) for engineering design, construction, operation, maintenance, repair and preservation of a transportation facility already approved for the system and project development.

660-12-045(3)(f) / -050(2)(b)

Add MPOs to receive notice.

660-12-050(3) - Project Development

Explicit language should be included requiring that findings on all unresolved issues of statewide goal compliance be addressed in order to decide whether or not a previously identified system level project should be implemented. This discreet build/no-build decision should be clearly recognized as an aspect of the project development process.

Mr. William Blosser
March 25, 1991
Page 4

660-12-055(2) - Timing

Outside of MPOs get five years to adopt TSPs and implementing measures. MPOs are more complicated, so they should have five years as well.

660-12-065(4)(r)

State highways should be consistent with Goal 14, just as local transportation facilities are required to do. Merely the definition of a project as serving intercity travel needs does not negate its potential secondary urbanizing effects which should require the same type of exception as defined in 660-12-070.

660-12-065(6)

Mitigation measures defined here are inadequate. Land use controls from the exception process in -070(8) should apply.

660-12-070(6)

Language should be added to -070(6) to clearly indicate the exception applies to a system level decision on mode, function and general corridor for a proposed project.

Thank you for the opportunities to comment and participate in this rule-making process. As we have learned, Goal 12 rules and integration of land use rules and federal, state, regional, and local transportation planning have complex consequences. Your consideration and collaborative approach have been appreciated.

Sincerely,

Andrew C. Cotugno
Transportation Director

ACC:mk

TRANSPORTATION & PLANNING COMMITTEE REPORT

RESOLUTION NO. 91-1419A, ENDORSING CONCEPTS IN THE PROPOSED TRANSPORTATION PLANNING RULE OF THE LAND CONSERVATION AND DEVELOPMENT COMMISSION AND SUBMITTING COMMENTS

Date: March 28, 1991

Presented by: Councilor McLain

COMMITTEE RECOMMENDATION: At the March 25, 1991 Transportation and Planning Committee meeting, all members were present and voted unanimously to recommend Council adopt Resolution No. 91-1419A as amended.

COMMITTEE DISCUSSION/ISSUES: The Committee reviewed Resolution No. 91-1491A presented by Transportation Department Director Andy Cotugno. The amended resolution includes three new pieces -- new language to clarify endorsed concepts and two new exhibits -- which serve the following purposes:

1. In Comment 3 of the "Be it Resolved" section, changing "targets" to "goals": Recognizes vehicle-miles-traveled (VMT) strategies will require much time before affecting land use patterns. Setting goals for achievement rather than mandating levels which are unattainable in the short term is more realistic.
2. In Comment 4 of the "Be it Resolved" section, including specific language (Exhibit B) for supplemental rules: Provides DLCD with sample language rather than requiring the State to "second guess" Metro's intent. Exhibit B language would require land use evaluations only for regionally significant highway projects. Exhibit B also tightens the definition of "major employment areas" and "major retail shopping areas" by inserting the word "regional"; provides a more general goal for assessing housing availability in relation to incomes; and inserts more current language referring to commercial and industrial parking limits.
3. New Comment 5 supports DLCD's breakout of transportation system planning into two steps, System Planning and Project Development: Clarifies the "build/no build" decision on a project occurs in the Project Development phase.
4. New Comment 6 endorses Mr. Cotugno's letter to William Blosser (Exhibit C) outlining additional comments on the DLCD proposed rule: The letter suggests additional changes to assist local jurisdictions in following the rule.

In discussing the above amendments, it was noted the Comment 4 language -- "major regional employment areas" -- was intentionally broad to allow Metropolitan Planning Organizations such as Metro the flexibility to interpret it as appropriate for their respective regional plans. For Metro, this language relates to the concept of "Economic Activity Centers" being developed in the Regional Urban Growth Goals and Objectives (RUGGO) and to be applied in the Regional Transportation Plan.

(Continued)

Councilor Devlin noted he spoke with Mr. Blosser and his major concern was if local jurisdictions could meet the State's target of 3 years for implementing the new rule with the requirements for land use analyses.

The Committee did recommend Mr. Cotugno make some minor language changes to his letter to Mr. Blosser/Exhibit C and those changes were incorporated into the final version.

JPMSEVEN A:\911419A.CR

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING CON-)
CEPTS IN THE PROPOSED TRANSPORTA-)
TION PLANNING RULE OF THE LAND)
CONSERVATION AND DEVELOPMENT COM-)
MISSION AND SUBMITTING COMMENTS)

RESOLUTION NO. 91-1419A

Introduced by the Council
Transportation and
Planning Committee

WHEREAS, A statewide Transportation Planning Rule which would apply to the Regional Transportation Plan has been under consideration during the past year by the Oregon Department of Land Conservation and Development, and the Transportation Department of the Metropolitan Service District has actively participated in the development of said rule; and

WHEREAS, Transportation System Plans under the rule are a new form of mandatory public facilities plan, similar in concept to the Regional Transportation Plan of the Metropolitan Service District, to be required for all Metropolitan Planning Organizations (MPOs) and affected Oregon jurisdictions; and

WHEREAS, The Metropolitan Service District is the designated Metropolitan Planning Organization for the Portland/Tri-County metropolitan area; and

WHEREAS, The Land Conservation and Development Commission has requested comments on the latest draft of the proposed Transportation Planning Rule by April 5, 1991 and has scheduled the proposed Transportation Planning Rule for adoption at its next meeting in April 1991; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District endorses the concepts in the proposed Transportation Planning Rule (Draft of February 25, 1991 attached hereto as Exhibit A) with the following comments:

1. The Council supports development of transportation system plans similar in concept to the current Regional Transportation Plan of the District.

2. The Council believes the Oregon Department of Transportation should operate under the same rules as local jurisdictions for compliance with statewide transportation planning goals.

3. The Council supports strategies to reduce reliance on the automobile, including statewide ~~targets~~ goals for reducing Vehicle Miles Traveled (VMT) per capita.

4. The Council supports requiring evaluation of land use designations, densities and design standards in the development and selection of transportation alternatives. Supplemental rule sections of the Transportation Rule should be developed included in this evaluation criteria to assist local jurisdictions in their preparation of transportation system plans. The language reflected in Exhibit B to this resolution is recommended.

5. The Council supports the division of transportation decision-making into two distinct steps: a System Planning decision regarding the need for a system of transportation facilities and major improvements and their function, mode and

general location followed by a Project Development decision regarding the final build/no-build decision based upon project level details on design, alignment, impacts and mitigation.

6. The Council supports the detailed comments reflected in Exhibit C to this resolution.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1991.

Tanya Collier, Presiding Officer

DRAFT

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING)	RESOLUTION NO. 91-1419
CONCEPTS IN THE PROPOSED)	
TRANSPORTATION PLANNING RULE OF THE)	Introduced by the Council
LAND CONSERVATION AND DEVELOPMENT)	Transportation and Planning
COMMISSION AND SUBMITTING COMMENTS)	Committee

WHEREAS, A statewide Transportation Planning Rule which would apply to the Regional Transportation Plan has been under consideration during the past year by the Oregon Department of Land Conservation and Development, and the Transportation Department of the Metropolitan Service District has actively participated in the development of said rule; and

WHEREAS, Transportation Systems Plans under the rule are a new form of mandatory public facilities plan, similar in concept to the Regional Transportation Plan of the Metropolitan Service District, to be required for all Metropolitan Planning Organizations (MPO) and affected Oregon jurisdictions; and

WHEREAS, The Metropolitan Service District is the designated Metropolitan Planning Organization for the Portland/Tri-County metropolitan area; and

WHEREAS, The Land Conservation and Development Commission has requested comments on the latest draft of the proposed Transportation Planning Rule by April 5, 1991 and has scheduled the proposed Transportation Planning Rule for adoption at its next meeting in April, 1991; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby endorses the concepts in the proposed Transportation Planning Rule

(Draft of February 25, 1991 attached hereto as Exhibit A) with the following comments:

1. The Council supports development of transportation system plans similar in concept to the current Regional Transportation Plan of the District.

2. The Council believes the Oregon Department of Transportation should operate under the same rules as local jurisdictions for compliance with statewide transportation planning goals.

3. The Council supports strategies to reduce reliance on the automobile, including statewide targets for reducing Vehicle Miles Traveled (VMT) per capita.

4. The Council supports requiring evaluation of land use designations, densities and design standards in the development and selection of transportation alternatives. Supplemental rule sections of the Transportation Rule should be developed on this evaluation criteria to assist local jurisdictions in their preparation of transportation system plans.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1991.

Tanya Collier, Presiding Officer