



TPR 0060 Background

September 2010

Department of Land Conservation and Development



TPR Section 0060: Transportation Planning Consistency

Reasons:

- Balance land use and transportation
- Address impacts of development on congestion
- Coordinate with affected agencies
- Address funding gap



TPR 0060 in a Nutshell

- Assess whether plan / zone change causes a “significant effect”
- If “significant effect” occurs, balance land use and transportation by:
 - Limiting land use
 - Adding planned facilities
 - Changing performance measures



Does 0060 Apply?

YES

- Plan amendments
- Zone map changes
- Land use regulation changes - text changes
- TSP Adoption or Amendment

NO

- Conditional Use Permits
- Building or Development Permits
- Population Projections

DEPENDS

- UGB Amendment
- Annexation

(Applies if land is also rezoned to allow more intense use)



“Significant effect” occurs when:

- More traffic than existing zoning
AND
- Added traffic exceeds performance standards



Test #1: More Traffic than Existing Zoning?

- Based on “reasonable worst case”
 - Consider likely traffic from allowed uses
 - Local government decides
 - Must be consistent with adopted plans
 - LUBA review is substantial evidence



Test 2: Will traffic exceed planned capacity?

- Three parts:
 - What's measured
 - When do we measure
 - What counts as "planned"



What is measured?

- Compliance with performance standards
 - Local TSP
 - Level of Service (LOS)
 - Oregon Highway Plan
 - Mobility Policy
 - Volume-to-Capacity (V/C) Standards



When is performance measured?

“End of the planning period”

- Set in applicable TSP(s)
- Typically 10 – 20 years out
- For state highways minimum planning period is 15 years (OHP, Policy 1G)



What counts as “planned”?

- Facilities, improvements and services in adopted TSP

AND

- Have “funding commitment”



“Funding Commitments” include:

Adopted Funding

- ODOT STIP
- Metropolitan “Financially Constrained” Plan
- Local Capital Improvement Program
- Local TSP with funding plan or mechanism “in place” –
 - SDC
 - LID

Ad Hoc

- Funded as a condition of approval
- “Reasonably Likely”
 - ODOT for state highways
 - Local providers for local facilities



“Reasonably Likely”

- Letter from provider
- Decided solely by facility provider
 - ODOT for state highways
- No criteria in rule
- Not a land use decision



Why not all TSP Projects?

- “Polite Fiction”: TSPs include more projects than funding
- Land use changes that rely on unfunded projects should be carefully reviewed



“Significant effect” options

- Amend relevant plans to:
 - Add transportation capacity
 - Limit allowed land uses
 - Change performance standards (accept more congestion)
 - Reduce/manage demand



Results to date?



More Thoughtful Proposals

- ❑ What does zoning allow?
- ❑ What are the “planned improvements” in the TSP?
 - ❑ Scope
 - ❑ Capacity
- ❑ Are there other low-cost ways to add capacity?



Applications are scaled to avoid a significant effect

- Trip caps
 - used to match existing zoning or available roadway capacity
- Applicant agrees to provide funding for needed improvements as a “condition of approval”



Funding is a Central Issue

- ❑ Few “Reasonably Likely” letters ...
- ❑ But lots of discussion about what is funded, what is not



Deferring TPR?

- Not allowed
- LUBA cases allowed 2004-2008
 - Locals adopt standards mirroring 0060
- Court of Appeals says no:
 - Plain text of 0060 requires determination of significant effect before approving an amendment
(*Willamette Oaks v. Eugene*, Nov 2009)



Concerns about deferral

- Zoning implies suitability for planned use
- Deferral undermines predictability of zoning
- Increases delay/uncertainty about mitigation & cost
- Long-term complications if property changes hands



TPR 0060 and Metro 2040

- 0060 amendments adopted March 2005
- Metro/locals express concern 0060 will block implementation of 2040
- OTC Chair tells LCDC:
 - ODOT supports 2040
 - Won't use 0060 to block upzoning that implements 2040
- LCDC agrees to monitor and revisit if necessary



Outlook

More:

- Trip caps
- Creative funding arrangements
- Alternate mobility standards



HB 3379

- Directs OTC to allow exemptions to meeting funding requirements in TPR
 - Likely through agreement to alternative funding arrangements
 - Up to 2 exemptions for each ODOT region
- Rulemaking in progress



More Information

[LUBA Headnotes for Goal 12 / TPR:
www.luba.state.or.us/hnall/16.htm](http://www.luba.state.or.us/hnall/16.htm)

[ODOT Development Review Guidelines](#)

[TPR & Amendments
www.oregon.gov/ODOT/TD/TP/TPR.shtml](http://www.oregon.gov/ODOT/TD/TP/TPR.shtml)



Daily VMT (Vehicle Miles of Travel) Per Person - 1990 To 2009 Portland, OR Only, Portland-Vancouver OR-WA, And The U.S. National Average Data

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Portland Only	18.8	19.2	19.8	20.9	20.1	20.9	21.7	20.8	21.0	20.5	20.0	19.8	19.5	19.5	20.7	20.9	20.0	20.0	19.3	19.2
Portland-Vancouver	18.7	18.9	20.2	20.3	20.2	20.8	21.6	20.9	21.1	20.7	20.3	20.0	19.8	19.3	20.2	20.3	19.9	19.5	18.7	18.7
U.S. National Average	20.6	19.6	20.2	20.7	21.1	21.5	21.5	22.3	22.3	22.4	22.2	22.4	22.8	23.1	23.7	23.8	23.4	23.3	22.7	

