

16. Goal 12 – Transportation/ Goal 12 Rule. Where a local government finds that OAR 660-012-0060 is satisfied, the findings adopt and incorporate the applicant’s traffic impact analysis (TIA), and the TIA includes mitigation measures, the local government does not err in failing to expressly impose a condition of approval requiring those mitigation measures to be implemented. *Hildenbrand v. City of Adair Village*, 54 Or LUBA 734 (2007).

16. Goal 12 - Transportation/ Goal 12 Rule. In determining whether a plan or land use regulation amendment will “significantly affect a transportation facility” under the OAR 661-012-0060(1)(c)(C) non-degradation test, a city does not err in allowing the before and after volume to capacity (v/c) ratio to be computed to two decimal places rather than three decimal places. *Rice v. City of Monmouth*, 53 Or LUBA 55 (2006).

16. Goal 12 – Transportation/ Goal 12 Rule. Under OAR 660-012-0060(4), a local government errs in relying on conceptual highway improvements for which there is no funding mechanism in place or a written statement from the Oregon Department of Transportation that such improvements are reasonably likely to be provided by the end of the planning period, to conclude that plan amendments will not “significantly affect” the highway. *Rickreall Community Water Assoc. v. Polk County*, 53 Or LUBA 76 (2006).

16. Goal 12 – Transportation/ Goal 12 Rule. A condition of approval requiring that an applicant’s employees avoid a failing intersection and instead use a much longer circuitous route to the site is inadequate to ensure that the proposed amendment will not “significantly affect” that intersection, where the condition does not take into account non-employee traffic generated by the proposed use, and there is no mechanism to monitor compliance by employees. *Rickreall Community Water Assoc. v. Polk County*, 53 Or LUBA 76 (2006).

16. Goal 12 – Transportation/ Goal 12 Rule. While OAR 660-012-0060 requires that local governments evaluate traffic impacts of uses allowed under a comprehensive plan designation or zoning district amendment, with focus on the most traffic-intensive uses among the uses allowed under the amendment, the rule does not require local governments to assume the most-traffic intensive use will occur at the maximum theoretically possible intensity. *Rickreall Community Water Assoc. v. Polk County*, 53 Or LUBA 76 (2006).

16. Goal 12 – Transportation/ Goal 12 Rule. A city’s interpretation that its community service overlay (CSO) zoning designation functions as a conditional use rather than a traditional overlay zone is sustainable under *Church v. Grant County*, 187 Or App 518, 69 P3d 759 (2003) and ORS 197.829(1). Therefore, because the CSO zone overlay can only be applied to approve a specific use, and unlike other city overlay zones, the CSO zone does not require a zoning map amendment, the CSO designation does not trigger the obligation to address the transportation planning rule. *Oregon Transfer Company v. City of Milwaukie*, 53 Or LUBA 119 (2006).

16. Goal 12 – Transportation/ Goal 12 Rule. Even if the city’s use of a community service overlay (CSO) zoning designation may constitute an “end run” around the transportation planning rule, because the city’s code is acknowledged, any challenge to the CSO zoning designation is an impermissible attack on the city’s acknowledged code. *Oregon Transfer Company v. City of Milwaukie*, 53 Or LUBA 119 (2006).

16. Goal 12 – Transportation/ Goal 12 Rule. A code provision that encourages the city to expand local maritime activities is not a “minimum acceptable performance standard” for purposes of the OAR 660-012-0060(1)(c)(B) requirement that plan amendments not reduce a transportation facility’s performance below the minimum acceptable performance standard identified in the transportation system plan or comprehensive plan. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

16. Goal 12 – Transportation/ Goal 12 Rule. Findings addressing the standards for a reasons exception for transportation improvements under OAR 660-012-0070 are also sufficient to satisfy the standards for a reasons exception under OAR 660-004-0020(2), where the findings in fact address the substantive differences between the two standards, and the petitioner does not explain why failure to directly address the OAR 660-004-0020(2) standards warrants reversal or remand. *1000 Friends of Oregon v. Yamhill County*, 52 Or LUBA 418 (2006).

16. Goal 12 - Transportation/ Goal 12 Rule. OAR 660-012-0060(3) allows a local government to approve a plan amendment that would significantly affect a transportation facility that is already expected to perform below its identified performance standard at the end of the planning period, if the applicant mitigates that impact so that there will be no further degradation of the performance of that facility at the end of the planning period. However, OAR 660-012-0060(3) does not require an absolute guarantee that a facility improvement that would be hastened by a required financial contribution mitigation will actually be built. Where the facility to be benefited is already included in the relevant transportation system plans and the TSP anticipates that the facility will be funded at some point in the planning period, that is sufficient. *Cornelius First v. City of Cornelius*, 52 Or LUBA 486 (2006).

16. Goal 12 - Transportation/ Goal 12 Rule. Where a specific financial contribution mitigation is identified that would satisfy the mitigation requirement of OAR 660-012-0060(3)(c) to prevent a plan amendment from resulting in further degradation of a transportation facility located in a neighboring city that is already expected to be failing at the end of the planning period, a city does not err by authorizing the neighboring city to instead apply that financial contribution to fund other intersection improvements that would also result in the plan amendment satisfying the OAR 660-012-0060(3)(c) non-degradation standard. *Cornelius First v. City of Cornelius*, 52 Or LUBA 486 (2006).

16. Goal 12 - Transportation/ Goal 12 Rule. Where a city amends its transportation system plan to include an access management plan that was previously prepared by ODOT, it is the city’s obligation to comply with the OAR 660-012-0015(5) requirement for coordination with affected private providers of transportation services. While the city

may be able to rely on ODOT's coordination efforts at the time the access management plan was adopted, the city must establish that such coordination in fact occurred. *Rhodes v. City of Talent*, 50 Or LUBA 415 (2005).

16. Goal 12 - Transportation/ Goal 12 Rule. Transportation system planning and transportation project planning under the transportation planning rule may not always constitute separate and distinct phases with no overlap. But where a transportation system plan already calls for highway improvements and petitioner does not explain why additional transportation systems alternatives analyses are required, LUBA will reject petitioner's argument that the city was obligated to conduct additional transportation systems alternatives analyses under OAR 660-012-0035(1). *Rhodes v. City of Talent*, 50 Or LUBA 415 (2005).

16. Goal 12 - Transportation/ Goal 12 Rule. Where the drawings that accompany an access management plan are unclear, LUBA will assume that the more detailed construction plans that will be necessary to construct proposed improvements will call for improvements that are consistent with applicable design standards, where there is nothing in the record that suggests otherwise. *Rhodes v. City of Talent*, 50 Or LUBA 415 (2005).

16. Goal 12 - Transportation/ Goal 12 Rule. Where an access management plan appears to deviate slightly from two applicable design standards, and the city's decision does not explain why such deviation is permissible, LUBA will remand for that explanation. *Rhodes v. City of Talent*, 50 Or LUBA 415 (2005).

16. Goal 12 - Transportation/ Goal 12 Rule. A transportation system plan policy that "construction of transportation facilities shall be timed to coincide with community needs" suggests that community needs should not be allowed to outstrip the capacity of transportation facilities and that transportation facilities should not unnecessarily predate the community's need for those facilities. Where a city's decision includes no findings interpreting the transportation system plan policy or explaining why the proposed improvements are timely under the policy, LUBA will remand so that the city can adopt those findings. *Rhodes v. City of Talent*, 50 Or LUBA 415 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0060(2)(d) requires a comparison of traffic impacts allowed under pre- and post-amendment plan and zoning, usually by comparing the most traffic intensive use allowed in each zone. However, the proper point of comparison is "allowed land uses," not uses allowed under a specific development plan, particularly development plans that can be modified at any time without a plan amendment or zone change. *Griffiths v. City of Corvallis*, 50 Or LUBA 588 (2005)

16. Goal 12 – Transportation/ Goal 12 Rule. While it could potentially be error for a local government to evaluate only "likely" uses rather than "allowed land uses" in comparing traffic impacts under OAR 660-012-0060(2)(d), where the local government in fact evaluates both, any error in evaluating likely uses is harmless error. *Griffiths v. City of Corvallis*, 50 Or LUBA 588 (2005).

16. Goal 12 – Transportation/Goal 12 Rule. Where a petitioner argues at the local level that the Transportation Planning Rule (TPR) applies to the challenged decision because a condition of approval of a previous zone change arguably requires application of the TPR, the decision maker is required to at least address the issue in its decision and explain why the TPR does not apply. *Wal-Mart Stores, Inc. v. City of Medford*, 49 Or LUBA 52 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. An amendment of a city’s zoning map to change the zoning designation of property is an amendment of a land use regulation and, therefore, is subject to OAR 660-012-0060(1). *Just v. City of Lebanon*, 49 Or LUBA 180 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. Where ODOT does not explain why it changed its mind and concluded that a zoning map amendment does not implicate the transportation planning rule, a city may not approve a change in zoning that will allow more intense development without requiring a transportation impact analysis to determine whether the potential additional traffic may “significantly affect a transportation facility.” *Just v. City of Lebanon*, 49 Or LUBA 180 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0050(1) exempts certain ODOT projects from the transportation planning rule, but that rule does not excuse a city from considering whether its decision to rezone property may be subject to the transportation planning rule. *Just v. City of Lebanon*, 49 Or LUBA 180 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. A city may not defer its obligations to determine whether a rezoning decision will “significantly affect a transportation facility” or its decision whether to impose measures to mitigate that impact to a later date when specific development is proposed for the property, where the rezoning decision does not include a condition of approval that the transportation planning rule requirement be considered at that later stage and the city’s land use regulations do not require that the transportation planning rule be considered at that later stage. *Just v. City of Lebanon*, 49 Or LUBA 180 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. If the adopted transportation system plan assumes that property will be rezoned in the future to allow more intense development, the city may assume at the time of the assumed rezoning that the zone change has no significant impact on transportation facilities. However, a city may not assume that its rezoning decision will have no significant impact on transportation facilities where (1) it has not adopted the transportation system plan required by the transportation planning rule and (2) the transportation plan the city has adopted does not assume the property will be developed under the more intense zoning. *Just v. City of Lebanon*, 49 Or LUBA 180 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a city has not adopted a transportation system plan, as required by the transportation planning rule, a zoning map

change cannot significantly affect a city transportation facility under OAR 660-012-0060(2)(d) by causing the performance of a city transportation facility to fall “below the minimum acceptable level identified in the [transportation system plan].” If the city has no transportation system plan for the city transportation facility, there is no minimum acceptable performance level to violate. *Just v. City of Lebanon*, 49 Or LUBA 180 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0055(4)(b) does not require that a city that has not adopted a transportation system plan must first prepare such a plan before amending its land use regulations. *Just v. City of Lebanon*, 49 Or LUBA 180 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. Even if a city has not adopted a transportation system plan to establish performance standards for city transportation facilities, the Oregon Highway Plan establishes performance standards for state transportation facilities. Therefore, when amending its zoning map under OAR 660-012-0060 a city must consider whether the new zoning would allow development that will exceed those performance standards and thereby “significantly affect” those state transportation facilities within the meaning of OAR 660-012-0060(2). *Just v. City of Lebanon*, 49 Or LUBA 180 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. Where the city’s acknowledged transportation system plan (TSP) assumed that the subject property would develop at urban densities allowed under a city comprehensive plan designation, and did not assume that the property would develop under the pre-existing low-density county zoning, in conducting the comparison of traffic impacts allowed under the amended and unamended plan and zoning under OAR 660-012-0060 it is appropriate to use the city plan designation assumed in the TSP rather than the county zone. *Mason v. City of Corvallis*, 49 Or LUBA 199 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. The focus of OAR 660-012-0060(1) is on the land uses that are *allowed* under the amended plan and zoning regulations, not on the particular uses that the applicant may contemplate. Absent adequate justification for a different approach, the local government must assume that the property will develop at the most traffic-intensive use allowed under the amended plan and zoning, in determining whether the amendments “significantly affect” a transportation facility. *Mason v. City of Corvallis*, 49 Or LUBA 199 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government may assume that property will not develop under the most traffic-intensive uses allowed in the amended plan and zoning regulations for purposes of OAR 660-012-0060, where the presence of steep slopes, wetlands, significant natural features or other limitations on development potential make it highly improbable that the site can be developed with the most traffic-intensive uses allowed under the amended plan and zoning regulations. *Mason v. City of Corvallis*, 49 Or LUBA 199 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. Implicit in OAR 660-012-0060(2)(d) is a causative element that triggers application of the rule only when the amendments (1) allow uses that generate more traffic than uses allowed under the unamended plan and zoning and (2) the additional traffic would reduce a facility’s performance standards below the minimum acceptable level. Where the amended plan and zoning would generate less traffic than the unamended plan and zoning, then the amendment cannot significantly affect a transportation facility within the meaning of OAR 660-012-0060(2)(d). *Mason v. City of Corvallis*, 49 Or LUBA 199 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. The requirements of OAR 660-012-0060 only apply to amendments “to functional plans, acknowledged comprehensive plans and land use regulations.” Where a city took separate actions to approve a master plan of development and to amend its comprehensive plan to conform to the master plan of development and petitioners only appealed the master plan of development approval decision to LUBA, the requirements of OAR 660-012-0060 did not apply to the only decision that was before LUBA in that appeal. *Oregon Shores Cons. Coalition v. City of Brookings*, 49 Or LUBA 273 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. A city land use regulation requirement that a master plan of development demonstrate that transportation facilities are “adequate,” does not require any particular level of internal or external roadway connectivity. *Oregon Shores Cons. Coalition v. City of Brookings*, 49 Or LUBA 273 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. Arguments that application of a city zoning district to an annexed area will conflict with Goal 12 are misdirected, where the challenged decision merely annexes the area but does not rezone it. *Cutsforth v. City of Albany*, 49 Or LUBA 559 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0040 merely requires that cities’ transportation system plans (TSP) include a financing program. The rule does not require that the financing program must be amended every time the TSP is amended. *1000 Friends of Oregon v. City of Newberg*, 49 Or LUBA 626 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. Identifying a transportation need under OAR 660-012-0070 is sufficient to justify an exception under ORS 197.732(1)(c)(A). The county need not separately demonstrate that the state policies embodied in the applicable goals should not apply. *1000 Friends of Oregon v. Yamhill County*, 49 Or LUBA 640 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. Under OAR 660-012-0070(6), the reasonableness of non-exception alternatives is determined by the thresholds established by the local government, which include consideration of “cost, operational feasibility, economic dislocation and other relevant factors.” *1000 Friends of Oregon v. Yamhill County*, 49 Or LUBA 640 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. When taking an exception for a transportation facility on rural lands, the more specific provisions of OAR 660-012-0070 apply in place of the more general ESEE analysis requirements of Goal 2, Part II (c)(3), ORS 197.732(1)(c)(C), and OAR 660-004-0020(2)(c). *1000 Friends of Oregon v. Yamhill County*, 49 Or LUBA 640 (2005).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government may not avoid the obligation to adopt findings addressing whether a proposed plan amendment complies with the Transportation Planning Rule (TPR) by relying on subsequent permit approvals to address traffic impacts of uses allowed by the amendment, where the criteria governing permit approvals do not require compliance with the TPR or include standards similar to TPR standards. *Staus v. City of Corvallis*, 48 Or LUBA 254 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. An attempt to incorporate documents in the record as findings of compliance with the Transportation Planning Rule fails, where the decision purports to incorporate hundreds of pages of minutes and written testimony without adequately identifying those documents, and the incorporation is qualified in a manner that makes it difficult or impossible to understand the facts relied upon and the justification for the decision. *Staus v. City of Corvallis*, 48 Or LUBA 254 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. A condition of rezoning approval that prohibits any development until a master plan is approved, under criteria identical to OAR 660-012-0060, is sufficient to ensure that traffic generated by uses allowed by the rezoning decision will be consistent with the function, capacity and performance standards of affected transportation facilities, and thus ensure compliance with OAR 660-012-0060 and Goal 12. *Citizens for Protection of Neighborhoods v. City of Salem*, 47 Or LUBA 111 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0060 does not require preparation or analysis of a traffic impact statement, although depending on the nature of the proposed plan amendment and the local government's approach to finding or ensuring compliance with the rule, some kind of traffic generation or traffic impact analysis may be necessary. *Citizens for Protection of Neighborhoods v. City of Salem*, 47 Or LUBA 111 (2004).

16. Goal 12 - Transportation/ Goal 12 Rule. Although a petitioner waived its right to challenge a decision for failure to apply Goal 12 (Transportation) or the Transportation Planning Rule, LUBA will consider the legal arguments that the petitioner presents under that assignment of error when LUBA considers petitioner's arguments concerning nearly identically worded county code transportation standards under a different assignment of error. *Concerned Citizens v. Malheur County*, 47 Or LUBA 208 (2004).

16. Goal 12 - Transportation/ Goal 12 Rule. A county does not improperly defer a determination that a rezoning decision will not significantly affect transportation facilities under county code provisions that parallel the Transportation Planning Rule, where (1) the rezoning decision effectively precludes development of the rezoned site without site

design review, (2) the rezoning decision prohibits uses that would generate traffic that would be inconsistent with highway facility functional classifications or exceed levels of service and (3) any future site design review determination that the development of the site would not significantly affect transportation facilities would be a discretionary permit decision that would be appealable to LUBA. *Concerned Citizens v. Malheur County*, 47 Or LUBA 208 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. Unless required by local standards, a city is not required to ensure that development permitted outright under existing plan and zoning standards will not cause transportation facilities to fall below operational thresholds during the relevant planning period. *Heilman v. City of Corvallis*, 47 Or LUBA 305 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a city’s functional classification scheme distinguishes street types based on the type or source of traffic, and requires that the majority of trips on a neighborhood collector serve traffic that starts and ends within the neighborhood, in rezoning land to higher-intensity commercial uses the city must evaluate whether the rezoning “significantly affects” the collector within the meaning of OAR 660-012-0060(2)(c), by allowing levels of travel that are inconsistent with the functional classification of that facility. *NWDA v. City of Portland*, 47 Or LUBA 533 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. Where two traffic studies indicate that post-acknowledgment plan amendments may cause a transportation facility to fall below the minimum acceptable performance standard, and the respondent cites no evidence to the contrary that a reasonable person would rely upon, remand is necessary for the city to address whether the plan amendment will “significantly affect” that transportation facility within the meaning of OAR 660-012-0060(2)(d). *NWDA v. City of Portland*, 47 Or LUBA 533 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. Nothing in the Transportation Planning Rule at OAR Chapter 660, Division 12 requires that a local government amend its transportation system plan before or contemporaneously with adopting a new fund to finance identified transportation improvements. *NWDA v. City of Portland*, 47 Or LUBA 533 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. Because OAR 734-051-0155(4)(d) requires that access management plans shall be consistent with a city’s transportation system plan and because OAR 734-051-0155(4)(k) requires that the access management plan be “adopted into” the city’s transportation system plan, the city’s adoption of the access management plan “concerns the adoption, amendment or application of * * * [a] comprehensive plan provision” within the meaning of ORS 197.015(10)(a) and, for that reason, is a land use decision subject to LUBA’s jurisdiction. *Rhodes v. City of Talent*, 47 Or LUBA 574 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. A city errs by adopting an access management plan without adopting that access management plan as part of its transportation system plan and without following the procedures for a post acknowledgment plan amendment. *Rhodes v. City of Talent*, 47 Or LUBA 574 (2004).

16. Goal 12 - Transportation/ Goal 12 Rule. The OAR 660-012-0060 requirement that plan and land use regulation amendments “shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards” of transportation facilities is written in the present tense. That the rule is written in the present tense is some indication that the rule drafters did not intend to require only that the traffic that would be generated by a plan amendment “will be” consistent with the function, capacity and performance standards of affected transportation facilities at the end of the planning period, but intended to require such consistency throughout the planning period. *Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

16. Goal 12 - Transportation/ Goal 12 Rule. OAR 660-012-0060, which governs amendments to comprehensive plans, serves a different purpose than the standards that apply to development of a transportation system plan. OAR 660-012-0060 was adopted to prevent local governments from allowing new uses that are not provided for in the plan and code, or anticipated in the TSP, which are inconsistent with the function and capacity of transportation facilities. The transportation system plan may be unconcerned with temporary failures of transportation facilities caused by already allowed uses, because there may be little the local government can do to address such temporary failures. But it does not follow that OAR 660-012-0060 is also unconcerned with temporary facility failures, or that its regulatory concerns are confined to those that animate the standards for developing a TSP. *Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

16. Goal 12 - Transportation/ Goal 12 Rule. OAR 660-012-0060(1) provides a set of flexible tools that local governments must use to “assure” that allowed uses are consistent with the function, capacity and performance standards of transportation facilities. Those tools must be applied to mitigate both “temporary” failures that might be caused by plan amendments and to assure that such amendments do not hasten permanent failures. *Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

16. Goal 12 - Transportation/ Goal 12 Rule. Under OAR 660-012-0040(4), LUBA does not have jurisdiction to review “timing and financing provisions” in a transportation financing program. However, LUBA does have jurisdiction to review a city decision that determines that a particular facility alternative is consistent with its transportation system plan, notwithstanding that such a decision may be driven in part by timing or financing considerations. *Ramsey v. City of Philomath*, 46 Or LUBA 241 (2004).

16. Goal 12 - Transportation/ Goal 12 Rule. A city decision that elects to construct a transportation facility that completes part but omits part of a recommended facility in a city’s transportation system plan will be affirmed by LUBA where the facility to be constructed can be viewed as a first phase of the planned-for facility and the city’s

decision to construct the facility in phases is not inconsistent with the TSP. *Ramsey v. City of Philomath*, 46 Or LUBA 241 (2004).

16. Goal 12 - Transportation/ Goal 12 Rule. If after a first phase of a transportation system plan recommended facility is constructed a city determines to abandon the final phase, the city must amend the transportation system plan to reflect that choice. *Ramsey v. City of Philomath*, 46 Or LUBA 241 (2004).

16. Goal 12 – Transportation/ Goal 12 Rule. A threshold question under OAR 660-012-0060(2)(d) is whether development under proposed zoning will cause greater traffic impacts than development under existing zoning. If not, the inquiry under OAR 660-012-0060(2)(d) ends there. If so, the local government must go on to evaluate whether the increased traffic will cause affected transportation facilities to fall below applicable performance standards. *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. In evaluating whether development under proposed zoning will cause greater traffic impacts than development under existing zoning for purposes of OAR 660-012-0060(2)(d), the local government must use consistent assumptions. *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. Where the challenged decision increases the proportion of commercial-zoned lands in an area and decreases the proportion of industrial-zoned lands in that area, and does not alter the types of uses allowed in those commercial and industrial zones, a consistent comparison of traffic impacts for purposes of OAR 660-012-0060(2)(d) requires the local government to assume that the same uses will develop in industrial zones under the existing and proposed zoning, and the same uses will develop in commercial zones under the existing and proposed zoning. *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. An erroneous assumption in a supplemental study regarding traffic impacts of development under proposed zoning for purposes of OAR 660-012-0060(2)(d) is harmless error, where the initial traffic study reached the same conclusion of compliance with the rule using the correct assumption, and petitioner offers no reason to believe that remand to correct the erroneous assumption in the supplemental study will alter that ultimate conclusion. *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. Where the challenged decision rezones 32 acres of land from a light industrial zone that allows traffic-intensive office uses to a heavy industrial zone that does not allow such office uses, the local government is not required to assume the proposed heavy industrial zone will be developed with office uses not allowed in the zone, for purposes of comparing traffic impacts under OAR 660-012-0060(2)(d). *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. The Oregon Department of Transportation's (ODOT's) general observation during local proceedings that it did not

believe the city had adequately addressed the requirements of OAR 660-012-0060, which was followed up with specific concerns that the city addressed to ODOT's satisfaction, is not sufficient to allow a petitioner at LUBA to raise for the first time on appeal specific issues other than the specific concerns identified by ODOT. *Thomas v. City of Veneta*, 44 Or LUBA 5 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. A county population projection that does not itself “significantly affect” a transportation facility in any of the four ways described in OAR 660-012-0060 need not comply with that rule or local equivalents, notwithstanding that the population projection may set the stage for later decisions that will significantly affect transportation facilities. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0070(8) requires that a local government describe the adverse effects that the accessibility associated with an urban transportation facility may have on rural lands and adopt “measures which minimize [such] accessibility.” Where an assignment of error is essentially a collateral challenge to a parkway that is already included in a transportation system plan rather than to the realignment of a portion of that already-approved parkway that is approved by the challenged decision, the assignment of error provides no basis for reversal or remand. *Friends of Eugene v. City of Eugene*, 44 Or LUBA 239 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a county has alternative performance measures that have been approved by LCDC under OAR 660-012-0035(5), which establish a year 2015 target internal vehicle miles traveled (VMT) of 3,224,037 miles and establish a VMT/capita of 10.9, a decision to amend a transportation system plan such that the expected VMT/capita for 2015 remains at 10.9 but the expected internal VMT for the year 2015 increases slightly to 3,232,977 miles does not violate the alternative performance measures. *Friends of Eugene v. City of Eugene*, 44 Or LUBA 239 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. A transportation system plan amendment that improves the expected performance of 13 intersections as compared to the existing transportation system plan does not significantly affect a transportation facility within the meaning of OAR 660-012-0060(2) and does not implicate the remedial measures that are required under OAR 660-012-0060(1), notwithstanding that a facility improvement that will be required to keep another section of roadway from failing within the planning period is placed in a less certain funding category. *Friends of Eugene v. City of Eugene*, 44 Or LUBA 239 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. The Oregon Highway Plan Major Improvements Policy imposes a priority system favoring protection of the existing transportation system and improvements to or added capacity for the existing transportation system before building new transportation facilities. A transportation system plan amendment does not violate that priority policy where the findings demonstrate that for several decades those higher priority measures have been taken

and are now inadequate to address local and regional traffic needs. *Friends of Eugene v. City of Eugene*, 44 Or LUBA 239 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. In determining whether swapping plan designations between two similar areas of a parcel would result in a net increase in traffic impacts for purposes of the OAR 660-012-0060 requirement that plan amendments not “significantly affect” a transportation facility, a local government must consider the development potential of each area as zoned and planned, but need not consider extrinsic limitations on development, such as security concerns arising from threats of terrorism, that cast doubt on whether one of the areas could be developed to its full potential, under its existing designation. *Excelsior Investment Co. v. City of Medford*, 44 Or LUBA 553 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. Amendments to a city’s comprehensive plan and land use regulations that result in an aerial tram being listed as a “basic utility” and an allowed use in the city’s open space zone do not change the functional classification of the rights-of-way that the tram will pass over and, therefore, those amendments do not “substantially affect” a transportation facility within the meaning of OAR 660-012-0060. *No Tram to OHSU v. City of Portland*, 44 Or LUBA 647 (2003).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a transportation plan has been submitted to LCDC for acknowledgment review and LCDC has conducted that review with regard to Goal 12 and the Transportation Planning Rule (TPR), LUBA does not have authority to thereafter review the regional transportation plan for compliance with the TPR. That limit on LUBA’s scope of review is not affected by the fact that the TPR was adopted to implement both Goal 12 and the ORS 197.712(2)(e) obligation concerning public facility plans, where the statutory obligation is not shown to impose transportation planning obligations that are different than those imposed by Goal 12. *Citizens Against Irresponsible Growth v. Metro*, 40 Or LUBA 426 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. Findings concluding that traffic from proposed industrial development will not change the functional classification of affected transportation facilities under OAR 660-012-0060(2)(a) and (b) are not sufficient to also conclude, for purposes of OAR 660-012-0060(2)(c), that levels of travel from the proposed development are consistent with the functional classification of affected facilities. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. Depending on how functional classifications are defined in the pertinent transportation plan, evidence that levels of traffic generated by proposed development will violate the performance measure of affected transportation facilities may also be relevant to determining whether the development “significantly affects” a facility under OAR 660-012-0060(2)(c) by allowing levels of travel inconsistent with the functional classification of a transportation facility. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. A finding that the proposed buildout of a subdivision will take longer than originally anticipated, and will generate less traffic during the planning period, is insufficient to demonstrate that the proposed development will not significantly affect a transportation facility that is projected to fail under increases in background traffic, where the proposed development, even if built out at a

slower pace, may cause the facility to fail earlier than it otherwise would. *DLCD v. Klamath County*, 40 Or LUBA 221 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. For an amendment to significantly affect a transportation facility under OAR 660-012-0060, the amendment must play a causative role in reducing the applicable performance standards below the minimum acceptable level. The focus of the inquiry is on the transportation impacts allowed by the amendment, not on impacts from uses already allowed by the existing plan or zoning. *ODOT v. City of Klamath Falls*, 39 Or LUBA 641 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. Although a local government may rely on improvements identified in its transportation system plan to avoid a finding of significant effect, a local government may not avoid the requirements of OAR 660-012-0060(1) by assuming the existence of unplanned future transportation improvements. *ODOT v. City of Klamath Falls*, 39 Or LUBA 641 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. Even if a transportation facility would fall below the applicable performance standard without the proposed amendment, a proposed plan amendment significantly affects the transportation facility if it would reduce the performance standard below the applicable performance standard sooner than would otherwise occur. *ODOT v. City of Klamath Falls*, 39 Or LUBA 641 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government may proceed under an assumption that a plan amendment significantly affects a transportation facility without making a specific determination under OAR 660-012-0060(2)(c) that the amendment is inconsistent with the functional classification of the facility. Although such a course creates difficulty in determining what level of mitigation is necessary under OAR 660-012-0060(1)(a) through (d), a condition that prevents the amendment from affecting the facility at all until necessary improvements are made overcomes that difficulty and complies with OAR 660-012-0060(1)(a). *ODOT v. City of Klamath Falls*, 39 Or LUBA 641 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. The transportation planning rule does not apply to the amendment of the Metro UGB where the amendment only converts rural land to urbanizable land, and does not alter the types or intensity of allowed land uses, reduce the performance standards of transportation facilities, or otherwise “significantly affect” a transportation facility within the meaning of OAR 660-012-0060. *Citizens Against Irresponsible Growth v. Metro*, 39 Or LUBA 539 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. The requirement under OAR 660-012-0065(3)(o) that the travel capacity and level of service of transportation facilities sited on rural EFU-zoned land must “be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan” is satisfied where the proposed facility would serve seven lot of record dwellings, the comprehensive plan authorizes rural dwellings and the EFU zoning statutes specifically authorize lot of record dwellings in EFU zones. *Friends of Yamhill County v. Yamhill County*, 39 Or LUBA 478 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. An existing road cannot be rejected as an alternative under OAR 660-012-0065(5)(a) because it is (1) unsafe, (2) does not meet “applicable standards,” or (3) has not previously been “approved by a registered professional engineer.” Under the rule, the county must also establish that the existing road cannot be improved to be “safe,” meet “applicable standards,” and be “approved by a registered professional engineer” “at a reasonable cost, not considering raw land costs, with available technology.” *Friends of Yamhill County v. Yamhill County*, 39 Or LUBA 478 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. A decision that an existing road need not be considered as an alternative under OAR 660-012-0065(5)(a) is not supported by substantial evidence where there is no attempt to identify how costly it would be to address safety problems and bring the road up to applicable standards so that it could be approved by a registered engineer. *Friends of Yamhill County v. Yamhill County*, 39 Or LUBA 478 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0065(5)(a) prohibits consideration of “land costs,” in determining whether the cost of an alternative is reasonable. “Land costs” are not limited to purchase of the fee title and include purchase of an easement. *Friends of Yamhill County v. Yamhill County*, 39 Or LUBA 478 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a zoning map is part of the city’s zoning ordinance, an amendment of the zoning map constitutes a land use regulation amendment, within the meaning of OAR 660-012-0060, and must meet the requirements of OAR 660-012-0060(1) if the zoning map amendment will significantly affect a transportation facility. *Adams v. City of Medford*, 39 Or LUBA 464 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a city’s finding that a zoning map amendment will not significantly affect transportation facilities is based on a lengthy transportation impact study, and petitioner attacks that finding based on other evidence of questionable relevance without developing any arguments challenging the transportation impact study, petitioner provides no basis for reversal or remand. *Adams v. City of Medford*, 39 Or LUBA 464 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government may rely on existing or planned facilities to determine whether its transportation facilities are adequate to handle additional traffic that will be generated by a proposed amendment. *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. If a local government relies on planned-for facilities to accommodate additional vehicle trips that will be generated by a proposed plan amendment, then the local government must find that those planned-for facilities will be built or improved on a schedule that will accommodate those additional trips. *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. If a proposed amendment will generate additional trips that cannot be absorbed by existing or planned-for facilities, then a local

government must adopt one or more of the strategies set out in OAR 660-012-0060(1) to make the proposal consistent with “the identified function, capacity and level of service of the [affected] facility,” as is required by OAR 660-012-0060(1). *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. A determination by a local government that a proposed amendment will not *currently* significantly affect a transportation facility is insufficient to satisfy OAR 660-012-0060(1), because the rule requires a demonstration of no significant effect over the *entire* relevant planning period. *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government may rely on a transportation facility improvement that is not fully set out in the local transportation systems plan, where that improvement has been identified and deferred to a future refinement plan pursuant to OAR 660-012-0025. *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0060 has no applicability to a decision vacating a county road, where the decision does not amend a functional plan, comprehensive plan or land use regulation. *Mekkers v. Yamhill County*, 39 Or LUBA 367 (2001).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government may not explicitly rely on a traffic study to demonstrate compliance with Goal 12 and then ignore a portion of the traffic study that describes anticipated deterioration in level of service. *DLCD v. Klamath County*, 38 Or LUBA 769 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. Where development will result in a change in the level of service and reduce performance standards of the facility below the minimum acceptable level of service over the relevant planning horizon, the proposed amendment “significantly affects” a transportation facility. *DLCD v. Klamath County*, 38 Or LUBA 769 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. The establishment of a new public use airport runway, along with associated road realignment and expansion of the airport boundary, is considered to be part of the “expansion of a public use airport,” pursuant to OAR 660-012-0065(3)(n). *Lentz v. Lane County*, 38 Or LUBA 669 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. As long as the expansion of the public use airport continues to serve the same class of airplanes pursuant to OAR 660-012-0065, the expansion is considered to be consistent with Goals 3, 4, 11, and 14, and an exception to those goals is not required. *Lentz v. Lane County*, 38 Or LUBA 669 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. The “air, rail, water and pipeline transportation plan” required by OAR 660-012-0020(2)(e) to be included in a local government’s Transportation System Plan need not include any information other than that specified in the rule; *i.e.*, the location and extent of existing or planned facilities. *Northwest Aggregates Co. v. City of Scappoose*, 38 Or LUBA 291 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. The coordination requirement at OAR 660-012-0015(5) provides that the adopting local government must provide notice and an opportunity to comment to affected local governments. However, the rule does not require that the adopting local government provide additional notice and opportunity to comment each time the proposal is modified. *Northwest Aggregates Co. v. City of Scappoose*, 38 Or LUBA 291 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0060(1) and (2) contemplate that any mitigation measures that may be necessary to ensure that land uses allowed by amendments remain consistent with a facility’s function, capacity and performance standards are considered after the local government has determined whether the proposed plan amendment significantly affects a transportation facility within the meaning of OAR 660-012-0060(2). It is inconsistent with that scheme to consider such mitigation measures as a means of avoiding the conclusion that an amendment significantly affects a transportation facility. *DLCD v. City of Warrenton*, 37 Or LUBA 933 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. Where an applicable transportation systems plan adopts particular performance standards, a local government errs by not using those standards to analyze whether a proposed amendment significantly affects a transportation facility, as defined by OAR 660-012-0060(2). *DLCD v. City of Warrenton*, 37 Or LUBA 933 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0045(5)(c) requires local governments to adopt legislation to comply with the rule’s parking reduction requirements; it is not an independent decisional criterion applicable to every quasi-judicial application involving parking. *Douglas v. City of Lake Oswego*, 37 Or LUBA 826 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. A zoning ordinance text amendment that, as conditioned, would not permit development that would add more traffic to the transportation system than could be added under the zoning ordinance before the text amendment does not “significantly affect a transportation system,” within the meaning of OAR 660-012-0060(2) (1998). *Marine Street LLC v. City of Astoria*, 37 Or LUBA 587 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0060(2) (1998) does not require that a local government consider whether a proposed zoning text amendment to raise the permissible building height on one property will in some general way encourage development in the future on nearby properties that may, in turn, “significantly affect a transportation facility. *Marine Street LLC v. City of Astoria*, 37 Or LUBA 587 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government’s failure to adopt a transportation system plan (TSP) by the date required by OAR 660-012-0055 does not preclude the local government from amending the transportation element of its comprehensive plan until it adopts a TSP, where it is clear under the comprehensive plan that the transportation element is a separate policy document than the TSP, and the

amendments to the transportation element are not intended to and do not have the effect of adopting a TSP. *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. A comprehensive plan amendment that changes a minor arterial to a major arterial changes the functional classification of a transportation facility and thus requires findings of compliance with OAR 660-012-0060. *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. The focus of OAR 660-012-0060 is on protecting transportation facilities from impacts inconsistent with their identified function, capacity and level of service, not on protecting adjacent residential land uses from the adverse impacts of transportation facilities. *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government’s decision to rezone land to allow an industrial use generating up to 120 truck trips per day through local streets and a state highway must demonstrate compliance with Goal 12. LUBA will not exercise its authority under ORS 197.835(11)(b) to affirm the decision notwithstanding inadequate findings of compliance with Goal 12, where the parties cannot identify traffic studies or other evidence in the record sufficient to make it “obvious” or “inevitable” that the decision complies with Goal 12’s requirement for a safe, convenient and economic transportation system. *Mulford v. Town of Lakeview*, 36 Or LUBA 715 (1999).

16. Goal 12 – Transportation/ Goal 12 Rule. A local provision that merely recites language from the Transportation Planning Rule, OAR 660-012-0045(2)(g), is not adequate to implement that rule, where the local provision does not contain any operative terms actually implementing the rule, and does not ensure that all amendments to land use designations, densities and design standards are consistent with the function, capacity and level of service of transportation facilities, as the rule requires. *Dept. of Transportation v. Douglas County*, 36 Or LUBA 686 (1999).

16. Goal 12 – Transportation/ Goal 12 Rule. Findings and conditions that require only external pedestrian improvements, and that require pedestrians in one part of the development to leave the subject property in order to go to another part of the development, are inadequate to demonstrate compliance with the Transportation Planning Rule’s requirement for internal pedestrian facilities and clustering of buildings. *Terra v. City of Newport*, 36 Or LUBA 582 (1999).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a plan policy, implementing the Transportation Planning Rule, requires that the parking spaces per capita ratio must be reduced by 10 percent but does not specify how the starting point for computing the reduction must be computed, a city council interpretation that the starting point computation may include approved but not yet constructed parking spaces is within the city’s interpretive discretion under ORS 197.829. *Baughman v. City of Portland*, 36 Or LUBA 353 (1999).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a city approves a development plan for a university district as part of a quasi-judicial proceeding, but does not incorporate it into the city's comprehensive plan or land use regulations, the development plan is not a comprehensive plan or land use regulation, and thus amendments to that plan are not subject to review for compliance with statewide planning goals or the Transportation Planning Rule. *Brome v. City of Corvallis*, 36 Or LUBA 225 (1999).

16. Goal 12 – Transportation/Goal 12 Rule. A county's transportation plan is inconsistent with the Transportation Planning Rule where it fails to inventory existing and committed bicycle and pedestrian facilities in the county, assess the capability and condition of those facilities, develop a system of planned improvements to those facilities, and depict planned improvements on a map, as required by OAR 660-012-0020. *Dept. of Transportation v. Douglas County*, 36 Or LUBA 131 (1999).

16. Goal 12 – Transportation/Goal 12 Rule. A letter from an ODOT employee regarding negotiations between ODOT and the county does not constitute an affirmative waiver of issues related to minimum street width standards under OAR 660-012-0045(7), where it is unclear what was resolved between the parties and whether the county implemented the parties' resolution. Even if petitioner ODOT had waived that issue, such waiver would not apply to petitioner DLCD. *Dept. of Transportation v. Douglas County*, 36 Or LUBA 131 (1999).

16. Goal 12 – Transportation/Goal 12 Rule. The requirement at OAR 660-012-0045(7) that the county evaluate whether its street width standards are the minimum consistent with operational needs is not satisfied by a county procedure to consider, on a case-by-case basis, whether certain street widths should be reduced. *Dept. of Transportation v. Douglas County*, 36 Or LUBA 131 (1999).

16. Goal 12 – Transportation/ Goal 12 Rule. A city does not err by failing to require that a subdivision access road be improved to particular city standards, where the applicable city criterion merely requires that the subdivision provide "paved" access. *Hunt v. City of Ashland*, 35 Or LUBA 467 (1999).

16. Goal 12 – Transportation/ Goal 12 Rule. Under OAR 660-012-0060(2)(d), a plan amendment "significantly affects" a transportation facility if it would reduce the level of service of that facility below the minimum identified acceptable level of service. Under that definition, a plan amendment that would further degrade a facility that is already operating below the minimum identified acceptable level of service "significantly affects" that facility. *Dept. of Transportation v. Coos County*, 35 Or LUBA 285 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-012-0060 does not require that a local government impose exactions to ensure that impacts from a plan amendment do not violate Transportation Planning Rule Level of Service requirements. *Dept. of Transportation v. Coos County*, 35 Or LUBA 285 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. Compliance with OAR 660-012-0060 does not deprive a property of all beneficial use, where the current comprehensive plan

and zoning designations allow a range of uses that may generate any amount of traffic and are not subject to the rule. *Dept. of Transportation v. Coos County*, 35 Or LUBA 285 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. The Transportation Planning Rule, OAR 660-012-0060, requires that when a plan amendment "significantly affects" a transportation facility the local government must either ensure that the amendment is consistent with its transportation plan or amend its plan. *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. When a land use allowed by a comprehensive plan amendment would "significantly affect" a transportation facility, a local government may not avoid the requirements of the Transportation Planning Rule, OAR 660-012-0060, by conditioning the amendment on improvements that maintain the facility above the thresholds provided in OAR 660-012-0060(2). *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government's reliance on a traffic study using a method not currently preferred but nonetheless required by the state Department of Transportation (ODOT) does not provide a basis for reversal or remand, where traffic analysis under either of two methods recognized by ODOT supports the conclusion reached by the local government. *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government fails to satisfy the requirement of the Transportation Planning Rule, OAR 660-012-0060, to coordinate with affected jurisdictions, where it amends its comprehensive plan to allow a shopping mall designed to be a regional destination point, but limits its coordination efforts to ODOT and the surrounding county. *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. When a local government has not adopted requirements in the Transportation Planning Rule at OAR 660-012-0045 regarding pedestrian and bicycle facilities, those requirements apply directly to local government land use decisions. *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. Although Oregon Laws 1997, chapter 859 (HB 2605) repeals two sections of the legislation that directed DLCDC to adopt the Airport Planning Rule (APR), the 1997 legislation does not completely supersede the APR or DLCDC's authority to adopt rules regarding airport planning. *Northwest Aggregates Co. v. City of Scappoose*, 35 Or LUBA 30 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. Where the TPR and Airport Planning Rule specifically require that a jurisdiction include areas of its airport that extend beyond its corporate limits, a city action doing so does not violate the ORS 221.720 limitation of a

city's municipal power to its city limits. *Northwest Aggregates Co. v. City of Scappoose*, 35 Or LUBA 30 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. Where petitioner adequately raised the issue of whether a street would continue to function as a local street, failure to specify the TPR or comprehensive plan provision that required that the street continue to function as a local street does not result in waiver of the issue. *Hannah v. City of Eugene*, 35 Or LUBA 1 (1998) (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. Requiring that a street be connected to allow through traffic does not inevitably mean the street will cease to function as a local street, where there are identified measures that can be used to discourage non-local traffic. *Hannah v. City of Eugene*, 35 Or LUBA 1 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. A city's findings are adequate to demonstrate compliance with a criterion requiring that development approval not result in "unreasonable congestion," where the findings acknowledge that the required street connectivity will change the nature of the traffic on the street but also discuss "traffic calming measures" that are incorporated into the design. *Hannah v. City of Eugene*, 35 Or LUBA 1 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. An applicant does not carry his burden to demonstrate compliance with transportation-related criteria, where the findings supporting denial identify a flaw in the applicant's evidence resulting from conducting a traffic study in the summer when school trips would not be reflected in the study. *Lee v. City of Oregon City*, 34 Or LUBA 691 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. Petitioner's allegations that decreases in potential housing density could affect transportation facilities are insufficient to show the challenged decision will "significantly affect a transportation facility," within the meaning of OAR 660-012-0060(1), where petitioner fails to identify any allegedly affected transportation facilities. *Barnard Perkins Corp. v. City of Rivergrove*, 34 Or LUBA 660 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. The Transportation Planning Rule requirements set forth at OAR 660-012-0045(2) by their terms apply directly to local codes, not local comprehensive plans. *Dept. of Transportation v. Douglas County*, 34 Or LUBA 608 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. Under OAR 660-012-0045(2) local codes must require compliance with ODOT access standards or require that an applicant obtain an access permit from ODOT as a condition of approval. *Dept. of Transportation v. Douglas County*, 34 Or LUBA 608 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. The OAR 660-012-0045(2)(g) requirement that local governments adopt "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" is not satisfied by a plan provision that fails to refer to the Transportation Planning Rule by name or number and that imposes a different threshold for application of the rule standard than is required by the rule. *Dept. of Transportation v. Douglas County*, 34 Or LUBA 608 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. The requirement of OAR 660-012-0015(2)(a) that regional TSPs be consistent with the state TSP is violated by a comprehensive plan amendment that purports to require that ODOT provide access under circumstances that are not consistent with ODOT policies. *Dept. of Transportation v. Douglas County*, 34 Or LUBA 608 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. The term "rural community" as used in OAR 660-012-0045(3) of the Transportation Planning Rule is broader than the term "rural community" as defined in OAR 660-022-0010(7) of the Unincorporated Communities rules. *Dept. of Transportation v. Douglas County*, 34 Or LUBA 608 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. An amendment to a future streets plan does not significantly affect a transportation facility, and the TPR does not apply, where the record demonstrates that the decision does not change a functional classification or any standards relating to functional classifications and traffic levels would not be increased. *Fogarty v. City of Gresham*, 34 Or LUBA 309 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. Plan map and zoning amendments that significantly affect a transportation facility must be consistent with the Transportation Planning Rule (TPR). Therefore findings must address Goal 12 and the TPR as they apply to all access to the subject property unless the local government restricts access by imposing conditions of approval. *Sanders v. Yamhill County*, 34 Or LUBA 69 (1998).

16. Goal 12 – Transportation/ Goal 12 Rule. When a city finds a proposed development will not result in levels of travel or access inconsistent with the existing functional classification, the development does not "significantly affect a transportation facility" under OAR 660-12-060(2)(c), and OAR 660-12-060(1) does not apply. *Melton v. City of Cottage Grove*, 30 Or LUBA 331 (1996).

16. Goal 12 – Transportation/ Goal 12 Rule. When, prior to an appeal to LUBA, a city satisfies the coordination requirement of OAR 660-12-060(3) by consulting with the county, and the development proposal does not change between LUBA's remand order and a second appeal, the city is not required to consult with the county again during the proceedings on remand. *Melton v. City of Cottage Grove*, 30 Or LUBA 331 (1996).

16. Goal 12 – Transportation/ Goal 12 Rule. Where evidence identified in the city's brief clearly supports a finding that a proposed development will not significantly affect a transportation facility, LUBA will affirm that part of the city's decision under ORS

197.835(9), notwithstanding the city's failure to make the required finding. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. Where petitioners claim a local government decision authorizing improvements to a public right-of-way violates the Transportation Planning Rule (TPR), but fail to establish how the TPR applies to the challenged decision or how the proposed road improvements will frustrate compliance with the TPR, LUBA will deny petitioners' assignment of error. *Leathers v. Washington County*, 29 Or LUBA 343 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-12-045(4)(b) establishes minimum standards for preferential access to transit that local government regulations must meet, not maximum limitations beyond which local government regulation is prohibited. *Common Ground v. City of Gresham*, 29 Or LUBA 164 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. The requirements of OAR 660-12-045(4)(b)(B) and (C), for "clustering" buildings around transit stops and locating buildings "as close as possible" to transit stops, are not satisfied by requiring that buildings on designated transit streets abut sidewalks and that no more than 50 percent of the frontage on transit streets be occupied by auto parking and maneuvering areas. *Common Ground v. City of Gresham*, 29 Or LUBA 164 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. Local government prohibitions against auto parking and maneuvering areas between a building and a transit street, and limitation of such areas to no more than 50 percent of the frontage along a transit street, are not inconsistent with or prohibited by OAR 660-12-045(4)(b). *Common Ground v. City of Gresham*, 29 Or LUBA 164 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. The requirements of OAR 660-12-045(3)(b) for facilities providing safe and convenient pedestrian and bicycle access are *minimum* requirements. Nothing in OAR 660-12-045(3)(b) or any other provision of the TPR prohibits local government adoption of architectural standards "to provide street safety and a comfortable pedestrian environment," even if they are not required by the TPR. *Common Ground v. City of Gresham*, 29 Or LUBA 164 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. In adopting a quasi-judicial comprehensive plan and land use regulation amendment, a local government is obligated either to demonstrate compliance with the Transportation Planning Rule (TPR) or, alternatively, establish that the TPR does not apply. *ONRC v. City of Seaside*, 29 Or LUBA 39 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a comprehensive plan amendment adopts a map indicating a street may be considered to receive a "Green Street" classification in the future, and future application of the "Green Street" classification will itself require a plan amendment, petitioners' challenge to the plan amendment based on

Goal 12 and the Transportation Planning Rule is premature. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a comprehensive plan map amendment to allow a proposed concrete batch plant will result in all aggregate and concrete trucks entering the subject property via a road that provides the sole access to certain existing dwellings, Goal 12 requires the local government to demonstrate the amendment will result in use of the road being safe and adequate. *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. Where a local government finds that a proposed road alignment is consistent with plan policies calling for a balanced transportation system designed to minimize energy impacts because it will shorten travel distance to a light rail station, that the facility will also shorten travel distance to a major arterial does not, of itself, mean the plan policies are violated. *Friends of Cedar Mill v. Washington County*, 28 Or LUBA 477 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. Realigning a proposed minor arterial to run along an adjoining right of way does not "significantly affect a transportation facility" by changing "the functional classification of an existing or planned transportation facility," as those concepts are used in OAR 660-12-060(2). *Friends of Cedar Mill v. Washington County*, 28 Or LUBA 477 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. Where petitioner alleges a realigned minor arterial will in fact operate as a major arterial, but fails to challenge the local government's findings explaining why it believes the realigned roadway is properly classified as a minor arterial, petitioner provides no basis for reversal or remand. *Friends of Cedar Mill v. Washington County*, 28 Or LUBA 477 (1995).

16. Goal 12 – Transportation/ Goal 12 Rule. Nothing in the Transportation Planning Rule authorizes local governments to exempt any type of retail, office or institutional buildings from the building orientation and location requirements of OAR 660-12-045(4)(b). *Sensible Transportation v. Washington County*, 28 Or LUBA 375 (1994).

16. Goal 12 – Transportation/ Goal 12 Rule. The building orientation and location requirements of OAR 660-12-045(4)(b) apply to new buildings located near transit stops, regardless of whether such buildings are located on a transit street. *Sensible Transportation v. Washington County*, 28 Or LUBA 375 (1994).

16. Goal 12 – Transportation/ Goal 12 Rule. The OAR 660-12-045(4)(b)(C) requirement that certain new buildings be located "as close as possible" to transit stops is not satisfied by code setback limitations that (1) allow a new building on a small lot fronting on a transit street to be situated 100 feet away from the transit street, or (2) require only that half of a new building on a large lot fronting on a transit street be located on the front half of such lot. *Sensible Transportation v. Washington County*, 28 Or LUBA 375 (1994).

16. Goal 12 – Transportation/ Goal 12 Rule. Where the deadlines established by OAR 660-12-055(1) and (2) for adoption of regional and local transportation system plans (TSPs) have not yet passed, and the local government has not yet adopted a TSP, the requirements of OAR 660-12-045(2) and (3) for regulations implementing TSPs are inapplicable to a decision amending the local code. *Melton v. City of Cottage Grove*, 28 Or LUBA 1 (1994).

16. Goal 12 – Transportation/ Goal 12 Rule. That an amendment to an acknowledged local code may result in decreasing the level of service at an interchange does not, of itself, mean the amendment "significantly affects a transportation facility" under OAR 660-12-060(2). *Melton v. City of Cottage Grove*, 28 Or LUBA 1 (1994).

16. Goal 12 – Transportation/ Goal 12 Rule. That the record shows a code amendment will affect a site that has direct access onto a particular road is a sufficient basis for requiring the local government's determination under OAR 660-12-060(2)(c), that the amendment does not allow land uses resulting in "levels of travel or access * * * inconsistent with the functional classification of a transportation facility," to include consideration of impacts on that road. *Melton v. City of Cottage Grove*, 28 Or LUBA 1 (1994).

16. Goal 12 – Transportation/ Goal 12 Rule. The coordination requirement of OAR 660-12-060(3) should be interpreted the same as the coordination provision in Goal 2, which requires the jurisdiction developing plan or land use regulation provisions (1) to exchange information with other affected governmental units; and (2) to consider and accommodate the needs of such governmental units as much as possible in formulating or revising the plan or regulations. *Melton v. City of Cottage Grove*, 28 Or LUBA 1 (1994).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-12-060(1) is applicable to comprehensive plan amendments which significantly affect a transportation facility. Compliance with this rule provision must be addressed when a UGB amendment is adopted; it cannot be deferred to future annexation decisions within the UGB expansion area. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

16. Goal 12 – Transportation/ Goal 12 Rule. OAR 660-12-060(4) prohibits using the existence of transportation facilities as a basis for approving (1) exceptions to the requirements of OAR 660-12-065, adopted under OAR 660-12-070; or (2) exceptions to statewide planning goals, adopted under OAR 660-04-022 (reasons exceptions) or OAR 660-04-028 (committed exceptions). OAR 660-12-060(4) does not apply to an exception for a change to an established UGB, adopted under OAR 660-04-010(1)(c)(B). *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

16. Goal 12 – Transportation/ Goal 12 Rule. A local government can show an amendment to its acknowledged comprehensive plan and zoning maps complies with Goal 12 (Transportation) by establishing either (1) there is a safe and adequate transportation system to serve development under the proposed map designations, or

(2) development of the property under the proposed designations will not create greater or different transportation demands and impacts than development under the existing, acknowledged designations. *ODOT v. Clackamas County*, 27 Or LUBA 141 (1994).