

Proposed Administrative Rule Amendments
January 3, 2005

OAR 660, DIVISION 012
TRANSPORTATION PLANNING RULE

1 **660-012-0060**

2 **Plan and Land Use Regulation Amendments**

3
4 ~~(1) Amendments to functional plans, acknowledged comprehensive plans, and land use~~
5 ~~regulations which significantly affect a transportation facility shall assure that allowed land~~
6 ~~uses are consistent with the identified function, capacity, and performance standards (e.g. level~~
7 ~~of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:~~

8 ~~(a) Limiting allowed land uses to be consistent with the planned function, capacity, and~~
9 ~~performance standards of the transportation facility;~~

10 ~~(b) Amending the TSP to provide transportation facilities adequate to support the~~
11 ~~proposed land uses consistent with the requirements of this division;~~

12 ~~(c) Altering land use designations, densities, or design requirements to reduce demand for~~
13 ~~automobile travel and meet travel needs through other modes; or~~

14 ~~(d) Amending the TSP to modify the planned function, capacity and performance~~
15 ~~standards, as needed, to accept greater motor vehicle congestion to promote mixed use,~~
16 ~~pedestrian friendly development where multimodal travel choices are provided.~~

17 ~~(2) A plan or land use regulation amendment significantly affects a transportation facility~~
18 ~~if it:~~

19 ~~(a) Changes the functional classification of an existing or planned transportation facility;~~

20 ~~(b) Changes standards implementing a functional classification system;~~

21 ~~(c) Allows types or levels of land uses which would result in levels of travel or access~~
22 ~~which are inconsistent with the functional classification of a transportation facility; or~~

23 ~~(d) Would reduce the performance standards of the facility below the minimum~~
24 ~~acceptable level identified in the TSP.~~

25
26 ~~(3) Determinations under subsections (1) and (2) of this section shall be coordinated with~~
27 ~~affected transportation facility and service providers and other affected local governments.~~

1 **SECTION 660-012-0060(1)**

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3 (1) Where an amendment to a functional plan, an acknowledged comprehensive
4 plan, or a land use regulation would significantly affect an existing or planned
5 transportation facility, the local government shall put in place measures as provided in
6 section (2) of this rule to assure that allowed land uses are consistent with the identified
7 function, capacity, and performance standards (e.g. level of service, volume to capacity
8 ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a
9 transportation facility if it would:

10 (a) Change the functional classification of an existing or planned transportation
11 facility;

12 (b) Change standards implementing a functional classification system; or

13 (c) As measured at the end of the planning period identified in the adopted
14 transportation system plan:

15 (A) Allow types or levels of land uses that would result in levels of travel or
16 access that are inconsistent with the functional classification of an existing or planned
17 transportation facility;

18 (B) Reduce the performance of an existing or planned transportation facility
19 below the minimum acceptable performance standard identified in the TSP or
20 comprehensive plan; or

21 (C) Worsen the performance of an existing or planned transportation facility that
22 is otherwise projected to perform below the minimum acceptable performance standard
23 identified in the TSP or comprehensive plan.

24

1 **SECTION 660-012-0060 (2)**

2

3 (2) Where a local government determines that there would be a significant effect,
4 compliance with OAR 660-012-0060(1) shall be accomplished through one or a
5 combination of the following:

6 (a) Adopting measures that demonstrate allowed land uses are consistent with the
7 planned function, capacity, and performance standards of the transportation facility.

8 (b) Amending the TSP or comprehensive plan to provide transportation facilities
9 adequate to support the proposed land uses consistent with the requirements of this
10 division.

11 (c) Altering land use designations, densities, or design requirements to reduce
12 demand for automobile travel and meet travel needs through other modes.

13 (d) Amending the TSP to modify the planned function, capacity or performance
14 standards of the transportation facility.

15 (e) Providing other measures as a condition of development, including
16 transportation system management measures or minor transportation improvements.

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1 **SECTION 660-012-0060 (3)**

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3 (3) Notwithstanding sections (1) and (2) of this rule, where an existing transportation
4 facility is already performing below the minimum acceptable performance standard
5 identified in a TSP or comprehensive plan at the time an amendment application is
6 submitted, and where in the absence of the amendment application existing and planned
7 transportation facilities, improvements and services as set forth in section (4) of this rule
8 would not be adequate to achieve consistency with the identified function, capacity or
9 performance standard for that facility at the end of the planning period identified in the
10 adopted TSP, a local government may approve the amendment provided the following
11 are satisfied:

12 _____ (a) The proposed development will mitigate the impacts of the amendment by the
13 time of development through one or a combination of transportation improvements or
14 measures in a manner that avoids further degradation to the performance of the facility
15 and moves the facility in the direction of achieving compliance with its identified
16 performance standard; and

17 _____ (b) For affected state highways, ODOT provides a written statement that the
18 identified mitigation improvements or measures are sufficient to avoid further
19 degradation to the performance of the affected state highway and move the facility in the
20 direction of achieving compliance with its identified performance standard.

21

1 **SECTION 660-012-0060 (4)**

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3 (4) Determinations under sections (1) - (3) of this rule shall be coordinated with affected
4 transportation facility and service providers and other affected local governments.

5 _____ (a) Except when the amendment involves property within one-half mile of an
6 existing or planned interchange on an Interstate Highway, in determining whether an
7 amendment has a significant effect on an existing or planned transportation facility under
8 section 1(c) of this rule, local governments shall rely on existing transportation facilities
9 and services and the following planned transportation facilities, improvements and
10 services:

11 _____ (A) Transportation facilities, improvements or services that are funded for
12 construction or implementation in the Statewide Transportation Improvement Program or
13 a locally or regionally adopted transportation improvement program or capital
14 improvement plan or program of a transportation service provider.

15 _____ (B) Transportation facilities, improvements or services that are authorized in a
16 local transportation system plan and for which a funding plan or mechanism is in place or
17 approved. These include, but are not limited to, transportation facilities, improvements or
18 services for which: transportation systems development charge revenues are being
19 collected; a local improvement district or reimbursement district has been established or
20 will be established prior to development; a development agreement has been adopted; or
21 conditions of approval to fund the improvement have been adopted.

22 _____ (C) Transportation facilities, improvements or services in a metropolitan planning
23 organization (MPO) area that are part of the area's federally-approved, financially
24 constrained regional transportation system plan.

25 _____ (D) Improvements to state highways that are included as planned improvements in
26 a regional or local transportation system plan or comprehensive plan when ODOT
27 provides a written statement that the improvements are reasonably likely to be provided
28 within the planning period.

29 _____ (E) Improvements to regional and local roads, streets or other transportation
30 facilities or services that are included as planned improvements in a regional or local
31 transportation system plan or comprehensive plan when the local government(s) or

1 transportation service provider(s) with jurisdiction over the improvements provides a
2 written statement that the improvements are reasonably likely to be provided within the
3 planning period.

4 (b) When the amendment involves property within one-half mile of an existing or
5 planned interchange on an Interstate Highway, as measured from the center point of the
6 interchange, in determining whether an amendment has a significant effect on an existing
7 or planned transportation facility under section 1(c) of this rule, local governments shall
8 rely on existing transportation facilities and services and the planned transportation
9 facilities, improvements and services in (a)(A) through (C) of this section. However, if
10 ODOT provides a written statement that the amendment would not adversely impact the
11 interchange, then local governments may also rely on the improvements identified in
12 subsections (a)(D) and (E) of this section.

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14 NOTE: EXISTING SECTIONS 660-012-0060 (4) – (7) WILL BE RENUMBERED AS
15 SECTIONS (5) – (8). NO AMENDMENTS TO EXISTING SECTIONS 660-012-0060
16 (4) – (7) ARE PROPOSED.

17
18 **660-012-0005**

19 **Definitions**

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21 Add the following definition to this rule.

22 (Note: Definitions are listed alphabetically in the rule. If the proposed definition is
23 adopted, the sections of this rule will be renumbered to insert the new definition in the
24 correct alphabetical order.)

25
26 (x) “Minor transportation improvements” include, but are not limited to,
27 signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector
28 streets, provision of local streets, and transportation system management measures.
29 Minor transportation improvements may or may not be listed as planned projects in a
30 TSP where the improvement is otherwise consistent with the TSP. Minor transportation
31 improvements do not include interchanges or new interchange ramps, new collector or
32 arterial streets, road realignments or addition of travel lanes.