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April 19, 2011

John VanLandingham, Chair  
Land Development and Conservation Commission  
635 Capitol Street, NE, Suite 150  
Salem, OR 97301

Re: Concerns regarding the Recommendations of the Joint-Subcommittee of LCDC and OTC  
on TPR Rulemaking

Dear Chair VanLandingham and Commissioners,

We were very pleased with the Commission's decision to convene a Joint-Subcommittee to examine the potential for rulemaking on the Transportation Planning Rule (Section 0060) and we have followed the work of that group with much interest. We would like to take this opportunity to share some comments and concerns with you regarding the Joint-Subcommittee's Recommendations on Amendments to Transportation Planning Rule 0060 and Oregon Highway Plan, dated April 13, 2011.

We agree that exempting rezonings consistent with comprehensive plan map designations is a high priority item. As has been expressed in Corvallis' previous testimony, resolution of this item would resolve a good share of our problems with the TPR. We are concerned, however, by the discussion of the adequacy of prior planning that would qualify for this exemption, and specifically with the statement that, "it may be appropriate to define a time limit so that prior planning and analysis that is predominantly out of date does not qualify for the exemption." The City of Corvallis adopted its current Transportation Plan in 1996. However, the Transportation Plan is very much a current document for planning purposes because our community remains within the parameters of the assumptions on which the Plan is based. Transportation system modeling assumed a 2% rate of growth over the planning period and projected a population of 62,500 within the 20-year planning horizon. 2010 Census data indicates our population is 54,462, and our growth rate over the past 15 years has been closer to 1%, on average. Additionally, the transportation system modeling that was done for our community was based on a comprehensive plan map that has changed relatively little since the Transportation Plan was developed. Because of this, we would not support a "blanket assumption" that Transportation System Plans that are more than a certain number of years old are necessarily out of date. This

may be true for some faster-growing communities, or for communities that have significantly changed their comprehensive plans since adoption of their transportation system plans, but it is not true for Corvallis.

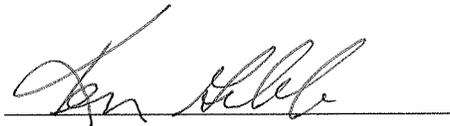
We support the proposal (Item A2) to consider “a mechanism for payments towards a large transportation project in lieu of construction by an individual developer” because this type of mechanism establishes a fair and defensible system for exactions that would more easily meet the “rational nexus” and “rough proportionality” tests required of government exactions.

We also support the proposal to exempt development proposals that would result in small traffic increases from compliance with the TPR, and note that one recent annexation proposal in the City of Corvallis was not able to move forward when it was determined that the ultimate development of the property might send as many as seven peak hour trips to a failing intersection that was located approximately one mile away from the development!

Another welcome change would be to clarify that traffic analysis should be based on average trip generation and not reasonable worst case trip generation. We believe the fact that our Transportation Plan modeling was based on average trip generation has resulted in a transportation planning document that is much more reflective of reality than a study based on the assumption that new development in our community would generate the highest levels of traffic. A jurisdiction that relies on a transportation plan that anticipates a worst-case development scenario would likely overbuild all transportation infrastructure by a significant factor.

In closing, we would like to thank you and the members of the Joint-Subcommittee for taking an earnest look at the TPR issues that are having a significant effect upon us and upon many other jurisdictions in Oregon. Please consider our comments in moving forward with a rulemaking effort on the TPR, and feel free to contact Planning Division Manager Kevin Young (541-766-6908) if you have any questions regarding the issues we’ve identified.

Respectfully,



Ken Gibb, Community Development  
Director



Steve Rogers, Public Works Director

cc. Jerry Lidz, Director, Oregon Department of Land Conservation and Development



*Community Development Department  
71 S.E. D Street, Madras, OR, 97741  
541-475-3388*

## **MEMORANDUM**

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Date: April 20, 2011  
To: Land Conservation and Development Commission  
From: Nicholas Snead, Community Development Director  
Subject: Recommended TRP Amendments via LCDC-OTC Rulemaking

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Dear Commissioners,

I am writing you to express my concern about the recommended amendments to the TPR and OHP, which you will consider at your April meeting. I'd like to express a few general thoughts and then provide detailed responses to the recommended amendments as they indexed in the staff report in your packet.

### **General Comments**

I'd like to remind you that this is an opportunity for Commission to encourage the State and cities to plan their transportation systems in a pragmatic manner. In fact, I believe you have the opportunity to encourage transportation planning when cities are considering significant amendments to their comprehensive plans and proactively address transportation planning issues. The decision is yours, as the planning and development stewards of the state, I encourage you to give deference to the concerns and solutions identified by cities and the citizen involvement effort completed to date on this matter. Please take the time to fully understand the issues, testimony, and solutions identified by cities.

Additionally, I would formally request to become a member of the Rulemaking Advisory Committee (RAC) on this matter. Please respond with my status on this committee.

### **TPR Amendments**

#### **A1. Exempt rezonings consistent with comprehensive plan map designations.**

This amendment is fully supported. This is a significant opportunity to change the provisions of the TPR to encourage transportation planning (update TSP and capital improvement plans) when a UGB expansion of 50 or more acres is completed.

The changes to the Administrative Rules related to transportation planning have allowed cities to defer the transportation planning when expanding their UGB. This is not productive and is creating the significant problems.

I would recommend the TPR be amended to: 1) exempt rezoning when they are consistent with the comprehensive plan map designation; 2) clearly define how much transportation planning is necessary when a city expands its UGB by 50 acres or more.

**A2. Practical mitigation for economic development projects.**

This amendment is fully supported. I would encourage the Commission to think about clear and objective changes to the Rule in this manner. Thinking about implementation of this amendment, it would be unfortunate if the Rule were changed in this manner and local government were to rely upon the Rule change and be challenged in LUBA or the Court of Appeals because of an ambiguous word, statement, or standard. Please make any amendment to the Rule in this manner clear.

**A3. Exempt upzonings in urban centers**

This amendment is fully supported although there are some concerns about how an “urban center” is proposed to be defined as. As stated in the staff report, the use of Special Transportation Planning Areas (STA) may be one way to define the area of an urban center. My experience with the STAs tells me that defining urban areas by STAs will not address the concerns of the large metro cities that identified this issue to the Commission at the September 2010 meeting. First, STAs are typically implemented by cities in coordination with ODOT to reduce traffic speed and change access control restrictions in cities that have a state highway in their downtown area. My quick analysis indicates that the large metro cities in the state don't have a state highway in their downtown where the speed needs to be reduced or access management standards changed.

As such, I believe the use of the STAs will not effectively address the concerns of the large metro cities that identified this issue. Using the STA to define a downtown in small rural cities would be effective. I would support the requirement of cities to define/delineate their downtown and receive concurrence from their local ODOT region staff. Additionally, I would recommend requiring the local TSP to be amended to reflect the downtown area's speed, access requirements, and TPR exemption limitations.

**A4. Address traffic at the time of UGB expansion.**

As I have previously discussed, this amendment is fully supported to the extent that it clearly defines what level of transportation planning is required when a city expands its UGB. Currently Administrative Rule allows cities to defer this planning effort. That is not productive and compounds problems.

**OHP Amendments & Guidance Documents**

**B4. Exempt proposals with small increases in traffic.**

This amendment is fully supported as discussed in the staff report. Minimal amendments to the TPR and OHP are required to fully implement this amendment.

**B2. Use of average trip generation, not reasonable worst case.**

This amendment is fully supported for the reasons stated in the staff report.

**B3. Streamline alternate mobility standard development.**

This amendment is fully supported. There are very good reasons to allow cities to utilize alternative mobility standards. A one size fits all approach does not reflect the differences between cities and regions in the state. Moreover, the cities in Central Oregon would like to utilize alternative mobility standards for US Highway 97. We have started this planning effort and need changes to the OHP to streamline the process to allow the collaborative effort in Central Oregon to be implemented.

**B4. Corridor or area mobility standards.**

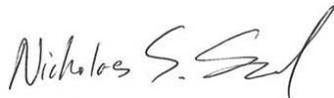
This amendment to the OHP is fully supported. This will allow the state and cities to implement modern transportation planning methods to improve travel time reliability and evaluate whether capacity or safety improvements or improved maintenance will more effectively achieve transportation mobility goals.

**B5. Standardize a policy framework for considering measures other than volume to capacity ratios (v/c).**

Again, for the reasons stated above under B2, 3, and 4, amending the OHP in this manner will effectively address mobility issues related to the TPR.

Thank you for your consideration. I look to continue to be involved in the amendments to the TRP and OHP.

Respectfully,

A handwritten signature in cursive script that reads "Nicholas S. Snead".

Nicholas S. Snead



April 18, 2011

John VanLandingham, Chairman  
Members of the Land Conservation and Development Commission

Jerry Lidz, Acting Director  
Department of Land Conservation and Development

RE: Appointments to the TPR Rulemaking Advisory Committee

Thank you for the opportunity to recommend names for consideration for appointment to the TPR Rulemaking Advisory Committee.

Given the condensed timeline for completion of the rules and the complexity of the subject, our hopes are that the appointments will be made to individuals that are already thoroughly vetted with the issue and ready to go (i.e., not to require TPR 101 training), and to those that can address the issue on a statewide basis. To that end, our recommendations include a municipal attorney thoroughly knowledgeable with the transportation planning rule and several transportation planners- we believe their background will bring expertise to the process that will provide constructive outcomes.

Our recommendations are:

Kathryn Brotherton, City of Eugene, Assistant City Attorney  
Judith Gray, City of Tigard, Senior Transportation Planner  
Nick Arnis, City of Bend, Transportation Engineering Manager

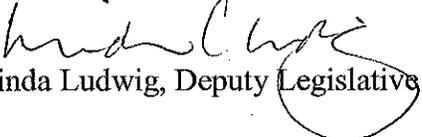
Further, the Oregon City Planning Directors Association (OCPDA) have also been requested to make a recommendation for a work group member that would be a liaison to their association. They would like to recommend a current board member that has been involved with the issue:

Kevin Young, City of Corvallis, Planning Division Manager

Lastly, our association would like to request an appointment to the work group under the advocacy organization category:

Chad Jacobs, League of Oregon Cities, General Counsel

Sincerely,

  
Linda Ludwig, Deputy Legislative Director

**From:** [Cortright, Bob](#)  
**To:** [Howard, Lisa](#)  
**Cc:** ["Crall, Matthew"](#)  
**Subject:** FW: Proposed Rules - 660-044-0010  
**Date:** Wednesday, April 20, 2011 5:00:24 PM

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Lisa

**Greg has asked that we include this email in the record for tomorrow's hearings on items 3 & 4.**

Bob

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**From:** MOTT Gregory [mailto:gmott@springfield-or.gov]  
**Sent:** Wednesday, April 20, 2011 4:53 PM  
**To:** CORTRIGHT Bob (OR)  
**Cc:** TOWERY Jeffrey; GOODWIN Len; BOYATT Tom  
**Subject:** Proposed Rules - 660-044-0010

Bob,

Good job on the proposed OAR addressing scenario planning to reduce greenhouse gas emissions. I consider most of these provisions to be clear, purposeful and well focused on the legislative intent of HB2001 and SB1059. I do have a suggestion, though, that I think would provide additional instruction and clarity to the MPOs that must undertake the task of scenario planning.

The inclusion of this new transportation planning requirement raises a question [for me] about the relationship between the TPR requirement for integrated land use and transportation plans that reduce vmt by 5%, and this new rule's requirement that GHGs generated by light duty vehicles be reduced by 21% per capita by the year 2035. My sense of this is that if we are able to reduce per capita vehicle miles traveled by any measure, but certainly by 5%, that there will be a reduction in GHG emissions since the mainstay of both requirements is reduced reliance on the automobile.

Most of the MPOs have acknowledged TSPs that either include assurances of successful vmt reduction or rely on alternative performance measures that are designed to achieve acceptable vmt reductions. These alternative performance measures expand the presence and accessibility of alternative travel modes, including transit, biking and walking. As a result people make fewer trips and drive shorter distances. While I can't say if there is a formula that accurately converts each percentage of vmt reduction into reduced GHG emissions, there clearly must be corresponding values between reduced vmt and a reduction in GHGs. It's my opinion that the existing MPO TSPs that include commitments to vmt reduction should be allowed to apply this result as a portion of the target GHG reduction that will be developed in the scenario planning supported by the following explanation: The development of an acknowledged TSP and comprehensive land use plan includes policies and measures that will result in a reduction of vmt during the planning period. Such reduced vmt also results in reduced per capita GHG emissions. The cumulative effect of these measures may be added to address the target of 21% reduction in per capita GHGs reduction.

I think text explaining this relationship should be included in the rule because even if the Department supported such an approach, there's nothing in the language of the rule that you could point to as validation of that support.

I'd also like to take this opportunity to voice my support for the changes to the TPR that appear as agenda item #3. In particular, I support the change that will eliminate the 060 evaluation for a zone change in conformance with an acknowledged plan's land use designation.

Thanks for your consideration of my comments. I would appreciate anything you can do to place this email into the record of the Commission's hearing on both of these rule changes.

Cordially,

Gregory Mott  
Planning Manager  
City of Springfield