



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.oregon.gov/LCD

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TO: Land Conservation and Development Commission

FROM: Richard Whitman, Director
Steve Oulman, Willamette Valley Regional Representative

SUBJECT: **Agenda Item 5.a, June 18–20, 2008 LCDC Commission Meeting**

CITY OF SALEM PERIODIC REVIEW TASKS 3 & 5 APPEAL

I. AGENDA ITEM SUMMARY

The City of Salem periodic review tasks related to land use and transportation planning were remanded by the department on February 16, 2006. The city appealed the remand. The department and the city mediated issues involved in the matter with the help of a dispute resolution professional. Formal mediation was inconclusive; however the department has initiated new discussions with the city staff to reach a conclusion to periodic review.

The department recommends that the commission direct staff to confer with the city and to report back with further recommendations by no later than the August commission meeting.

For additional information about this agenda item please contact Darren Nichols or Steve Oulman at (503) 373-0050, exts. 255 or 259 respectively, or by e-mail darren.nichols@state.or.us, or steve.oulman@state.or.us.

II. BACKGROUND

As part of periodic review tasks 3 and 5, the city is to accomplish the following consistent with the Transportation Planning Rule (TPR): (1) develop a strategy to reduce reliance on the automobile, (2) adopt performance measures to track progress on the strategy, (3) amend land use designations and the transportation system plan (TSP) consistent with the strategy, and (4) adopt implementing measures.

A. History

In 1996, the City of Salem adopted a TSP. At that time, Salem and the Salem-Keizer metropolitan planning organization (MPO) had prepared transportation system plans that did not satisfy the TPR requirements to plan for reduced reliance on the automobile. In response to a likely department appeal, the city and the department reached an agreement amending the city's periodic review work program to include new tasks to develop a plan that would address the TPR. These periodic review work tasks became the *Salem Futures* project and for several years represented the regional approach to meet the TPR.

By mid-2003, efforts to create a regionally coordinated plan meeting TPR requirements had ended due to a lack of agreement among local governments regarding the plan. To avoid sanctions for failing to complete tasks, the department and the city crafted an approach enabling the city to complete its periodic review obligations by independently preparing a planning framework for reduced reliance on the automobile, adopting alternative measures, and adopting amendments to its land use regulations.

During 2004 and 2005, the Salem City Council held a series of meetings to discuss how to move forward with periodic review. The council ultimately concluded that the comprehensive plan and implementation measures already in place were adequate to address TPR requirements and created sufficient opportunities for land uses and transportation alternatives necessary to achieve objectives of the TPR.

B. Major Legal and Policy Issues

The heart of the disagreement between the department and the city involves whether Salem's comprehensive plan carries out policy direction of the TPR to reduce reliance on the automobile. The department has found that the city has not yet adequately addressed TPR requirements; the city asserts its comprehensive plan and TSP are sufficient.

Among the MPOs with the longest obligation to plan consistent with the TPR (Portland Metro, Salem-Keizer, Central Lane and Rogue Valley), Salem-Keizer is the only one to have not developed a regional transportation plan that either meets vehicle miles traveled (VMT) reduction targets or has an alternative standard for reduced reliance on the automobile approved by LCDC. Related to this shortcoming, local governments in the Salem-Keizer area have not made adequate progress developing an integrated land use and transportation plan consistent with the TPR.

III. DEPARTMENT RECOMMENDATION

The department recommends that the Commission direct staff to initiate new discussions with the City of Salem, and to report back at the Commission's August meeting.