

## Draft Amendments to TPR 0060

Addressing two items from the Joint-Subcommittee recommendation:  
A1 - Rezoning consistent with comprehensive plan map designations

A3 - Upzonings in Urban Centers

**- Draft 3 – June 20, 2011 – Draft 3 -**

### **① [Applicability]**

This rule applies when a proposed ~~Where an~~ amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would *significantly affect* an existing or planned transportation facility, unless the amendment is otherwise exempt under sections (3), (9) or (10) of this rule, ~~the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.~~ A plan or land use regulation amendment *significantly affects* a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
  - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) ~~Degrade~~Reduce the performance of an existing or planned transportation facility such that it would not meet below the minimum acceptable performance standards identified in the TSP or comprehensive plan; or
  - (C) ~~Degrade~~Worsen the performance of an existing or planned transportation facility that is otherwise projected to not meet the perform below the minimum acceptable

performance standards identified in the TSP or comprehensive plan.

### **② [Consistency]**

If this rule applies in accordance with section (1), then the local government shall put in place measures to ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility ~~Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:~~

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
- (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part

of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

**3 through 7**

*No changes to current rule text*

**8** A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

- (a) Any one of the following:
  - (A) An existing central business district or downtown;
  - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
  - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
  - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
- (b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
  - (A) A concentration of a variety of land uses in a well-defined area, including the following:
    - (i) Medium to high density residential development (12 or more units per acre);
    - (ii) Offices or office buildings;
    - (iii) Retail stores and services;
    - (iv) Restaurants; and
    - (v) Public open space or private open space which is available for public use, such as a park or plaza.
  - (B) Generally include civic or cultural uses;
  - (C) A core commercial area where multi-story buildings are permitted;
  - (D) Buildings and building entrances oriented to streets;
  - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
  - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street

trees, pedestrian-scale lighting and on-street parking;

- (G) One or more transit stops (in urban areas with fixed route transit service); and
- (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

**9 [Exemption for Zone Map Amendment Consistent with Comprehensive Plan Map Designation]**

Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment to a land use regulation without determining whether the amendment will significantly affect an existing or planned transportation facility if the amendment meets all of the following requirements:

- (a) The amendment only amends a zoning map and does not amend the text of development regulations;
- (b) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
- (c) The local government has an acknowledged TSP;
- (d) The TSP includes clearly documented projections of anticipated future land development;
- (e) The development projections in the TSP for the area of the proposed amendment are based on the existing comprehensive plan map designation; and
- (f) The TSP evaluates the effect of the projected land development on the transportation system, and identifies, at a system level, the needed transportation facilities services and improvements. To meet this requirement it is not necessary that the TSP include a detailed traffic impact analysis for the specific area proposed for the zoning map amendment.

[NOTE: Issue for committee discussion:

If a UGB has more than a 20-year land supply, then the TSP would assume less than full build-out on some or all parcels. Should this exemption apply in this situation, and how would it apply?]

**10 [Exemption for urban centers]**

Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment to a

functional plan, a comprehensive plan or a land use regulation without applying performance standards related to traffic congestion and delay if the amendment meets (a) through (c) below:

- (a) The amendment is a map amendment wholly within an urban center or a text amendment affecting only land entirely within an urban center;
- (b) The amendment would contribute to the aspects that qualify the area as an urban center;
- (c) The amendment is consistent with other transportation standards and policies including, but not limited to, safety, connectivity and network completeness; and

[Alternate text: (c) The amendment, including any required mitigation or enhancements, would not degrade the safety of the transportation system; and]

- (d) The amendment meets one of the following:
  - (A) The amendment is not within one half mile of an interchange as measured from the center point of the interchange;
  - (B) The amendment is within the area of an adopted Interchange Area Management Plan (IAMP) and is consistent with the IAMP; or
  - (C) The amendment is within one half mile of an interchange and the facility provider has concurred with the urban center designation;
- (e) “Urban center” for the purpose of this rule means an area:
  - (A) With a designated boundary that was adopted by a local government after the effective date of this rule, which explicitly refers to this exemption and has been acknowledged;
  - (B) Entirely within an urban growth boundary;
  - (C) Planned and zoned for higher densities of land development relative to surrounding areas;
  - (D) Planned and zoned for a mix of uses as described in subsection (8)(b) of this rule;
  - (E) With good accessibility to, from and within the urban center by multiple modes of transportation, including, but not limited to, walking, bicycling and transit where transit is available;
  - (F) With development regulations that do not require the provision of off-street parking, or that require significantly lower levels of off-street parking than required in other areas and that allow flexibility to meet the parking requirements; and

(G) Covering less than ##% of the area within the urban growth boundary, including all urban centers designated under this section.

- (f) An amendment that adopts plans or development regulations necessary to meet the definition of urban center within this section may be adopted concurrently with the designation of the urban center and is therefore not subject to sections (1) and (2) of this rule.

[NOTE: Issues for further discussion: Aspirational Centers: This definition might allow, but they are not explicitly addressed The definition in (8)(b) overlap some of the elements here. Would it be better to rely more on (8)(b)?]