



## Summary of Amendments to the Transportation Planning Rule (TPR) Regarding Plan and Land Use Regulation Amendments



*Oregon Administrative Rule 660-012-0060*

### Summary of New Sections

#### **Rezoning Consistent with Comprehensive Plan Map – Section (9)**

If a proposed rezoning is consistent with the existing comprehensive plan map designation, and consistent with the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system. Special provisions in subsection (c) apply if the area was added to the urban growth boundary (UGB).

#### **Compact Urban Development – Section (10)**

Local governments can designate areas where traffic congestion (e.g., v/c ratio) does not have to be considered when rezoning property, amending comprehensive plan designations or amending development regulations.

- Subsection (b) lists the requirements for these multimodal mixed-use areas (MMA):
  - Must allow a range of uses, including residential (allowing at least 12 units per acre), offices, retail, services, restaurants, parks, plazas, civic, cultural and multi-story commercial buildings.
  - Must have appropriate development standards, including building entrances oriented to the street, a connected street network within and to the MMA, pedestrian-oriented street design, transit stops (if transit exists) and reduced requirements for off-street parking.
  - Must limit or prohibit low-intensity uses such as industrial, automobile sales, automobile services and drive-throughs.
  - Must be entirely within a UGB.
- If the MMA is near a freeway interchange, then the potential for backups on the off-ramps must be considered (see subsection (c)) and concurrence from the Oregon Department of Transportation (ODOT) is required.

#### **Economic Development – Section (11)**

If a proposed rezoning qualifies as economic development, then it can be approved without mitigating the full effect on traffic.

- Two definitions of economic development in subsection (a):
  - General definition: “Industrial or traded-sector jobs created or retained,” with details for these terms in paragraph (a)(C).
  - Smaller cities outside the Willamette Valley can use a broader definition that adds “prime industrial land” and “other employment uses” (which could include retail).
- Subsection (b) allows “partial mitigation,” but does not define how much mitigation is required because it will be different in every case based on the balance of economic benefit and traffic impacts.
  - Local government determines if benefits outweigh negative effects on the local system.
  - ODOT, coordinating with Business Oregon, makes the determination for the state system.
- Subsection (c) requires coordination with state, regional and other local governments.

## Summary of Changes within Existing Sections

### **Transportation Demand Management – Subsection (1)(c)**

When determining whether or not there is a “significant effect,” transportation demand management – or any other enforceable, ongoing condition of approval that would reduce the amount of traffic generated – can be factored in to eliminate or diminish the significant effect.

### **Other Modes, Facilities or Locations – Subsection (2)(e)**

- Three new options for addressing a significant effect, including improvements to:
  - Other modes (example: the significant effect is motor vehicle traffic congestion, the mitigation could be adding sidewalks and bicycle lanes).
  - Other facilities (example: the significant effect occurs along one street, the mitigation could be on another parallel street).
  - Other locations (example: the significant effect occurs at one intersection, the mitigation could be at other intersections along the same highway).
- If the significant effect occurs on a state highway, then these options are only allowed with ODOT concurrence. If on a county road within a city, then county concurrence is required.

### **Failing Facilities – Subsection (3)(a)**

If a facility is projected to fail to meet the performance standards at the planning horizon, and if there are no funded improvements that would fix this, then a proposed rezoning must avoid further degradation at the time of development, but is not required to provide mitigation to meet the performance standards.

## Additional Information

### **Complete Rule Text as Amended**

[www.oregon.gov/LCD/docs/rulemaking/2009-11/TPR/TPR\\_Amendments-Legislative\\_Style.pdf](http://www.oregon.gov/LCD/docs/rulemaking/2009-11/TPR/TPR_Amendments-Legislative_Style.pdf)

### **Rulemaking Process**

These amendments were adopted by the Land Conservation and Development Commission December 8, 2011 and took effect January 1, 2012.

[www.oregon.gov/LCD/Rulemaking\\_TPR\\_2011.shtml](http://www.oregon.gov/LCD/Rulemaking_TPR_2011.shtml)

### **Oregon Highway Plan**

The Oregon Transportation Commission adopted amendments to Oregon Highway Plan in coordination with the TPR amendments.

[www.oregon.gov/ODOT/TD/TP/OHP2011.shtml](http://www.oregon.gov/ODOT/TD/TP/OHP2011.shtml)

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### **Disclaimer**

This brief summary does not explain all of the requirements. Applying these rules to any specific situation requires careful consideration of the full text of the rule, other administrative rules, local regulations, the Oregon Highway Plan and relevant case law.

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