

## **ATTACHMENT C**

### **Public Comments on Proposed Rule Amendments**

The Department received letters of comment on the proposed rule amendments from the following groups:

- City of Beaverton
- Metro
- Northwest District Association
- City of Salem
- Retail Task Force



# CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 TEL: 526-2571 FAX: 526-2571

ROB DRAKE  
MAYOR

February 18, 2005

FEB 22 2005

DEPT OF  
LAND CONSERVATION  
AND DEVELOPMENT

Mr. John VanLandingham, Chair  
Land Conservation and Development Commission  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540

Dear Chair VanLandingham:

Thank you for the opportunity to comment on the proposed amendments to the Transportation Planning Rule (TPR) dated January 3, 2005. To date, the City of Beaverton has participated in review of the amendments at our Washington County Coordinating Committee and Metro's TPAC and JPACT committee meetings. We understand that the amendments seek to clarify requirements of OAR 660-012-0060 related to plan and land use regulation amendments in response to the Court of Appeals decision in Jaqua v. City of Springfield. We welcome the text clarifying the relevant planning period for determining significant effects and the text allowing significant effects to be remedied by adoption of conditions of approval.

We believe that the TPR has resulted in a most thoughtful, beneficial, and optimistic yet realistic long-range transportation plan that will result in a more livable and vibrant Beaverton. Our acknowledged 2020 Transportation Plan responds to our citizens' vision for the future and contributes to realizing the region's 2040 Growth Concept. Moreover, we recently amended our Comprehensive Plan and Development Code traffic impact analysis requirements to specifically address identification and mitigation of long-range effects of amendments and development on our system and we feel our enhanced process is working well to address the intent and the letter of the TPR.

For these reasons, we are concerned that some of the proposed text goes beyond the Jaqua case and may limit our progress toward achieving our goals. We have the following modifications to the proposed text:

Section 660-012-0060(4) (a) ~~Except when the amendment involves property within one-half mile of an existing or planned interchange on an Interstate Highway, **In** determining whether an amendment has a significant effect on an existing or planned transportation facility under . . .~~

Section 660-012-0060(4)(a)(C) ~~Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally approved, financially constrained **adopted** regional transportation system plan.~~

Section 660-012-0060(4)(a)(D) *Improvements to state highways that are included as improvements in a regional or local transportation system plan or comprehensive plan. ~~when ODOT provides a written statement that the improvements are reasonably likely to be provided within the planning period.~~*

Section 660-012-0060 (4)(b) **Delete section**

We continue to interpret and through our Plan and Code specifically require that the performance analysis be based on the improvements contained in our transportation plan. The above modifications could clarify this intent yet not undo our significant progress. Additionally, we respectfully request that further amendments to the TPR be addressed through a subsequent review process that allows thorough consideration of potential impacts to local and regional planning efforts.

Thank you again for this opportunity to comment. We look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Drake", with a long horizontal flourish extending to the right.

Rob Drake  
Mayor



**METRO**

February 24, 2005

John VanLandingham, Chair  
Land Conservation and Development Commission  
635 Capitol St., NE  
Suite 150  
Salem, OR 97301-2540

Dear Chair VanLandingham:

Thank you for the opportunity to comment on the proposed amendments to the Transportation Planning Rule (TPR). We commend the joint OTC/LCDC Transportation Subcommittee for producing these amendments in such a short time frame, and support the Commission's effort to focus this first round of amendments on the critical issues raised by the Jaqua vs. City of Springfield case. In our prior comments we have argued that the Jaqua case is simply a call for "fine tuning" amendments to the TPR, and not a major overhaul that would undermine the many valuable provisions contained in the rule. With some notable exceptions discussed below, the public comment draft of the TPR meets this test.

### **"Going Slow" on New TPR Provisions**

The January 3, 2005 public comment draft of the TPR generally focuses on amendments that respond to the Jaqua ruling, and we believe will prevent this case from creating a de facto concurrency requirement in the TPR. However, the provisions to apply a special test for system adequacy along Interstate highway corridors goes beyond the Jaqua remedies, and represents a major shift in policy. While we support the state's interest in protecting the integrity of the Interstate system, we also believe this goal can be more effectively met through other strategies outside this round of rulemaking.

As the map in Attachment B illustrates, the effects on the Metro region, alone, is sweeping and undermines the ability of the region to develop many of the compact urban centers called out in the Region 2040 plan that happen to be located near the Interstate highway system. Implementation of this provision would be further complicated in the Metro region by the fact that almost all of the interstate system has been designated for "refinement planning" under the TPR, and thus has no specific transportation improvements called out in the Regional Transportation Plan until this work is completed. *The LCDC should defer action on this component of the proposed TPR amendments to a separate round of rulemaking, where the effects of the new language can be fully evaluated.*

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**LAND CONSERVATION  
AND DEVELOPMENT**

More specific comments on these new provisions for Interstate highways are outlined in Attachment A. Instead of these proposed additions to the TPR, we recommend that the OTC consider amendments to the Oregon Highway Plan to create a two-tiered process for establishing interchange management plans for all Interstate Highway access points within MPO areas, and key access points in other areas. The process would include:

1. Inventorying, evaluating and ranking by relative importance the interchanges within an MPO area for their significance in providing access to the interstate system. This evaluation and ranking would consider relative vulnerability to land use changes that could compromise the function of an interchange.
2. Development of individual Interchange Management Plans for existing and planned facilities, according to ranking of importance. Interchange Management Plans would include an element to be adopted in local and regional TSPs, establish a geographic extent for the management plan and would provide a framework for specific mitigation improvements and programs needed to protect the function of the interchange and adjacent Interstate Highway segment.

### **Protecting Existing TPR Provisions**

Our recommendation to limit the proposed TPR amendments to remedies that respond solely to the Jaqua case are rooted in our concern that a broader overhaul of the rule could threaten critical provisions that should not be compromised. While in the Metro region, the acknowledged 2000 Regional Transportation Plan (RTP) exceeds many of the TPR provisions, the rule still functions as an important backstop for our adopted plans. To this extent, we do not support changes to the rule that would weaken the following key elements of the RTP:

- **Level of Service Policy** – the Metro region adopted a graduated level of service policy in 2000 that balances mobility needs and funding realities. Unrealistic standards would have produced \$14 billion in road projects over 20 years, compared to \$1.5 billion in available capital during the 20-year planning period. The new policy maintains mobility on major freight corridors, while relying on travel alternatives in major commute corridors. The resulting road improvements needed to implement the policy total just over \$4 billion over 20 years, and are part of a more multi-modal transportation system that has broad land use and air quality benefits for the region.

Metro needs the TPR provisions that give Metropolitan Planning Organizations (MPOs) the authority to adopt comprehensive level of service standards for metropolitan areas. For the Metro region, this provision prevents the adoption of local, potentially conflicting policies by

provision prevents the adoption of local, potentially conflicting policies by the dozens of overlapping state and local transportation providers here, and ensures a consistent approach to road sizing for the major routes that often span these jurisdictional boundaries.

- **Parking Policy** – Parking minimum and maximum standards were adopted by Metro in 1996, and have since been incorporated into local codes for the 24 cities and three counties in the region. The policy is driven by a desire to reduce the construction of excess parking in an effort to minimize land consumption – particularly in mixed-use centers. A second component of the parking policy is to develop large parking lots with “street-like” features, such as curbs, sidewalks, street trees, with the goal of allowing parking lots to gradually infill over time with new structures. Several major parking lots have been successfully developed with these features in recent years, including the Jantzen Beach and Eastport Plaza redevelopments, Gresham Station, and a number of other large sites. These successes demonstrate that the TPR parking provisions are both attainable and effective, and should be retained in the rule without major changes.
  
- **Street Connectivity** – Metro’s Livable Streets program also included a street connectivity study that demonstrated the close relationship between poorly connected local street systems and resulting congestion and delay on adjacent major streets. This study led to new regional connectivity standards in 1996 for new residential and mixed use developments, with maximum street spacing of 530 feet, and limits on cul-de-sac length of 200 feet. These standards have since been adopted in local plans and codes across the region. The TPR provisions and state Local Street Guidelines provide an important foundation for these regional standards.
  
- **New Throughways** – In response to the 2040 Growth Concept, and subsequent update to the Regional Transportation Plan (RTP) in 2000, four strategic new throughways were identified to ensure mobility in rapidly growing areas of the region. These include:
  - Tualatin Valley Highway
  - I-5 to 99W Connector
  - McLoughlin/224 Corridor
  - Sunrise Corridor

The Tualatin Valley Highway and McLoughlin/224 corridors represent consolidation projects, where the RTP calls for improving mobility on existing highways through incremental access consolidation and interchange improvements. The I-5 to 99W Connector and Sunrise Corridor project represent new facilities that would replace existing state routes. All four projects require a corridor refinement plan under the

corridors, the TPR provides a critical forum for identifying major corridor improvements as part of the regional planning process.

- **Mode Targets** – The 2000 RTP employs an alternative strategy for addressing the TPR requirement to reduce per capita vehicle miles traveled (VMT/capita). The Metro region uses a series of 2040 mode targets that are based on land use types and expected non-auto travel patterns that will result from the 2040 Growth Concept. For each land use type, the mode target consists of the combined transit, walk, bike and shared ride travel as a portion of overall travel. Metro recently received a TGM grant to explore additional strategies for reaching the targets, and to better measure the effectiveness of these strategies at meeting the targets. The study may result in recommended fine-tuning of the TPR in order to best support any needed changes to the regional policy on modal targets.
- **Street Design Program** – Metro’s Livable Streets program was developed in 1996 as a strategy to retrofit existing major streets and construct new streets to meet the modal demands of the 2040 Growth Concept. This marked the first time that land use plans were used to define street design details. Metro published “Creating Livable Streets” to promote the new policy, and has also implemented the program with more than \$20 million allocated to over a dozen “boulevard” retrofit projects across the region. Metro relies in the TPR provisions for promoting travel options as an important foundation for these street retrofit improvements that add transit, pedestrian and bicycling facilities to existing routes.

### **ODOT Incentives for Regional Planning**

The recent state review of metropolitan planning also reports that the Metro region is the only one of six federally recognized metropolitan areas in the state to adopt a coordinated land use and transportation strategy that satisfies the TPR. While this is due, in part, to Metro’s unique regional planning authority, the reality is that our policies are largely developed through regional consensus, and enacted through local ordinances. We believe that the other MPOs could be encouraged to find consensus without a structure like Metro if transportation funding incentives were provided by ODOT.

For example, Metro has actively used federal flexible (STP) and CMAQ funding to promote transportation projects that provide travel options to driving alone. More than \$25 million has been allocated annually from these sources since the mid 1990s to fund transit, pedestrian, bicycle, demand management, transit-oriented development and boulevard projects.

We propose that a similar strategy be used to encourage other MPOs in the state to adopt coordinated regional land use and transportation plans like that in place in the Metro region, and called for in the TPR. ODOT could allocate flexible funds at the state level to similar projects when they occur in an MPO area that has completed a coordinated regional plan, providing an important incentive to MPOs that would represent a modest share of the State Transportation Improvement Program (STIP). We encourage the LCDC and OTC to explore this concept as part of the current joint subcommittee discussion.

### **State Role in Greater Metro Area Planning**

Metro has worked to achieve Area Commission on Transportation (ACT) status with the Oregon Transportation Commission over the past two years, without success. While we believe that we can effectively communicate on many ACT issues without being recognized as such, we also see a need for the LCDC and OTC to step up involvement in regional planning issues that extend beyond federal MPO boundaries. Two examples include the greater Metro region, where our travelshed includes many cities located outside our planning boundary, and the Corvallis-Albany-Lebanon triangle, where the cities are linked by disparate employment and housing opportunities, placing a growing strain on transportation facilities.

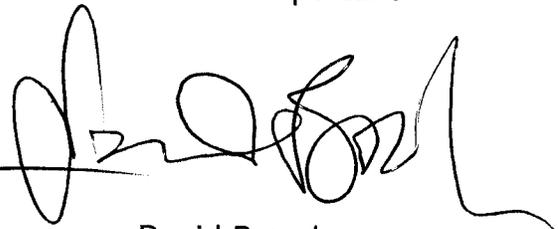
Metro does not advocate for extensive rulemaking on this front as part of the TPR update. Instead, we support a new provision for consultation among agencies that share a daily travelshed, with ODOT and DLCD staff convening stakeholders for this purpose. We also support a separate, larger examination of whether a "Valley Goal" is needed to better evaluate the incremental effect of individual urban growth boundary and transportation project decisions on the long-term urbanization of the Willamette Valley.

We look forward to continued participation and comment as rulemaking and legislation proceeds, and as other portions of the TPR are reviewed in coming months. Thank you for the opportunity to comment on this important rulemaking.

Sincerely,



Rex Burkholder  
JPACT Chair



David Bragdon  
Metro Council President

cc: Members of the LCDC  
Lane Shetterly, Department of Land Conservation and Development  
Members of the Oregon Transportation Commission  
Bruce Warner, Oregon Department of Transportation

## Attachment 'A'

### Specific Comments on Draft TPR Amendments

*The January 3, 2005 public comment draft of the proposed TPR revisions represents a good effort in providing the needed fine-tuning to address the Jaqua decision. Upon reviewing the draft amendments, we recommend further revisions to the public comment draft, as follows:*

#### **Section 1 - Defining "Significant Effect"**

*The following minor revisions to the draft TPR amendments would help clarify how "significant effect" is defined:*

**Section 660-012-0060 (1)(b)** Change standards implementing travel function to be inconsistent with a functional classification system, or

**Section 660-012-0060 (1)(c)(A)** Allow land uses types or levels of development land uses that would result in levels of travel or access that are inconsistent with the functional classification...

#### **Section 2 - Local Remedies**

*We support the proposed amendments to this section without changes - particularly the added provision to allowed conditions of approval to be applied.*

#### **Section 3 - Mitigating Impacts**

*We support the proposed amendments to this section without further change.*

#### **Section 4 - Evaluating the Effects of an Amendment**

*The following proposed revisions reflect our concerns over (1) the inappropriate inclusion of amendments that go beyond the needed remedy to the Jaqua decision, (2) the lack of specific guidance for ODOT in managing existing and planned interchanges in the context of plan amendments, and (3) the role of ODOT in certifying whether a proposed change will impact the system:*

**660-012-0060 (4)** Determinations under sections (1) - (3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

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

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program, Metropolitan Transportation Improvement Program or ~~other~~-locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

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

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

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

**660-12-0060 (4)(b)** When the amendment involves property within one-half mile of an existing or planned interchange on an Interstate Highway, as measured from the center point of the interchange, in determining whether an amendment has a significant effect on an existing or planned transportation facility under section 1(c) of this rule, local governments shall rely on existing transportation facilities and services and the planned transportation facilities, improvements and services in (a)(A) through (C) of this section.

~~However, if ODOT provides a written statement that the amendment would not adversely impact the interchange, then local governments may also rely on the improvements identified in subsections (a)(D) and (E) of this section.~~

## **Section 5 - Definitions**

### **660-012-0005 Definitions**

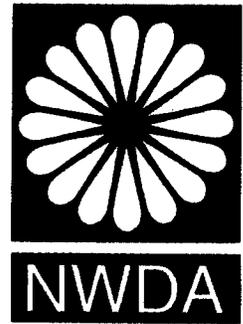
*Transportation facility* - physical improvements that serve one or more modes of travel, including motor vehicles, transit, bicycles and pedestrians.

## **Attachment 'B'**

**Map: Areas affected by the Interstate Highway protection provisions in the Draft Oregon Transportation Planning Rule amendments.**

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LAND CONSERVATION  
AND DEVELOPMENT

**NORTHWEST  
DISTRICT ASSOCIATION**  
2257 NW Raleigh St.  
PORTLAND, OR 97210  
(503) 823-4212



21 February 2005

John VanLandingham, Chair  
Land Conservation and Development Commission  
635 Capitol St., NE  
Salem, OR 97301-2540

Dear Chair VanLandingham:

The Northwest District Association is the neighborhood association for Northwest Portland. Having recently prevailed at LUBA against the City of Portland on their failure to update the Portland TSP with regard to amendments to our neighborhood plan, we are particularly sensitive to the importance of the Transportation Planning Rule and appreciate the opportunity to comment with regard to the current proposed amendments as they may affect the ability of neighborhoods to protect their character and livability.

Our first concern is about the new proposed Section 2(e) "Providing other measures as a condition of development..." We fear that this creates an opportunity for jurisdictions to bypass true analysis and planning and instead create a 'fig leaf' for new development that has serious impacts on the transportation system. This is essentially what the City of Portland attempted in NWDA vs. City of Portland.

We are also very concerned about the new Section 3. Allowing transportation facilities to remain below standards is inconsistent with promoting neighborhood livability.

We suggest that these two provisions be removed from the proposed rule.

Thank you for your consideration of our input.

Sincerely,

Sandra Diedrich  
NWDA President



MAYOR'S OFFICE

555 Liberty St. SE / Room 220 • Salem, OR 97301-3503 • Phone (503) 588-6159 • Fax (503) 588-6354

February 28, 2005

John VanLandingham, Chair  
Land Conservation and Development Commission  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

Dear Chair VanLandingham:

Thank you for the opportunity to comment on the proposed amendments to the Transportation Planning Rule (TPR). The City of Salem supports the efforts of the Commission to clarify the intent of the TPR in light of the rulings issued in *Jaqua v. City of Springfield*. While we support revisions that directly address the *Jaqua* ruling, we would like to draw your attention to concerns that we have with other proposed amendments. Specific comments on the proposed amendments are shown in the enclosed version of Section 660-012-0060.

**Section 660-012-0060(1)(c)(C) will make it more difficult for core areas of Salem to redevelop.**

This amendment is in response to the *Jaqua* decision and expands the definition of when a plan or land use regulation amendment would have a “significant effect” on a transportation facility by including transportation facilities that are already failing. We believe that the unintended consequence of this proposed amendment will be to encourage sprawl and make redevelopment of core downtown areas more difficult if not impossible. We similarly oppose the new Section 660-012-0060(3) that specifies possible mitigation measures where a transportation facility is already failing. In many cases, the congestion on transportation facilities in core areas that are already failing could only be relieved by adding lanes that would destroy the vital commercial core that is generating the traffic. As an example, a recent land use regulation amendment to allow mixed-use development just south of downtown Salem (The Meridian Project) would not have been possible with this proposed amendment to the TPR. The City of Salem requests deletion of sub-section (C) and deleting the entire proposed section (3) on page 4 of the draft revisions to the rule.

**Section 660-012-0060(2)(a) is unclear and will create greater confusion.**

The new language is unclear as to what measures might be adopted. The previous language was clear that limiting land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility was a possible mitigation measure for local governments to consider. We would recommend that this be clarified.

**The addition of “minor transportation improvements” in Section 660-012-0060(2)(e) appears to limit what improvements the City could require from a developer.**

We believe it is important to be able to require developers to mitigate the impacts of their developments as appropriate. Sometimes this will involve minor transportation improvements, and

John VanLandingham, Chair  
February 28, 2005  
Page 2

other times it will involve major transportation improvements. While we recognize that we could still require major transportation improvements as a requirement of a Traffic Impact Analysis, calling out “minor” transportation improvements in this section could make it more difficult for the City to require the addition of travel lanes or other transportation improvements as part of achieving compliance with the TPR. We also find the definition of “minor transportation improvements” confusing since it is only a list of examples.

**Section 660-012-0060(4)(a)(E) adds an additional level of planning on top of already required planning.**

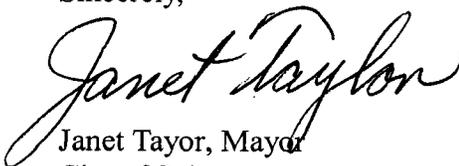
Making a determination of which projects within the Salem TSP are “reasonably likely to be provided within the planning period” will require additional staff resources, which are already limited and consumed by existing planning requirements. Making this determination at the time of a proposed plan amendment or zone change will increase the complexity of processing plan amendments and zone changes to adjust to changing circumstances and respond to opportunities in our community. We believe that the City and developers should be able to rely on the improvements that have already been identified through our existing planning processes.

**Section 660-012-0060(4)(b) seeks to protect the function of highway interchanges, but needs to provide cities flexibility to develop urban lands and work collaboratively with ODOT on mitigation measures.**

The City of Salem supports the orderly and timely provision of infrastructure in concert with development. It is important for the economy of the City and region to have interchanges that function efficiently. However, it is important that cities have the flexibility to develop lands within their urban growth boundaries to best meet their urban needs, which includes making changes to their Comprehensive Plan designations and zoning code maps. Cities especially need the flexibility to take advantage of economic development opportunities when they become available. The City of Salem recommends that sub-section (b) be re-written to reflect a discretionary, collaborative process with ODOT rather than a mandatory approach to regulating land use development within interchange areas.

Again, thank you for the opportunity to comment on these proposed amendments to the TPR. We look forward to participating in continued review of other sections of the TPR over the coming months.

Sincerely,

A handwritten signature in cursive script that reads "Janet Taylor".

Janet Taylor, Mayor  
City of Salem

Enclosure: Proposed Administrative Rule Amendments (01/03/05)

**Proposed Administrative Rule Amendments**  
**January 3, 2005**

OAR 660, DIVISION 012  
TRANSPORTATION PLANNING RULE

**660-012-0060**

**Plan and Land Use Regulation Amendments**

~~(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall 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. This shall be accomplished by either:~~

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

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

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

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

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

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

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

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

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

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

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

2  
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.~~

The City of Salem supports this clarification of the end of planning period.

The City of Salem does not support (C) or associated new section 660-012-0060(3). We believe that these new provisions would have the unintended consequence of encouraging sprawl by making it more difficult to redevelop in core areas that already experience congestion, such as downtown Salem. The City of Salem recommends deleting this new sub-section (C) and deleting the entire proposed section (3) on page 4 of this draft.

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 to limit land uses and to assure that~~  
7 ~~demonstrate allowed land uses are consistent with the planned~~  
8 ~~function, capacity, and performance standards of the transportation~~  
9 ~~facility.~~

The City of Salem recommends that subsection 2(a) be clarified as shown.

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

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

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

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

19  
20  
The City of Salem recommends deleting the word "minor" since it implies that the City would not be able to condition other major transportation improvements (such as an additional travel lane) on development as a way to mitigate a significant effect. Also see note about proposed definition of "minor transportation improvement" on page 7.

1 SECTION 660-012-0060 (3)

2

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

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

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

As mentioned on page 2, the City of Salem does not support the addition of these provisions and recommends that this section be deleted in its entirety. If it is not removed, the City recommends that the subsections (3)(a) and (3)(b) be revised as shown here.

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

2  
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-  
24 approved, financially constrained regional transportation  
25 system plan.

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

The City of Salem recommends that local governments be allowed to rely on all planned transportation facilities within the local TSP as is currently allowed. These new provisions have the potential to create a new layer of required planning to determine what is "likely to be provided."

1 (E) Improvements to regional and local roads, streets or other transportation  
2 facilities or services that are included as planned improvements in a regional or local  
3 transportation system plan or comprehensive plan when the local government(s) or  
4 transportation service provider(s) with jurisdiction over the improvements provides a  
5 written statement that the improvements are reasonably likely to be provided within the  
6 planning period.

7 (b) When the amendment involves property within  
8 one-half mile of an existing or planned interchange on an  
9 Interstate Highway, as measured from the center point of  
10 the interchange, in determining whether an amendment  
11 has a significant effect on an existing or planned  
12 transportation facility under section 1(c) of this rule, local  
13 governments shall rely on existing transportation facilities

The City of Salem supports protecting the function of highway interchanges, but needs the ability to develop lands within the UGB to urban densities. The City would like to see section (b) rewritten to reflect a discretionary, collaborative process rather than an assertive, mandatory process.

14 and services and the planned transportation facilities, improvements and services in  
15 (a)(A) through (C) of this section. However, if ODOT provides a written statement that  
16 the amendment would not adversely impact the interchange, then local governments may  
17 also rely on the improvements identified in subsections (a)(D) and (E) of this section.

18  
19 NOTE: EXISTING SECTIONS 660-012-0060 (4) – (7) WILL BE RENUMBERED AS  
20 SECTIONS (5) – (8). NO AMENDMENTS TO EXISTING SECTIONS 660-012-0060  
21 (4) – (7) ARE PROPOSED.

1 **660-012-0005**

2 **Definitions**

3

4 Add the following definition to this rule.

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

8

9 (x) "Minor transportation improvements" include, but are not

10 limited to, signalization, addition of turn lanes or

11 merge/deceleration lanes on arterial or collector streets, provision

12 of local streets, and transportation system management measures.

13 Minor transportation improvements may or may not be listed as

14 planned projects in a TSP where the improvement is otherwise consistent with the TSP.

15 Minor transportation improvements do not include interchanges or new interchange

16 ramps, new collector or arterial streets, road realignments or addition of travel lanes.

Note that this is not worded as a definition, only examples. The City of Salem also recommends that this be deleted as referenced in our comment on page 3.



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February 3, 2005

**VIA EMAIL**

Mr. John H. Van Landingham  
c/o Bob Cortright  
Land Conservation and Development Commission  
635 Capitol Street NE Suite 150  
Salem, OR 97301

**Re: Proposed TPR Amendments / RTF Comments**

Dear Chair Van Landingham and Commission Members:

This letter supplements the RTF's prior letter of February 3, 2005 by providing comments to the Final Suggestions and Commentary included in Frank Angelo's memorandum of February 15, 2005 to the joint OTC/LCDC Transportation Subcommittee (the most recent draft available at this time). As before, this letter will briefly summarize our current comments for your consideration.

**1. Zone Changes in Conformance with Comprehensive Plans**

Clarify that zone changes in conformance with comprehensive plans do not trigger TPR review because they are not "an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation," within the context of determining significant effect. While most comprehensive plan amendments require a companion zone change, not all zone changes require plan amendments. Zone changes made in conformance with comprehensive plan designations do not. Such "in conformance" zone changes merely implement the comprehensive plan, *albeit* through a different conforming zone. Merely changing from one conforming zone to another should not trigger TPR review for a significant effect, because the effect of the most intensive impacts of all conforming zones under the comprehensive plan designation would have already been measured and taken into account at the time of plan acknowledgement.

[32367-0001/PA050600.125]

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Mr. John H. Van Landingham  
March 2, 2005  
Page 2

The existing rule is ambiguous on this point. Due to the ambiguity, LUBA has held that a zone change in conformance with a comprehensive plan *does* amend a land use regulation, and therefore triggers the TPR. *Adams v. City of Medford*, 39 Or LUBA 464 (2001). However, that opinion focused on a local code provision expressly providing that the zoning map was "made a part of" the city's land use regulations, and that the code was adopted to "implement and supplement the [City of Medford] Comprehensive Plan." LUBA provided no further analysis beyond stating that under these provisions, an amendment to the zoning map necessarily amends a land use regulation. As described above, a more logical result under the existing Oregon land use planning system would be obtained if the rule were clarified to provide that zoning map changes that do not also require changes in the local comprehensive plan do not trigger the TPR.

## **2. Interchange Management / IAMPs**

Further limit the applicability of the proposed "half-mile rule" in Section 0060(3)(d) and Section 0060(4)(a)&(b) to the 36 existing interchanges (out of a total of 348) that ODOT staff has identified as being at risk (at capacity or otherwise falling below operational standards and needing management strategies applied and/or improvements made to maintain their intended function).

As the Commission is aware, ODOT and the OTC initiated a proposed interchange management work program in 2004 which is ongoing and interactive with the Commission and DLC. I attach a related ODOT memo to the OTC dated January 5, 2004 and subsequent Interchange Management Staff Report of May 26, 2004, which provide significant detail regarding the parameters of the work program. While the staff report includes a suggestion that amendments to the TPR could provide more guidance about protecting the function of interchanges when considering plan amendments, a full reading of the memorandum clearly suggests that the solution to interchange management is based upon the intergovernmental adoption of Interchange Area Management Plans (IAMPs), not the unilateral authority of any one agency or jurisdiction.

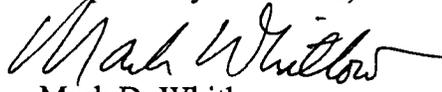
The "half-mile rule" should not override the ongoing interchange management work program. Rather, the applicability of the "half-mile rule" should be limited to the interchanges that ODOT has identified as currently being at risk, with a companion commitment made by the Commission and the OTC to accelerate the adoption of IAMPs for those interchanges on an expedited basis.

Mr. John H. Van Landingham  
March 2, 2005  
Page 3

As before, the above-referenced revisions are requested in the alternative to other comments and revisions previously proposed by the Retail Task Force.

Thank you for your continued attention to these important issues.

Respectfully submitted,



Mark D. Whitlow

MDW:plm

Enclosure

cc: Lane Shetterly  
Stuart Foster  
Bruce Warner  
RTF Participants



# Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Office of the Director

355 Capitol St. NE

Rm 135

Salem, Oregon 97301-3871

DATE: January 5, 2004

TO: Oregon Transportation Commission

FROM: Bruce A. Warner  
Director

FILE CODE:

SUBJECT: Proposed Interchange Management Work Program

**Requested Action:**

Review of proposed work program for interchange management.

**Background:**

At its October 2003 work session, the OTC directed staff to identify the adequacy and effectiveness of existing tools and authorities and determine the extent of the problem the agency faces maintaining the function of interchanges around the state. The Commission asked staff to prepare a work program that will assess and recommend any needed enhancements to existing rules, new rules or enhanced resources to achieve desired function and land use/transportation balance around interchanges. To achieve these tasks staff has focused on the two main efforts: (1) determining legal authorities and (2) developing a list of interchanges and intersections that may have their mobility function prematurely impacted by future development.

To clarify legal authorities, staff asked the Department of Justice (DOJ) to assess both ODOT and Department of Land Conservation and Development (DLCD) statutes and rules that can be applied to interchange management. Staff have presented a series of questions, included as Attachment A, to DOJ and will be working with them over the next few months to clarify where our collective authorities lie and to what extent they can be effective in achieving our objectives of managing the long-term function of interchanges.

To better understand the potential magnitude of issues associated with interchange area management, staff is performing an analysis of all existing and proposed interchanges throughout the state and working with ODOT region planners to establish which, in their estimation, are the high priority interchanges and intersections that will need the most attention (see Attachment B). This assessment is currently being done and as with the legal authority assessment will be completed by the end of March.

It is anticipated that the following general criteria will be used as analytical tools in the assessment to generate a list of interchanges where there is a high potential for transportation, development and/or land use issues. A frame of reference will be to assess where there would be a need to develop interchange area management plans or to strengthen transportation system plans to include protections for these investments.

1. Existing interchanges that are at capacity or otherwise falling below operational standards and need management strategies applied and/or improvements made to maintain their intended function.
2. Interchanges where the local comprehensive plan authorizes land uses that, when built out, will result in the interchange operation falling below standards.

- a. Areas where the development potential is not compatible with the function or capacity of the interchange.
  - b. Interchanges where their function is not adequately recognized or protected in comprehensive plans or TSPs.
3. Interchanges where growth pressures and market demands are high and there is likelihood that plan amendments and zone changes to more intense uses will be approved.
- a. Interchanges in rural areas near a UGB that is likely to expand to include the interchange area for urban development.
  - b. Interchanges in urban areas that may be redeveloped or designated as a new commercial center.
4. New interchanges
- a. Existing intersections that are scheduled for replacement with an interchange.
  - b. New interchange locations where development pressure and market demands are evident.

ODOT staff continues to work with Land Conservation Development Commission (LCDC) and their staff to coordinate efforts to devise the best course of action. At its meeting in November, the LCDC also directed its staff to "vigorously" review and assess existing tools and authorities for effectiveness in managing interchange areas before proposing new ones. The intent of this effort is to understand collectively what tools is available, how best to apply them and how effective they are in achieving the desired results. Also, LCDC will be evaluating, over the next few months, the effectiveness of the planning standards in the Transportation Planning Rule (TPR) to reduce reliance on the automobile in metropolitan areas. By spring 2004 they will have a report that may suggest revisions to the rule. This may be an opportunity for ODOT to participate and look at possible revisions to the rule to enhance interchange management requirements of local governments.

Staff is also looking at various efforts currently underway that are dealing with these very interchange management issues. As projects such as Jackson School Road Interchange, Rickreall Interchange and the Newberg-Dundee Bypass (with interchanges) are being developed; ODOT staff is working with other state agencies, local governments and interested stakeholders to apply appropriate interchange management techniques. In these situations they are exercising authorities and using tools to see how they work in real project situations. As the projects progress and issues are worked through, staff will apply its knowledge and experience to assess the adequacy and effectiveness of existing tools and authorities.

In summary, it is hoped the results of this analysis on interchanges in combination with a better understanding of both DLCD's and ODOT's legal authority will determine what next steps may or may not be necessary in order to manage the interchanges appropriately. It is anticipated that this work effort will be completed by the end of March. The results will than be written up and presented to the Oregon Transportation Commission (OTC) with recommendations for implementation or next steps depending on the results of the analysis.

Enclosures

Attachment A: List of Legal Questions

Attachment B: Draft of List of Interchanges

Copies (w/enclosures) to:

John Rosenberger	Lori Sundstrom	John Jackely	Craig Greenleaf
Mike Marsh	Bob Cortright, DLCD	Anna Russo	Region Managers
Patrick Cooney	Richard Reynolds	Jerril Bohard	Region Planning Managers

**ATTACHMENT A**  
**Legal Questions Associated with Interchange Area Management**  
11/24/03

**Question 1:** What authority does ODOT have to limit or affect decisions by a city or regional government to expand its urban growth boundary (UGB) in the direction of an interchange?

**Question 2:** To what extent can city, county or regional governments, in conjunction with ODOT, adopt policies that limit expansion of UGBs in the direction of an interchange?

**Question 3:** May a county, in order to comply with the requirements of the Transportation Planning Rule or to meet goal exceptions requirements, prohibit or impose restrictions on uses that are permitted outright in EFU zones?

**Question 4:** Does ODOT have the authority to limit and/or require local governments to limit trip production (number of vehicles accessing a highway) through trip allocation methods? For example, could ODOT through an adopted plan, such as a facility plan or an interchange area management plan, establish limits on the number of trips that may be allowed on a certain segment of highway roadway, and would a local government then be obligated to limit land uses consistent with such a requirement.

**Question 5:** Does the Brentmar decision (Brentmar v. Jackson County) that limits county authority to restrict uses that are otherwise permitted in EFU zones, prevent a county from adopting a trip allocation ordinance that would apply to such uses? I.e., could the county adopt a zone that would allow the EFU uses, but would likely have the effect of restricting the size of such uses based on the number of trips they are likely to put on a road or highway segment. Can a local government adopt a trip cap ordinance consistent with Brentmar?

**Question 6:** Does LCDC have the authority under the post-acknowledgment plan amendment and periodic review statutes (ORS 197.610 to 197.650) or other statutes to place conditions of approval on UGB or comprehensive plan amendments to protect interchanges and resource lands in their vicinities? If so, are there limitations on the scope of conditions LCDC might require?

**Question 7:** What is the nature and extent of ODOT's authority to acquire and control access beyond 1,320 feet from an interchange ramp?

**Question 8:** What is the nature and extent of ODOT's authority to purchase development rights or access rights in order to protect the function of an interchange?



ATTACHMENT B

Interchanges on the Oregon Highway System  
Grade Separated Intersections of State and Local Roads

DR. J

Existing Interchanges

1	CEDAR HILLS	BEAVERTON-TIGARD - HWY 141 (OR 217)	0.01	HWY 47 JCT - OR 26	WASH	1
2	S.W. WALKER ROAD	BEAVERTON-TIGARD	0.92		WASH	1
3	BEAVERTON	BEAVERTON-TIGARD	1.47	HWY 29 JCT - OR 8&10	WASH	1
4	SOUTHWEST ALLEN BLVD	BEAVERTON-TIGARD	2.48		WASH	1
5	SOUTHWEST DENNY ROAD	BEAVERTON-TIGARD	3.02		WASH	1
6	BEAVERTON-TUALATIN HWY	BEAVERTON-TIGARD	3.50	HALL BLVD	WASH	1
7	PROGRESS	BEAVERTON-TIGARD	3.82	HWY 141 JCT - OR 210	WASH	1
8	S.W. GREENBURN ROAD	BEAVERTON-TIGARD	4.95		WASH	1
9	TIGARD	BEAVERTON-TIGARD	5.90	HWY 1W JCT	WASH	1
10	SOUTHWEST 72nd AVE	BEAVERTON-TIGARD	6.69		WASH	1
11	COLUMBIA BLVD	CASCADE NORTH - HWY 68 (OR 213) - 82nd	0.10	COLUMBIA BLVD	MULT	1
12	HARMONY-LAKE ROAD	CLACKAMAS - HWY 171 (OR 224)	2.42		CLACK	1
13	NORTHEAST 33rd AVENUE	COLUMBIA RIVER - HWY 2 (I-84)	2.17		MULT	1
14	NE 39TH AVE	COLUMBIA RIVER	2.55		MULT	1
15	NORTHEAST GLISAN STREET	COLUMBIA RIVER	3.55	NE 58th STREET	MULT	1
16	NORTHEAST 68th AVENUE	COLUMBIA RIVER	4.25	NE HALSEY STREET	MULT	1
17	82nd AVE	COLUMBIA RIVER	5.01		MULT	1
18	NORTHEAST 102nd AVE	COLUMBIA RIVER	6.73	HWY 64 JCT	MULT	1
19	122nd AVE	COLUMBIA RIVER	10.08		MULT	1
20	181st AVE	COLUMBIA RIVER	13.03		MULT	1
21	207th AVE	COLUMBIA RIVER	14.42		MULT	1
22	NORTHEAST 238th AVE	COLUMBIA RIVER	15.97	ARATA ROAD	MULT	1
23	MARINE DRIVE	COLUMBIA RIVER	16.90		MULT	1
24	TROUTDALE	COLUMBIA RIVER	17.56		MULT	1
25	JORDAN ROAD	COLUMBIA RIVER	17.82		MULT	1
26	CORBETT	COLUMBIA RIVER	22.10		MULT	1
27	ROOSTER ROCK PARK	COLUMBIA RIVER	24.99		MULT	1
28	BRIDAL VEIL	COLUMBIA RIVER	28.08		MULT	1
29	DODSON	COLUMBIA RIVER	35.54	HWY 125 JCT	MULT	1
30	WARRENDALE	COLUMBIA RIVER	37.12		MULT	1
31	BONNEVILLE	COLUMBIA RIVER	40.27		MULT	1
32	WEST CASCADE LOCKS	COLUMBIA RIVER	43.66	HWY 283 JCT	HD RVR	1
33	EAST CASCADE LOCKS	COLUMBIA RIVER	45.06	HWY 283 JCT	HD RVR	1
34	HERMAN CREEK ROAD	COLUMBIA RIVER	47.31		HD RVR	1
35	WYETH	COLUMBIA RIVER	50.99		HD RVR	1

# Interchanges on the Oregon Highway System

## Grade Separated Intersections of State and Local Roads

36	VIENTO	COLUMBIA RIVER	56.04			HD RVR	1
37	WEST HOOD RIVER	COLUMBIA RIVER	62.06	HWY 26 JCT		HD RVR	1
38	2nd STREET	COLUMBIA RIVER	63.92			HD RVR	1
39	EAST HOOD RIVER	COLUMBIA RIVER	64.44			HD RVR	1
40	21st AVE-26th AVE	COLUMBIA RIVER 2W - HWY 2W (OR 30)	1.80			MULT	1
41	SWEDE TOWN ROAD	COLUMBIA RIVER 2W	60.94			MULT	1
42	WAUNA	COLUMBIA RIVER 2W	72.70			MULT	1
43	WANKERS CORNER	EAST PORTLAND FWY - HWY 64 (I-205)	3.16	S.W. STAFFORD ROAD		CLACK	1
44	SOUTHWEST LINN	EAST PORTLAND FWY	6.40	10th STREET		CLACK	1
45	WEST LINN	EAST PORTLAND FWY	8.82	HWY 3 JCT		CLACK	1
46	OREGON CITY	EAST PORTLAND FWY	9.29	HWY 1B JCT		CLACK	1
47	PARK PLACE	EAST PORTLAND FWY	10.24	WASHINGTON STREET		CLACK	1
48	GLADSTONE	EAST PORTLAND FWY	11.05	S.E. 82nd DR		CLACK	1
49	CLACKAMAS	EAST PORTLAND FWY	12.67	HWY 171 JCT		CLACK	1
50	LAKE ROAD	EAST PORTLAND FWY	13.39	HWY 171 JCT		CLACK	1
51	SUNNYSIDE ROAD	EAST PORTLAND FWY	14.30			CLACK	1
52	LESTER ROAD	EAST PORTLAND FWY	16.24	JOHNSON ROAD		CLACK	1
53	FOSTER RD-WOODSTOCK	EAST PORTLAND FWY	17.82			MULT	1
54	S.E. POWELL BLVD	EAST PORTLAND FWY	19.12	HWY 26 JCT		MULT	1
55	DIVISION-POWELL	EAST PORTLAND FWY	19.38	HWY 26 JCT		MULT	1
56	STARK STREET	EAST PORTLAND FWY	20.62			MULT	1
57	COLUMBIA BLVD	EAST PORTLAND FWY	23.70	HWY 123 JCT		MULT	1
58	AIRPORT	EAST PORTLAND FWY	24.75			MULT	1
59	EAST BURNSIDE STREET	MT HOOD - HWY 26 (OR 26)	14.18			MULT	1
60	BORING	MT HOOD	19.54	HWY 174 JCT		CLACK	1
61	WARM SPRINGS	MT HOOD	57.45	HWY 53 JCT		CLACK	1
62	WILSON RIVER HWY	NEHALEM - HWY 102 (OR 47)	83.72	HWY 37 JCT		WASH	1
63	WILSONVILLE	PACIFIC - HWY 1 (I-5)	283.88			CLACK	1
64	STAFFORD ROAD	PACIFIC	286.18	HWY 141 JCT		WASH	1
65	EAST PORTLAND FWY	PACIFIC	288.97	HWY 64 JCT		WASH	1
66	NYBURG ROAD	PACIFIC	289.50			WASH	1
67	LOWER BOONES FERRY	PACIFIC	290.48			WASH	1
68	UPPER BOONES FERRY	PACIFIC	291.29			WASH	1
69	SOUTH TIGARD	PACIFIC	292.20	HWY 144 JCT		WASH	1
70	SOUTHWEST HAINES	PACIFIC	293.30			WASH	1
71	NORTH TIGARD	PACIFIC	293.85	HWY 1W JCT		MULT	1
72	CAPITAL HIGHWAY	PACIFIC	295.00	CAPITAL HIGHWAY		MULT	1
73	TERWILLIGER	PACIFIC	297.18			MULT	1
74	OSWEGO HIGHWAY	PACIFIC	299.56	HWY 61 JCT		MULT	1
75	WEST MARQUAM	PACIFIC	300.73			MULT	1

# Interchanges on the Oregon Highway System

## Grade Separated Intersections of State and Local Roads

76	MORRISON BRIDGE	PACIFIC	301.09		MULT	1
77	BANFIELD FWY	PACIFIC	301.91	HWY 2 JCT	MULT	1
78	RUSSEL ST-OREGON ST	PACIFIC	302.35		MULT	1
79	EAST FREMONT	PACIFIC	303.10	HWY 61 JCT	MULT	1
80	GOING STREET	PACIFIC	303.98		MULT	1
81	FORTLAND BLVD	PACIFIC	304.93		MULT	1
82	NORTH LOMBARD ST	PACIFIC	305.44	HWY 123 JCT	MULT	1
83	COLUMBIA BLVD	PACIFIC	306.18		MULT	1
84	DELTA PARK	PACIFIC	306.80	HWY 1W JCT	MULT	1
85	SWIFT HWY/UNION AVE	PACIFIC	307.30	HWY 1E JCT	MULT	1
86	HAYDEN ISLAND	PACIFIC	307.93	JANIZEN BEACH	MULT	1
87	ROSS ISLAND BRIDGE	PACIFIC EAST - HWY 1E (OR 99E)	1.48	MT. HOOD	MULT	1
88	TACOMA STREET	PACIFIC EAST	4.75		MULT	1
89	CLACKAMAS HWY	PACIFIC EAST	5.46	HWY 171 JCT	CLACK	1
90	MILWAUKIE	PACIFIC EAST	8.00		CLACK	1
91	WILSONVILLE CUTOFF	PACIFIC EAST	27.54	WILSONVILLE-HUBBARD	CLACK	1
92	BARBUR BLVD	PACIFIC WEST - HWY 1W (OR 99W)	1.53	MT. HOOD	MULT	1
93	SLAVIN ROAD	PACIFIC WEST	3.21	HWY 40 JCT	MULT	1
94	MULTNOMAH BLVD	PACIFIC WEST	4.86		MULT	1
95	SCHMBER	PACIFIC WEST	5.15		MULT	1
96	26th STREET	PACIFIC WEST	5.25		MULT	1
97	SUNSET HWY	STADIUM FWY - HWY 61 (I-405)	1.62	HWY 47 JCT	MULT	1
98	BURNSIDE	STADIUM FWY	2.35	PLUS GLISAN RAMPS	MULT	1
99	WEST FREMONT	STADIUM FWY	2.76	HWY 2W JCT	MULT	1
100	BROADWAY	SUNSET - HWY 47 (US 26)	0.80		WASH	1
101	MOUNTAINDALE ROAD	SUNSET	53.43	HWY 37 JCT	WASH	1
102	DERSEAM ROAD	SUNSET	55.19		WASH	1
103	NORTH PLAINS	SUNSET	57.16	1st STREET	WASH	1
104	JACKSON ROAD	SUNSET	58.70		WASH	1
105	HEL VETA ROAD	SUNSET	61.06		WASH	1
106	CORNELIUS PASS HWY	SUNSET	62.47		WASH	1
107	N.W. 185th AVE	SUNSET	64.29		WASH	1
108	BRONSON CREEK	SUNSET	64.95		WASH	1
109	CORNELL RD & 158th	SUNSET	65.90	CORNELL ROAD	WASH	1
110	MURRAY ROAD	SUNSET	67.15		WASH	1
111	CEDAR HILLS BLVD	SUNSET	68.34		WASH	1
112	BEAVERTON-TIGARD	SUNSET	69.19	HWY 144 JCT	WASH	1
113	AUSTIN ROAD	SUNSET	70.50		WASH	1
114	SUNSET HILLS	SUNSET	70.80		WASH	1

ATTACHMENT B

Interchanges on the Oregon Highway System  
Grade Separated Intersections of State and Local Roads

115	SYLVAN	SUNSET	71.30			MULT	1
116	HIGHLANDS	SUNSET	72.17	ZOO		MULT	1
117	VISTA RIDGE TUNNEL	SUNSET	73.39			MULT	1
118	SPRR (ALBANY)	ALBANY-JUNCTION CITY - HWY 58 (OR 99E)	2.28	ALBANY-CORVALLIS		LINN	2
119	TANGANT	ALBANY-JUNCTION CITY	7.58	HWY 210 JCT		LINN	2
120	SANTA CLARA	BELT LINE - HWY 69 (OR 126)	8.46	RIVER ROAD		LANE	2
121	BARGER DR	BELTLINE	5.00			LANE	2
122	PRARIE ROAD	BELTLINE	6.75			LANE	2
123	NW EXPRESSWAY	BELTLINE	7.00			LANE	2
124	RIVER AVE	BELTLINE	9.00			LANE	2
125	DELTA HIGHWAY	BELTLINE	9.75			LANE	2
126	COBURG ROAD	BELTLINE	11.00			LANE	2
127	TANGENT	CORVALLIS-DEBANON - HWY 210 (OR 34)	7.68	HWY 58 JCT		LINN	2
128	SOUTH CORVALLIS	CORVALLIS-NEWPORT - HWY 33 (US 20)	56.00	HWY 1W JCT		BENTON	2
129	6 & 7TH AVE	EUGENE-SPRINGFLD - HWY 227 (I-105)	0.00			LANE	2
130	DELTA HWY TO HWY 1W	EUGENE-SPRINGFLD	0.89			LANE	2
131	COUNTRY CLUB ROAD	EUGENE-SPRINGFLD	1.71	DIKE ROAD		LANE	2
132	COBURG	EUGENE-SPRINGFLD	1.80			LANE	2
133	SPRINGFIELD HIGHWAY	EUGENE-SPRINGFIELD	4.69			LANE	2
134	MOHAWK BLVD	EUGENE-SPRINGFIELD	6.10			LANE	2
135	42nd STREET	EUGENE-SPRINGFLD	7.50	HIGH BANKS ROAD		LANE	2
136	52nd STREET	EUGENE-SPRINGFLD	9.05			LANE	2
137	McKENZIE HWY	EUGENE-SPRINGFLD	9.96	HWY 15 JCT		LANE	2
138	LANCASTER DRIVE	NORTH SANTIAM - HWY 162 (OR 22)	1.91			MARION	2
139	DEER PARK DRIVE	NORTH SANTIAM	4.03	DEER PARK DRIVE		MARION	2
140	JOSEPH STREET	NORTH SANTIAM	5.44			MARION	2
141	SILVER FALLS	NORTH SANTIAM	6.67	HWY 163 JCT		MARION	2
142	AUMSVILLE-SHAW ROAD	NORTH SANTIAM	8.93			MARION	2
143	SUBLIMITY	NORTH SANTIAM	11.53	GOLF CLUB ROAD CHNL		MARION	2
144	CASCADE HWY SOUTH	NORTH SANTIAM	13.23			MARION	2
145	SMITH POINT	OREGON COAST - HWY 9 (US 101)	4.14	HWY 102 JCT		CLAT	2
146	CANNON BEACH	OREGON COAST	24.96	HWY 47 JCT		CLAT	2
147	SUNSET STREET	OREGON COAST	29.53			CLAT	2
148	WARREN	OREGON COAST	30.62			CLAT	2
149	OTIS JCT	OREGON COAST	105.11			LINCOLN	2
150	GOSHEN-DIVIDE HWY	PACIFIC - HWY 1 (I-5)	168.46	HWY 226 JCT		LANE	2
151	LONDON ROAD	PACIFIC	171.62			LANE	2
152	COTTAGE GROVE	PACIFIC	174.74			LANE	2

# Interchanges on the Oregon Highway System

## Grade Separated Intersections of State and Local Roads

153	SAGINAW	PACIFIC	176.76	SAGINAW-EAST ROAD	LANE	2
154	CRESSWELL	PACIFIC	182.83	HWY 222 JCT	LANE	2
155	DILLARD ROAD	PACIFIC	186.43	PEBBLES	LANE	2
156	GOSHEN	PACIFIC	188.57	HWY 18 JCT	LANE	2
157	BONNEVILLE POWER	PACIFIC	189.87		LANE	2
158	McVAY	PACIFIC	190.51	HWY 225 JCT	LANE	2
159	JUDKINS POINT	PACIFIC	191.38	HWY 1W JCT	LANE	2
160	Q STREET	PACIFIC	193.94	HWY 227 JCT	LANE	2
161	BELT LINE ROAD	PACIFIC	195.45	HWY 69 JCT	LANE	2
162	COBURG	PACIFIC	199.15		LANE	2
163	DIAMOND HILL	PACIFIC	209.00		LANE	2
164	HALSEY-SWEET HOME HIGHWAY	PACIFIC	216.57		LI NN	2
165	LEBANON ROAD	PACIFIC	228.09	HWY 210 JCT	LI NN	2
166	SANTIAM HWY 16	PACIFIC	233.23	SOUTH SANTIAM HWY	LI NN	2
167	NORTH ALBANY	PACIFIC	234.23		LI NN	2
168	MURDER CREEK	PACIFIC	235.67		LI NN	2
169	VIEW CREST	PACIFIC	237.67		LI NN	2
170	SOUTH JEFFERSON	PACIFIC	238.46	JEFFERSON HWY	MARION	2
171	CORNER ROAD	PACIFIC	239.67	DENVER ROAD	MARION	2
172	TALBOT RD	PACIFIC	242.13		MARION	2
173	ANKENY HILL	PACIFIC	243.53		MARION	2
174	NORTH JEFFERSON	PACIFIC	244.91	HWY 164 JCT	MARION	2
175	SUNNYSIDE-TURNER	PACIFIC	248.83	HWY 1E JCT	MARION	2
176	COMMERCIAL STREET	PACIFIC	249.00		MARION	2
177	KUEBLER BLVD	PACIFIC	251.50		MARION	2
178	NORTH SANTIAM	PACIFIC	253.88	HWY 162 JCT	MARION	2
179	MARKET STREET	PACIFIC	256.28		MARION	2
180	HAYESVILLE	PACIFIC	258.66	HWY 1E JCT	MARION	2
181	CHEMAWA	PACIFIC	260.20		MARION	2
182	BROOKS	PACIFIC	263.49	HOPMERE	MULT	2
183	WOODBURN	PACIFIC	271.85	HWY 140 JCT	MARION	2
184	DONALD-AURORA	PACIFIC	278.67	FARGO ROAD	MARION	2
185	WILSONVILLE-HUBBARD	PACIFIC	282.65	HWY 51 JCT	CLACK	2
186	FERRY ST OFF-RAMP	PACIFIC WEST - HWY 1W (OR 99W)	123.91		LANE	2
187	WALLACE BRIDGE	SALMON RIVER - HWY 39 (OR 18)	27.17	HWY 30 JCT	FOLK	2
188	SHERIDAN INTCHNG	SALMON RIVER	32.60		YAMHIL	2
189	SHERIDAN BUSINESS LOOP	SALMON RIVER	34.11	WILLAMINA SHERIDAN	YAMHIL	2
190	WEST McMINNVILLE	SALMON RIVER	43.85		YAMHIL	2
191	EAST McMINNVILLE	SALMON RIVER	46.26		YAMHIL	2
192	DAYTON	SALMON RIVER	51.38	SALEM-DAYTON	YAMHIL	2

ATTACHMENT B

Interchanges on the Oregon Highway System

Grade Separated Intersections of State and Local Roads

193	ROSEMONT ST	WILAMINA-SALEM - HWY 30 (OR 22)	24.86	WEST SALEM	POLK	2
194	POWERS HWY	COOS BAY-ROSEBURG - HWY 35 (OR 42)	23.43	HWY 242 JCT	COOS	3
195	DAVIS SLOUGH	OREGON COAST - HWY 9 (US 101)	244.27	HWY 35 JCT	COOS	3
196	BANDON	OREGON COAST	261.60	HWY 244 JCT	COOS	3
197	KNOX INTCHNG	OREGON COAST	326.47		CURRY	3
198	STATE LINE	PACIFIC - HWY 1 (I-5)	0.95		JACKSN	3
199	SISKIYOU STATION	PACIFIC	5.36	HWY 273 JCT	JACKSN	3
200	SOUTH ASHLAND	PACIFIC	11.54	HWY 63 JCT	JACKSN	3
201	ASHLAND	PACIFIC	14.17	HWY 21 JCT	JACKSN	3
202	NORTH ASHLAND	PACIFIC	19.10	VALLEY VIEW ROAD	JACKSN	3
203	WEST VALLEY VIEW RD	PACIFIC	21.20		JACKSN	3
204	FERN VALLEY ROAD	PACIFIC	24.40	TALENT	JACKSN	3
205	BARNETT ROAD	PACIFIC	27.58		JACKSN	3
206	CRATER LAKE	PACIFIC	30.29	HWY 22 JCT	JACKSN	3
207	CENTRAL POINT	PACIFIC	32.75		JACKSN	3
208	SEVEN OAKS	PACIFIC	35.44	HWY 63 JCT	JACKSN	3
209	KANE CREEK	PACIFIC	40.83	HWY 271 JCT	JACKSN	3
210	ROCK POINT	PACIFIC	43.77	HWY 60 JCT	JACKSN	3
211	HOMESTEAD	PACIFIC	45.47	HOMESTEAD o/ ROGUE	JACKSN	3
212	ROGUE RIVER PARK	PACIFIC	45.93		JACKSN	3
213	ROGUE RIVER	PACIFIC	48.82	DEPOT STREET	JACKSN	3
214	EAST GRANTS PASS	PACIFIC	55.78		JOSFNE	3
215	NORTH GRANTS PASS	PACIFIC	57.00		JOSFNE	3
216	LOUSE CREEK	PACIFIC	61.45		JOSFNE	3
217	JUMPOFF JOE	PACIFIC	66.28		JOSFNE	3
218	SOUTH SUNNY VALLEY	PACIFIC	71.39		JOSFNE	3
219	No. & So. WOLF CREEK	PACIFIC	76.25		JOSFNE	3
220	SPEAKER ROAD	PACIFIC	78.11		JOSFNE	3
221	GLENDALE	PACIFIC	80.80	GLENDALE VALLEY RD	DOUG	3
222	BARTON ROAD	PACIFIC	83.29		DOUG	3
223	QUINES CREEK	PACIFIC	86.14		DOUG	3
224	AZALEA	PACIFIC	88.12		DOUG	3
225	WEST FORK	PACIFIC	95.82		DOUG	3
226	CANYONVILLE	PACIFIC	98.28	5th STREET	DOUG	3
227	NORTH CANYONVILLE	PACIFIC	99.53		DOUG	3
228	YOKUM ROAD	PACIFIC	101.40	HWY 230 JCT	DOUG	3
229	GAZELY ROAD	PACIFIC	101.89		DOUG	3
230	RIDDLE ROAD	PACIFIC	103.95	HWY 237 JCT	DOUG	3
231	WEAVER ROAD	PACIFIC	106.71		DOUG	3
232	MYRTLE CREEK	PACIFIC	108.00		DOUG	3

# Interchanges on the Oregon Highway System

## Grade Separated Intersections of State and Local Roads

233	BOOMER HILL ROAD	PACIFIC	110.36		DOUG	3
234	DELLARD JCT	PACIFIC	112.23		DOUG	3
235	CLARK'S BRANCH	PACIFIC	113.44		DOUG	3
236	COOS BAY-ROSEBURG	PACIFIC	119.50		DOUG	3
237	NORTH SHADY	PACIFIC	120.54	HWY 234 JCT	DOUG	3
238	MCLAIN	PACIFIC	121.69	MCLAIN AVE	DOUG	3
239	FAIRGROUNDS	PACIFIC	123.01		DOUG	3
240	WEST HARVARD AVE	PACIFIC	124.14		DOUG	3
241	GARDEN VALLEY	PACIFIC	125.08		DOUG	3
242	NORTH ROSEBURG	PACIFIC	125.72	STEWART PARKWAY	DOUG	3
243	WINCHESTER	PACIFIC	129.22	HWY 234 JCT	DOUG	3
244	DEADY	PACIFIC	135.14	SOUTH SUTHERLIN	DOUG	3
245	SUTHERLIN	PACIFIC	136.52	HWY 231 JCT	DOUG	3
246	SOUTH OAKLAND	PACIFIC	136.60	STEARNS LANE ROAD	DOUG	3
247	NORTH OAKLAND	PACIFIC	140.33	HWY 234 JCT	DOUG	3
248	METZ HILL	PACIFIC	142.18	METZ HILL RD	DOUG	3
249	SOUTH RICE HILL	PACIFIC	145.00		DOUG	3
250	RICE HILL	PACIFIC	148.49		DOUG	3
251	YONCALLA	PACIFIC	150.08	HWY 236 JCT	DOUG	3
252	ELKHEAD	PACIFIC	154.54		DOUG	3
253	SALT SPRINGS ROAD	PACIFIC	160.14		DOUG	3
254	ANLAUF	PACIFIC	162.36	HWY 45 JCT	DOUG	3
255	MOSIER	COLUMBIA RIVER - HWY 2 (I-84)	69.79	HWY 292 JCT	WASCO	4
256	ROWENA	COLUMBIA RIVER	76.62		WASCO	4
257	WEST THE DALLES	COLUMBIA RIVER	83.68	HWY 292 JCT	WASCO	4
258	BREWERY GRADE	COLUMBIA RIVER	85.51		WASCO	4
259	THE DALLES BRIDGE	COLUMBIA RIVER	87.01	HWY 45 JCT	WASCO	4
260	THE DALLES DAM	COLUMBIA RIVER	88.83		WASCO	4
261	CELLO	COLUMBIA RIVER	96.95	HWY 301 JCT	WASCO	4
262	BIGGS JUNCTION	COLUMBIA RIVER	104.56	HWY 42 JCT	SHRMAN	4
263	RUFUS	COLUMBIA RIVER	109.95		SHRMAN	4
264	WEST JOHN DAY	COLUMBIA RIVER	114.23		SHRMAN	4
265	QUINTON	COLUMBIA RIVER	123.31		GILL	4
266	BLALOCK	COLUMBIA RIVER	129.43		GILL	4
267	WOELPERN	COLUMBIA RIVER	131.03	WOELPERN RANCH RD	GILL	4
268	ARLINGTON	COLUMBIA RIVER	138.00	HWY 5 JCT	GILL	4
269	HEPPNER	COLUMBIA RIVER	147.35	HWY 52 JCT	GILL	4
270	YEW AVENUE	THE DALLES-CALIF. - HWY 4 (US 97)	123.60		DES	4
271	McKENZIE-BEND HWY	THE DALLES-CALIF	135.14	HWY 17 JCT	DES	4
272	EMPIRE BLVD	THE DALLES-CALIF	135.50	EMPIRE BLVD	DES	4

Interchanges on the Oregon Highway System  
Grade Separated Intersections of State and Local Roads

273	BUTLER MARKET RD	THE DALLES-CALIF	136.00	DEB	4	
274	US 20-3RD ST	THE DALLES-CALIF	136.50	US 20	DEB	4
275	REVERE AVE	THE DALLES-CALIF	137.00	DEB	4	
276	COLORADO AVE	THE DALLES-CALIF	138.00	DEB	4	
277	GALLEN BAKER RD	THE DALLES-CALIF	143.46	DEB	4	
278	COTTONWOOD	THE DALLES-CALIF	151.30	DEB	4	
279	WILLAMETTE HIGHWAY	THE DALLES-CALIF	195.03	KLAMTH	4	
280	NORTH CHILOQUIN	THE DALLES-CALIF	247.54	HWY 422 JCT	KLAMTH	4
281	LOBERT JCT	THE DALLES-CALIF	251.75	CRATER LAKE	KLAMTH	4
282	N. KLAMATH FALLS	THE DALLES-CALIF	272.61	HWY 50 JCT	KLAMTH	4
283	NEVADA AVE	THE DALLES-CALIF	273.62		KLAMTH	4
284	MAIN STREET	THE DALLES-CALIF	275.10	HWY 20 JCT	KLAMTH	4
285	GREEN SPRINGS JCT	THE DALLES-CALIF	277.13	HWY 21 JCT	KLAMTH	4
286	THREE MILE CANYON	COLUMBIA RIVER - HWY 2 (I-84)	151.75	MORROW	5	
287	TOWER ROAD	COLUMBIA RIVER	159.30	TOWER ROAD	MORROW	5
288	BOARDMAN	COLUMBIA RIVER	164.16	MAIN STREET	MORROW	5
289	PORT OF MORROW	COLUMBIA RIVER	165.00	LAURAL ROAD	UMATLA	5
290	UMATILLA	COLUMBIA RIVER	184.29	HWY 70 JCT	UMATLA	5
291	UMATILLA	MGNARY - HWY 70 (I-82)	1.00	HWY 2 JCT	UMATLA	5
292	POWERLINE ROAD	MGNARY	4.83		UMATLA	5
293	WESTLAND-ORDNANCE RD	MGNARY	9.78		UMATLA	5
294	I-82	OLD OREGON TRAIL - HWY 6 (I-84)	167.95	MORROW	5	
295	PATERSONS FERRY RD	OLD OREGON TRAIL	171.13	MORROW	5	
296	ORDNANCE	OLD OREGON TRAIL	177.98	UMATLA	5	
297	MGNARY HWY	OLD OREGON TRAIL	179.44	HWY 70 JCT	UMATLA	5
298	WESTLAND	OLD OREGON TRAIL	180.40	MEADOW VALLEY	UMATLA	5
299	HERMISTON	OLD OREGON TRAIL	182.86	HWY 333 JCT	UMATLA	5
300	STANFIELD	OLD OREGON TRAIL	188.83	HWY 54 JCT	UMATLA	5
301	ECHO JCT	OLD OREGON TRAIL	193.53	HWY 320 JCT	UMATLA	5
302	REW ELEVATOR	OLD OREGON TRAIL	198.54		UMATLA	5
303	YOAKUM	OLD OREGON TRAIL	199.53	YOAKUM ROAD	UMATLA	5
304	BARNHART ROAD	OLD OREGON TRAIL	202.87		UMATLA	5
305	WEST PENDLETON	OLD OREGON TRAIL	207.56	HWY 67 JCT	UMATLA	5
306	EMIGRANT AVE	OLD OREGON TRAIL	209.54	HWY 28 JCT	UMATLA	5
307	SOUTH PENDLETON	OLD OREGON TRAIL	210.96	HWY 8 JCT	UMATLA	5
308	EAST PENDLETON	OLD OREGON TRAIL	213.05	HWY 67 JCT	UMATLA	5
309	MISSION JCT	OLD OREGON TRAIL	216.04	HWY 331 JCT	UMATLA	5
310	EMIGRANT HILL	OLD OREGON TRAIL	224.79	BOILING POINT	UMATLA	5
311	DEADMANS PASS	OLD OREGON TRAIL	228.94		UMATLA	5
312	WEST EMIGRANT PARK	OLD OREGON TRAIL	233.95		UMATLA	5

ATTACHMENT B

Interchanges on the Oregon Highway System  
Grade Separated Intersections of State and Local Roads

313	WEST EMIGRANT PARK	OLD OREGON TRAIL	233.95	UMATLA	5
314	EAST EMIGRANT PARK	OLD OREGON TRAIL	235.03	UMATLA	5
315	MEACHAM	OLD OREGON TRAIL	238.77	UMATLA	5
316	KAMELA	OLD OREGON TRAIL	243.82	UMATLA	5
317	GLOVER	OLD OREGON TRAIL	248.94	UNION	5
318	HILGARD	OLD OREGON TRAIL	252.83	UNION	5
319	UPPER PERRY	OLD OREGON TRAIL	256.40	UNION	5
320	LOWER PERRY	OLD OREGON TRAIL	257.26	UNION	5
321	NORTH LaGRANDE	OLD OREGON TRAIL	259.22	UNION	5
322	WALLOWA LAKE	OLD OREGON TRAIL	261.84	UNION	5
323	SOUTH LaGRANDE	OLD OREGON TRAIL	264.92	UNION	5
324	FOOTHILL ROAD	OLD OREGON TRAIL	268.26	UNION	5
325	LADD CREEK	OLD OREGON TRAIL	270.87	UNION	5
326	LADD CANYON	OLD OREGON TRAIL	273.91	UNION	5
327	CLOVER CREEK	OLD OREGON TRAIL	278.64	UNION	5
328	WOLF CREEK	OLD OREGON TRAIL	283.64	UNION	5
329	NORTH POWDER	OLD OREGON TRAIL	285.68	UNION	5
330	CHANDLER	OLD OREGON TRAIL	298.68	BAKER	5
331	RICHLAND	OLD OREGON TRAIL	302.71	BAKER	5
332	CAMPBELL STREET	OLD OREGON TRAIL	304.13	BAKER	5
333	SOUTH BAKER	OLD OREGON TRAIL	306.53	BAKER	5
334	ENCINA	OLD OREGON TRAIL	313.64	BAKER	5
335	PLEASANT VALLEY	OLD OREGON TRAIL	317.47	BAKER	5
336	DURKEE	OLD OREGON TRAIL	327.43	BAKER	5
337	NELSON POINT	OLD OREGON TRAIL	330.67	BAKER	5
338	WEATHERBY	OLD OREGON TRAIL	335.76	BAKER	5
339	JORDAN CREEK	OLD OREGON TRAIL	338.11	BAKER	5
340	DIXIE	OLD OREGON TRAIL	340.42	BAKER	5
341	LIME	OLD OREGON TRAIL	342.52	BAKER	5
342	NORTH HUNTINGTON	OLD OREGON TRAIL	345.83	BAKER	5
343	BENSON CREEK	OLD OREGON TRAIL	353.04	MALHUR	5
344	OLDS FERRY	OLD OREGON TRAIL	356.17	MALHUR	5
345	MOORES HOLLOW	OLD OREGON TRAIL	362.15	MALHUR	5
346	STANTON BLVD	OLD OREGON TRAIL	371.45	MALHUR	5
347	NORTH ONTARIO	OLD OREGON TRAIL	374.55	MALHUR	5
348	IDAHO AVE	OLD OREGON TRAIL	376.72	MALHUR	5

Potential New Interchanges - To be added by ODOT Region staff

1					
2					

- Staff Report
- Interchange Management

May 26, 2004

- **Introduction**

The Oregon Transportation Commission (OTC) has expressed its desire to adequately protect the function of state highway interchanges over the long term by managing the relationship between transportation and land use. The OTC wants to make certain that existing, new and reconstructed highway interchanges operate properly and state highways are adequately protected from unexpected development. The State of Oregon is and will be making significant investments in highway interchanges. The OTC wants to assure that the state interests for the effective operation of state highway facilities are adequately addressed.

The OTC has directed the Oregon Department of Transportation (ODOT) to work with the Department of Land Conservation and Development (DLCD) to review existing regulations and management tools and practices with the objective to improve transportation and land use coordination at state highway interchange areas. The commission has been working with staff for the last nearly two and one-half years to understand the nature of the problem and craft appropriate solutions that will achieve the desired objectives of protecting the state's investment in major facilities. This exercise has involved defining the problem, analyzing the tools available to manage the issues, looking at appropriate methods to develop solutions and identifying the most acceptable course of action to achieve the objectives.

The OTC direction at its October 2003 work session on interchange management was to fully assess our existing rules and authorities to determine their effectiveness in managing the issues around interchanges. The discussion was to more effectively apply the tools we have and, that both ODOT and DLCD should enhance the use of this direction to provide clarity including rule changes if necessary.

The purpose of this paper is to summarize the process to date, present findings of the most recent analysis of legal authority, identify interchanges of highest concern and summarize the next steps including the need to develop a guidance document to assist the two agencies and local governments in managing interchange areas.

## **Background**

The OTC has expressed a strong interest in advocating methods to ensure that state investments in interchanges do not attract new development that is inconsistent with the state's transportation and land use interests. Protecting the function of a new or improved interchange and preserving the land use pattern in the interchange vicinity from conflicting development should be a key consideration in comprehensive planning, economic development, transportation planning and project development and funding decisions.

The OTC has clearly indicated that plans for future improvements at interchanges should encourage practices that allow interchanges to function properly while accommodating community development and, when applicable, minimize impacts to rural lands. New capacity provided by interchange improvements should not be viewed as a catalyst for urban expansion or as a reason to allow development that conflicts with the purpose or function of an interchange.

There is considerable market demand for development in and around urban areas. Lands around interchanges in these areas provide a level of accessibility and visibility that makes them very attractive for intense urban or urban oriented development. This is especially true where there are larger vacant and redevelopable properties around the interchange – such parcels are subject to pressure for land use plan changes or UGB amendments to allow more intense use.

The primary function of an interchange is to separate the traffic of two or more intersecting roadways to relieve congestion and improve safe travel conditions. For an interchange to work effectively it must minimize conflicting movements within its influence area. From our discussions with ODOT region staff about interchanges at risk, a variety of issues and problems that affect and limit efficient interchange function became evident. They include:

- Driveways, streets and development patterns that result in too many accesses within an interchanges functional area. ODOT's standards for new interchanges call for accesses to be located ¼ mile away from interchange ramps to provide for safe interchange operation and to maximize traffic handling capacity of the interchange. Most existing interchanges and intersections that are reconstructed as interchanges don't meet these standards.
- Existing planning and zoning around the interchanges that allow more intense land uses than interchanges can support. In these situations, ODOT often has very limited ability to improve interchange operations without supporting changes in local plans and development standards.
- Land use forecasts often do not account for the most intense uses possible in zoning designation around interchanges.
- Plan amendments (including UGB expansion) and zone changes often do not adequately analyze and mitigate for impacts to the function and operation of interchanges long-term.
- Community development patterns often do not consider alternatives that may be more consistent with the transportation system of a community and the state.
- Inadequate local street networks around interchanges. In many situations, interchange area development and local circulation is focused entirely on the interchange crossroad.

The desired outcome for the management of areas around interchanges involves a partnership between state and local authorities and involves both transportation controls (facility design and access controls) and land use controls (planning and zoning). The cooperation and coordination between state and local interests and application of specific management tools to interchange areas have been lagging. There is a significant amount of potential development currently authorized in local comprehensive plans that has not generally been balanced with the function and capacity of the established interchanges. Only in the last 5 to 6 years have local governments and ODOT begun to develop Transportation System Plans (TSPs) and facility plans that analyze and establish this balance and apply specific interchange management actions. New tools such as

Interchange Area Management Plans (IAMP), the Transportation Planning Rule, Access Management Rule and facility management policies have been developed in recent years.

When an interchange is designed, growth in regional traffic that will move through interchanges is taken into account to accommodate effective and safe operation over a long period of time. This is more easily considered at rural interchanges where regional growth in traffic does not affect any one interchange dramatically. It is more difficult in urban and urban fringe areas where traffic patterns and traffic volumes can be changed more drastically by major land developments. The closer high traffic generators are to an interchange the more pronounced impact they will have on interchange function and operation. Additionally, if the increased traffic is not anticipated by the interchange's capacity, the facility will fail to meet performance standards.

ODOT's objectives with interchange management are to:

- Prolong the useful life of the investment in state facilities as long as practical.
- Maintain the balance between the need to assist with community development and the need for the safe and efficient movement of people and goods on the transportation system.
- Establish the desired function of interchanges and their role in the community transportation system.
- Establish agreements with local governments through transportation planning on how to effectively manage the long-term function of interchanges.
- Monitor how interchange capacity is managed through cooperation with local governments.

For interchanges to work effectively over the long term, local planning and zoning and the planned local street network must be consistent with and complement the function of the interchange. Local comprehensive plans and transportation system plans need to ensure that land development patterns (including allowed land uses and the local transportation network) in the area are consistent with the purpose, function, and capacity of both the interchange and the associated highway(s) the interchange serves. Conversely, interchange improvements must be designed to accommodate anticipated statewide and regional travel as well as trips from the surrounding development in a safe and efficient manner by providing adequate capacity through the use of design features, access management and other traffic management techniques. The issues of development of land within the immediate interchange area can be handled best through development of an IAMP. Regional growth and impact issues, however, are best considered in the larger context of the community TSP and associated comprehensive plans.

The need to coordinate transportation and land use planning takes on particular significance in areas near highway interchanges. Transportation improvements can be strong economic drivers and when improvements to an existing interchange are made or a new interchange is constructed, new development can be attracted to that location, and pressure can build for adjacent land uses to intensify. Unless planned for and managed properly, local land development can impair highway performance, compromise the mobility function of the highway, create safety problems, and jeopardize the State's significant investment in its highway facilities. This is a particular

concern where the primary function of the highway is to serve through or regional travel and the secondary function is to serve local travel.

There are many examples where land use controls have minimized and prevented adverse impacts on interchanges primarily through resource zoning. Many rural interchanges in relatively high growth areas are surrounded by farm and forest zoning and have remained unaffected by development. The establishment of urban growth boundaries has also contributed to this situation by containing high intensity development and not allowing it to extend into rural areas.

### ▪ **Tools and Methods**

The OTC has promoted the development of IAMPs as a method to coordinate land use and transportation planning for interchange areas and to ensure that state investments at interchanges are not prematurely compromised by future, unanticipated development. As these plans are being prepared, ODOT and DLCDD staffs are working with cities and counties to identify the important issues at key interchanges and apply appropriate management tools and methods to achieve established policy objectives.

Coordination and connection of IAMPs with community plans is an important step in dealing with broader issues beyond the narrow concerns of development in the immediate area of an interchange. Consideration of the role of interchanges in the local transportation system by their inclusion in TSPs provides a broader context for understanding and applying specific management actions within IAMPs. When adopted by local governments IAMPs become a refinement element of their TSP to manage the local transportation system. These plans are then incorporated into their comprehensive plans and are implemented through local ordinances and other actions. These plans should also be adopted by the OTC as state facility plans to formalize agreement with local governments that would add strength to the requirements to consider and balance impacts to interchanges. OTC adoption of plans in concert with local governments provides a connection to the statewide planning program that provides a legally binding status that otherwise would not exist.

Within this planning framework the OTC is concerned with ODOT's ability to achieve the management objectives with the existing tools and methods. To understand the extent of the legal authority available to both the state and local governments, staff has asked the Department of Justice (DOJ) to assist with clarification by answering specific questions. The questions and DOJ responses in Attachment A provide insight into the nature and depth of the authority vested in ODOT, DLCDD, cities and counties and the methods that affect interchange management. The DOJ response makes it clear that authorities are different within each agency and jurisdiction and are limited to specific roles. Often the decision making authorities are intertwined and somewhat dependent on each other to create an effective method of protecting the function of interchanges. Each agency or jurisdiction has specific authorities but none of them have unilateral authority to manage the entire range of complex issues associated with long-term management of interchanges. The main message is that ODOT's authority can be most effective if it is combined with local governments' authority to proactively deal with interchange management issues through strategic planning . Getting early agreement on how to manage interchange areas will

help deal with expectations before inappropriate investments and commitments are made on individual land developments and transportation projects.

### **Basis for IAMPs**

ODOT staff has identified two principal reasons for the development of IAMPs. One is based on the risk from development pressure around interchanges and the other is based on applying OHP Policy 3C to interchange related projects. Staff has done an analysis of which interchanges in their estimation are at risk of failure in the near term due to development pressures. They have identified the interchanges that they believe are the most critical and have the highest potential risk for development pressures. These are the interchanges where increased development is expected and where there is most likely to be an imbalance between the safe and efficient function of an interchange and the authorized land use activities.

High-risk interchanges generally have the following characteristics:

- Located in urban fringe areas, either just in or outside of an urban growth boundary where there are undeveloped or underdeveloped properties in the interchange area and significant development pressures;
- Have the potential for either UGB amendments or plan or zone changes to allow more intense development that could result in additional traffic, affecting the function or capacity of the interchange.
- Existing accesses too close to the interchange ramps or similar operating problems were also identified as the major problem or concern.

Included in this list are those being rebuilt and thereby required to have management plans based on OHP policy. Many of these projects are funded through the Oregon Transportation Initiative Act (OTIA) and the OTC has placed conditions on them requiring management plans to achieve some assurance that the investments will function well into the future. Therefore, projects are now being scoped assuming IAMPs will be developed. Attachment B lists both the current activities with interchange plans and the interchanges where staff believes there is a need to produce an IAMP to get ahead of potential problems. This chart provides a status of IAMP activities both current and projected.

### **Discussion**

Based on the understanding of the existing rules and methods, staff performed a gap analysis to determine where additional attention and focus could best be applied to provide the most assurance of achieving adequate interchange management. The analysis identified the need for stepping up existing efforts with planning and coordination with local governments on interchange management issues by applying additional resources and improved methods to effectively achieve intended objectives. It also recognized that some work on enhancing existing rules could provide needed clarity and assistance in maintaining the land use and transportation balance at interchanges and therefore prolong their safe and efficient operation. The results of this analysis, done early in this exercise, are consistent with and have been reinforced by the most recent DOJ clarification of legal authority and the risk assessment of the ODOT Region staff.

Current practices show that with our existing array of tools and planning coordination methods we are making good progress towards achieving established standards and policies in many locations around the state. IAMPs are being developed that include agreements with local governments that are putting in place management tools and actions to protect interchange function and operation and balance the various interests. These tools are only a few of the many avenues we can pursue to manage highway facilities adequately. There is a strong indication that heightened urgency and enhanced application of existing tools and methods can provide the best course of action to achieve the level of interchange management the OTC desires.

Assessment by the ODOT region staff confirms that there is significant potential for land use related problems at interchanges, particularly in urban fringe areas (i.e. either just in or outside of urban growth boundaries). Many of the issues and problems affecting the efficient function of interchanges were cited as the contributing factors for placing them in the high risk status bases on land use related concerns.

Proactively developing Interchange Area Management Plans provides a good opportunity to deal with the many issues around interchanges. They provide a process and forum to coordinate ODOT's authority to plan for interchange improvements and access management on state highways with local governments' authority to plan for land use as well as local roads and streets. A few plans are final or near completion with many more commencing (see Attachment B). These plans will be presented to the OTC at the appropriate time for adoption as facility plans in accordance with the ODOT State Agency Coordination Rule (OAR 731-015).

Some notable successes with the ongoing planning activities include agreement in the Rickreall IAMP that Polk County will establish additional controls on land uses around the interchange and ODOT has adopted additional access controls, both of which will help protect the interchange from unintended development. Also Washington County has agreed to continue the Exclusive Farm Use land designation and zoning around the proposed Jackson School Road Interchange to minimize adverse impacts.

To be able to maximize the benefits of developing IAMPs, additional resources and additional guidance (to provide models and direction on key management issues) are needed to assure that IAMPs can be produced in a timely manner and will be effective in protecting interchanges. Preparation of effective plans takes time, people and funding. An effective IAMP is generally a joint ODOT-local government plan that addresses interchange improvements, local street improvements, future land use and access management and preferably ahead of development proposals and projects. Most current IAMPs have been super-imposed on top of a project development process. This can complicate and delay project delivery. In advance of construction funding decisions in the STIP, more needs to be done to prepare and reach agreement on IAMPs.

IAMPs should address coordination between ODOT and local governments on future plan amendments in interchange areas. Interchange improvements can create new traffic capacity which may be more than what is needed to meet projected 20-year needs based on existing adopted local comprehensive plans. Under current standards and rules (the Oregon Highway Plan and the Transportation Planning Rule), local governments are able to approve plan

amendments to enable additional interchange area development that would consume this extra capacity. Given the importance of maintaining interchange functions, it may be appropriate for ODOT and local governments to preserve some or all of any extra capacity created by the state's investment to serve longer-term (i.e. beyond 20 year) state and local travel needs. Even if extra capacity is not created with an interchange improvement, it is still important to establish management practices that ensure the capacity provided will serve its intended function over the planning horizon. Each IAMP will need to deal with this issue by establishing interchange performance expectations and apply appropriate management techniques to optimize and prolong operational efficiency and safety.

The rigorous application of existing rules, standards, policies and planning processes will go a long way to addressing the concerns of the OTC and carry out the mission of the agency. Working through cooperative planning efforts such as ODOT facility plans (IAMP, refinement plans, access management plans, etc.) and local TSPs and comprehensive plans mutual agreements can be established to satisfy most of the interests and issues around interchanges.

The advice from the Department of Justice emphasizes that the best course of action is for ODOT to work proactively with local governments and DLCD to get local and state facility plans in place. These plans will be made most effective when mutually adopted by cities and counties into their comprehensive plans and by the OTC adopting them as facility plans consistent with our state agency coordination requirement under the statewide planning program. Also pointed out are the opportunities to work with DLCD and local governments to participate in the local plan amendment and development review processes to minimize impacts on the transportation system.

The other critical part of this process is implementation. Plans to manage ODOT facilities are implemented through local land use control ordinances, state and local government access permitting, building projects consistent with the plans and by ODOT and DLCD monitoring and participating in local governments land use change proposals. The heightened activity needed to achieve these steps will involve a new commitment of staff time and financial resources that must be identified in ODOT's planning work program.

The complexity and unique conditions around each interchange make it difficult to apply specific standards and requirements through new statewide rules. Current rules, policies and standards identify the desired direction for dealing with interchange issues. The next step is to apply them to the individual interchange areas and establish appropriate actions to achieve this direction. Facility planning is also where the application and fine tuning of standards can take place to achieve identified objectives. For example, the OTC could, based on the conclusions within an IAMP, establish higher mobility standards (i.e. lower acceptable volume to capacity standards) through an OHP amendment at a particular interchange to protect and reserve capacity for an identified interchange function such as a port or major industrial area. This would be an interchange specific application of highway plan standards and not require development of any new statewide rules.

Even though most interchange management and protection could be achieved through existing tools, improvements to the existing mechanisms could also help to assure balance between the

need for land use changes and the need for the safe and efficient function and operation of the transportation facilities. There are a couple of areas where additional discussions with the OTC and LCDC are needed on how to proceed in our attempts to clarify and better guide planning decisions around interchanges. These include:

- Amending the TPR to provide more guidance about protecting the function of interchanges when considering plan amendments.
- Amending Goal 14's consideration for urban growth boundary (UGB) amendments to require closer coordination with ODOT when freeway interchanges are likely to be affected by proposed UGB expansions.

The objective of the changes to the rules and policies would be to provide a better connection and requirement for reconciling land use impacts on transportation facility function and capacity. This needs to be better expressed in traffic impacts analysis of specific land use changes as well as better analysis of the interrelationship of community design and adequacy of the transportation system to support it.

▪ **Summary of Next Steps**

Staff recommends a multi-faceted approach to interchange management that primarily involves continued development of interchange area management plans, increased participation in development review, expanded work on project development and development of guidelines that define a range of effective methods for interchange management.

The following are the next steps the department would intend to take to raise the priority and effectiveness of managing interchange areas.

1. Develop a set of guidelines that provide effective management strategies and solutions for interchange areas. The guidelines will include expectations on consistency, desired management outcomes and processes for developing IAMPs. They will also include necessary implementation mechanisms, actions and performance expectations as well as additional guidance on addressing related topics such as:
  - Access Management
  - Design Considerations
  - Plan amendments and zone changes
  - Periodic Review of local plans
  - IAMP plan adoption
  - Development Review
  - Project Development
2. Redirect staff and funding resources to develop IAMPs and implementing actions in a timely manner. This will most likely involve shifting planning staff and funding from other program areas and set this effort as a higher priority. Impacted work areas will likely include highway segment designation and management plans, corridor plans including deficiency reports and refinement planning associated with project development.
3. Give priority to the preparation of IAMPs identified in Attachment B. This should also include Access Management Plans and TSPs and their associated refinement plans. Through these processes agreements can be forged between state and local governments that will not

only address the concerns of all interested parties but also provide a connection to the statewide planning program. This provides a fundamental mechanism to implement and enforce these agreements. This strategic planning is the most effective mechanism to be proactive about development and transportation management expectations and minimize confrontations between state and local governments and development interests. A critical part of successful interchange management involves mutual adoption of IAMPs.

4. In addition to ODOT's existing development review practices, use the plan results to guide participation in the development review and local plan amendment processes. It is essential that ODOT staff, through these mechanisms, analyze and respond to land use intensification and development proposals that may compromise the intended function of state highway interchanges.
5. More fully integrate the use of tools and authorities identified in this report and subsequent guidance during project development where there is no IAMP.
6. Give priority to plans and projects that protect interchange function. ODOT staff should diligently review project funding proposals for consistency with needs to establish management actions in plans. This will mean enhancing our commitment to resources devoted to interchange planning, local government planning and development review while stepping up our efforts in monitoring plan amendments and project funding review.
7. Bring completed plans forward to the OTC as formally adopted facility plans. To be most effective the OTC will adopt these plans as facility plans and local government will adopt them as elements of their TSPs and comprehensive plans.

▪ Attachment A

▪ **Legal Issues Associated with Interchange Area Management**

To help clarify the extent of ODOT, DLCD and local government legal authority and related practices to manage the issues around interchanges, staff has asked for guidance from the Department of Justice. The following are specific questions intended to establish better understanding of the extent and limitations to the tools available to manage these important investment areas. These answers are not intended to be formal legal opinions but are advisory to those involved in applying management principles and actions to interchange areas. They are grouped by topic area and represent DOJ guidance gathered from a variety of recent responses.

▪ **Urban Growth Boundary Expansion**

*Question 1: What authority does ODOT have to limit or affect decisions by a city or regional government to expand its urban growth boundary (UGB) in the direction of an interchange?*

DOJ response: ODOT has no direct authority to limit expansions of the UGB along a state facility in the direction of an interchange.

However, ODOT can coordinate with the local jurisdiction to discourage the expansion of the UGB in the direction of an interchange in the following ways:

- TSP development. During the development of a TSP, ODOT can encourage the adoption of local policies that discourage the expansion of the UGB in the direction of an interchange and assist in the development and adoption of circulation plans to discourage expansion in the direction of the interchange.
- Interchange Management Plans. During the development of a new interchange or an interchange that will be substantially improved, ODOT can and should require, prior to a commitment to fund the project, the adoption of an interchange management plan. That plan would ultimately be adopted by the local jurisdiction BEFORE the final environmental document is issued. Adoption by the OTC can occur after the final environmental document is issued. That plan could include policies that can discourage expansion of the UGB in the direction of the interchange.
- Goal exception process. Development of new interchanges on rural resource lands may require a goal exception. If a goal exception is required, policies or measures may be needed to protect rural lands. In such circumstances, local governments may need to enact policies to prevent expansion of the UGB towards the interchange. Note that the local jurisdiction responsible for the goal exception is likely the County not the

jurisdiction seeking the UGB expansion underscoring the need for enhanced coordination.

- Purchase of access rights. Outside the planning process ODOT can aggressively purchase access rights along the state highway and local roads to control access to the area around interchanges.
- UGB Expansion participation. Once an action has been initiated to expand the UGB in the direction of the interchange, ODOT can participate in the hearing process and oppose the expansion. Because the criteria for a UGB expansion is not targeted at preservation of public transportation facilities, earlier participation opposing the area for inclusion as urban reserves may be more effective.

*Question 2: To what extent can city, county or regional governments, in conjunction with ODOT, adopt policies that limit expansion of UGBs in the direction of an interchange?*

DOJ response: Local jurisdictions have authority to adopt policies that limit the expansion of UGBs in the direction of an interchange through the development of policies in their comprehensive plans and TSPs, through local circulation plans and interchange management plans. See above.

### **Restrictions on Land Uses in EFU Zone**

*Question 3: May a county, in order to comply with the requirements of the Transportation Planning Rule or to meet goal exceptions requirements, prohibit or impose restrictions on uses that are permitted outright in EFU zones?*

DOJ response: It is unlikely that a county can prohibit uses permitted outright under ORS 215.213(1) and ORS 215.283(1). See *Brentmar v Jackson County* 321 OR 481 (1995). It may be possible to impose restrictions to limit the scope, scale or timing of the use. However, such restrictions would need to comply with state and federal laws such as RLUIPA. Restrictions could be imposed as mitigation for a goal exception, but each situation would need to be evaluated independently.

*Question 4: Does the Brentmar decision (Brentmar v. Jackson County) that limits county authority to restrict uses that are otherwise permitted in EFU zones, prevent a county from adopting a trip allocation ordinance that would apply to such uses? I.e., could the county adopt a zone that would allow the EFU uses, but would likely have the effect of restricting the size of such uses based on the number of trips they are likely to put on a road or highway segment. Can a local government adopt a trip cap ordinance consistent with Brentmar?*

DOJ response: In reviewing this question without specific facts, it appears that *Brentmar* does not prevent the county from enacting a trip allocation ordinance or overlay zone which may limit the size or scale of an allowed use. It may be possible to adopt a trip cap ordinance consistent with *Brentmar*. These ordinances would need to be in place before a quasi-judicial request is made.

- **Trip Allocation**

*Question 5: Does ODOT have the authority to limit and/or require local governments to limit trip production (number of vehicles accessing a highway) through trip allocation methods? For example, could ODOT through an adopted plan, such as a facility plan or an interchange area management plan, establish limits on the number of trips that may be allowed on a certain segment of highway roadway, and would a local government then be obligated to limit land uses consistent with such a requirement?*

DOJ response: Trip allocations are one method to control trips to the highway. To date, ODOT has designated the capacity of highway facilities using a volume to capacity ratio. However, the capacity of a highway facility can be amended through the OTC adoption of a facility plan.

ODOT can not require local governments to limit trip production in any particular manner. It can encourage trip allocation methods, if appropriate, when developing Interchange Management Plans or other facility plans. Historically, trip allocation methods have been applied in circumstances where a development proposal will cause a “significant affect” on a transportation facility under the OAR 660-012-060. In those circumstances, ODOT may have the ability to negotiate with a local jurisdiction and developer to limit trips or increase capacity. Trip cap agreements should include agreement on the traffic study methodology for determining future trips.

- **Comprehensive Plan Amendment and Review**

*Question 6: Does LCDC have the authority under the post-acknowledgment plan amendment and periodic review statutes (ORS 197.610 to 197.650) or other statutes to place conditions of approval on UGB or comprehensive plan amendments to protect interchanges and resource lands in their vicinities? If so, are there limitations on the scope of conditions LCDC might require?*

DOJ response: LCDC has limited jurisdiction to review local government comprehensive plan amendments including the subset thereof consisting of those comprehensive plan amendments that establish or change an UGB. In those circumstances in which LCDC has jurisdiction to review a local government’s amendment to an acknowledged comprehensive plan, LCDC has authority to ensure that an amendment is compliant with the Statewide Planning Goals (goals) and consistent with applicable administrative rules.

- **Post-Acknowledgement Plan Amendment**

In instances where the local government believes that the goals apply to a proposal to amend an acknowledged comprehensive plan, the post-acknowledgement process, ORS 197.610 to 197.625, requires that the local government provide the Department of Land Conservation and Development (DLCD) notice prior to the first evidentiary hearing on the proposed amendment. ORS 197.610(1) and (2). DLCD may participate locally in the amendment process and must

provide the local government any concerns and recommendations it has regarding the proposal prior to the final hearing. ORS 197.610(3). DLCD may make recommendations to achieve goal compliance; however, the statute does not provide DLCD authority to place conditions of approval. The statute requires the DLCD director to report to LCDC if the director believes the proposal violates the goals. With LCDC approval, DLCD may appeal a post-acknowledgement plan amendment (PAPA) to the Land Use Board of Appeals (LUBA). ORS 197.620. In some circumstances, LCDC has a statutory obligation to issue an order requiring a local government to bring its comprehensive plan into compliance with the goals. ORS 197.320(1). The primary manner by which LCDC has authority to assert that a PAPA does not comply with the goals is through an appeal to LUBA.

Under Goal 14, the results of the local government's consideration of the need (factors 1 and 2) and location (factors 3-7) factors for establishing and changing a UGB must be included in a comprehensive plan. An amendment to a UGB is a comprehensive plan amendment. For a city with a population more than 2,500 that amends its UGB to include less than 50 acres, or a city with a population less than 2,500 that amends its UGB, the amendment proceeds under the PAPA provisions described above. However, all other UGB amendments are submitted to LCDC in the manner provided for periodic review, described below.

- Periodic Review

Periodic review considers whether a local government's acknowledged comprehensive plan and implementing regulations continue to comply with the goals. Since 1999, periodic review efforts are statutorily required to concentrate on addressing needed housing, employment, transportation, and public facilities and services. ORS 197.628(2). However, there are cities and counties that are not required to conduct periodic review under ORS 197.629. Those jurisdictions will amend their comprehensive plans by PAPA as described above, unless the jurisdiction requests to engage in periodic review and LCDC agrees to it. ORS 197.629(5). For counties and cities above prescribed populations, and for smaller cities in prescribed proximity to larger cities, LCDC must establish and maintain a schedule for periodic review consistent with ORS 197.629. In addition, an amendment to an acknowledged UGB of more than 50 acres for a city with a population of 2,500 or more within its UGB must be submitted to LCDC in the manner provided for periodic review.

On review of a periodic review work task submittal, LCDC considers whether the submittal is consistent with the applicable goals and administrative rules and is supported by substantial evidence. OAR 660-025-0040. A local government's decision on a work task submittal is generally going to be a legislative decision. *See* MC 3.01.015; *Home Builders Ass'n of Metropolitan Portland v. Metro*, 184 Or App 633, 57 P3d 204 (2002) (stating Metro decision amending UGB to be a legislative decision). The Goal 2 requirement for an adequate factual base requires that a legislative land use decision be supported by substantial evidence. *DLCD v. Douglas County*, 37 Or LUBA 129, 132 (1999). Substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding. ORS 183.482(8)(c); *Dodd v. Hood River County*, 317 Or 172, 179, 855 P2d 608 (1993). Where substantial evidence in the record supports the local government's adopted findings concerning compliance with the goals and administrative rules, LCDC nevertheless must

determine whether the findings lead to a correct conclusion under the goals and rules. *Oregonians in Action v. LCDC*, 121 Or App 497, 504, 854 P2d 1010 (1993).

The periodic review process “exist[s] to test the sufficiency of local legislation and its compliance with the goals.” *Yamhill County v. Land Conservation and Development Comm’n*, 115 Or App 468, 472, 839 P2d 238 (1992). “LCDC, not the local government, determines whether [the local government] is in compliance with the goals.” *Id.* LCDC has the authority, even in the face of a local government finding that a potential Goal 5 resource is *not* significant, to reach a different conclusion and require a county to add the resource to its inventory. *Id.* LCDC also has authority to require specific language changes to a county’s Goal 5 legislation. *Williams v. LCDC*, 154 Or App 195, 201, 961 P2d 269 (1998). LCDC has authority to “require that local legislation contain particular provisions or that [a local government] spell out with particularity how it complies with statewide standards \* \* \* to assur[e] that, after acknowledgement or periodic review, the local legislation will be interpreted in a manner that is consistent with the state standards.” *Oregonians in Action v. LCDC*, 121 Or App 497, 502, 854 P2d 1010 (1993).

To the extent that a condition of approval that LCDC places on a periodic review submittal to protect interchanges or resource lands in their vicinities in order to ensure that the submittal complies with the goals or implementing administrative rules, LCDC acts consistent with its statutory authority.

### **Access Management**

*Question 7: What is the nature and extent of ODOT’s authority to acquire and control access beyond 1,320 feet from an interchange ramp?*

DOJ response: ODOT has broad statutory authority through ORS 366.320 and ORS 366.340 to acquire access control along the state highway. It has authority to acquire access rights on local streets to protect the function and ensure that the state highway operates safely.

#### ▪ **Purchase of Development Rights**

*Question 8: What is the nature and extent of ODOT’s authority to purchase development rights or access rights in order to protect the function of an interchange? Does ODOT have the authority to purchase development rights<sup>1</sup> to protect future interchange operations?*

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<sup>1</sup> Development rights are not defined by Oregon statute, and therefore it is not clear what right constitutes a development right. One Oregon case involved development rights but was decided on other grounds. *The Terrace Condominium Association v City of Portland*, 110 Or App 471, (1992). Our Oregon search found agreements among property owners that address development rights. These agreements are private agreements among individual holders of property that allow zoned densities to be shifted among adjacent parcels for the purpose of addressing other development issues.

DOJ response: ODOT has no authority to purchase development rights. ODOT's authority to purchase real estate is found at ORS Chapter 366, (State Highways) and ORS Chapter 374, (Throughways). Chapter 366 provides five sections authorizing the purchase of real estate. Each section is limited to specific purposes, none of which include the purchase of development rights.

1. ORS 366.320 is limited to the acquisition of right of way for the development or reconstruction of state highways.
2. ORS 366.325 allows acquisitions of real property for right of way through cemeteries.
3. ORS 366.330 allows for the acquisition of land adjacent to needed right of way when that additional adjoining land is needed for "the purpose of moving and establishing thereon buildings or other structures then established on real property required for right of way purposes."
4. ORS 366.333 allows for the acquisition of real property that has utilities located on it.
5. ORS 366.340 provides a general provision allowing the acquisition of real property for construction of shops, maintenance buildings, gravel pits, for the appropriation of road building materials and drainage, for views, and for "(4) [a]ny other use or purpose deemed necessary for carrying out the purposes of this Act". However, "Act" as defined in ORS 366.005(8) is "limited to this chapter", [State Highways]; "ORS 105.760", [Liability for changing a grade on a highway]; "ORS 373.010" [Routing Roads and Highways through Cities], "ORS 373.015", [Abandonment of state highway through cities]; "ORS 373.020" [Jurisdiction over streets taken over for state highways]; "ORS 373.030" [Construction requiring grade changes on city street

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Development rights are usually discussed in the context of "transferable development rights." In that context "transferable development rights" are an interest in real property that constitutes the right to develop and use property under the zoning ordinance which is made severable from the parcel to which the interest is appurtenant and transferable to another parcel for development and use in accordance with the zoning ordinance. 2 Rathkopf's The Law of Zoning and Planning Section 15:50 (4<sup>th</sup> edition). Treatises discuss development rights as the amount of density allotted to the landowner within the zone. University of Colorado Law Review, Volume 53, page 167 (1981). Development rights are usually discussed in light of a scheme that these rights could be transferable through some governmental license – the purpose of which is to compensate for fair compensation – defined as the difference between the value of the land developed without regulatory restrictions and the value of the land with the regulatory restriction. "Fair compensation" allows compensation for the diminishment of value caused by governmental regulatory action that is beyond what is compensated for when the landowner is deprived of any reasonable use of the land or a "taking". This is not unlike the concept that Ballot Measure 7 was trying to address compensation for the diminished value associated with government imposed regulations.

Oregon has a statute to allow the transfer of development rights in landslide areas where the community has adopted a transfer of development rights program. ORS 195.266.

connections]. Acquisition of development rights is not a purpose of the Act. Absent express authorization, ODOT does not have the authority to acquire development rights.

The Throughway Act, ORS 374.035, authorizes the acquisition of any interest in real property, “which in the opinion or judgment of the department is deemed necessary for the *construction* of any throughway, the establishment of any section of an existing state road or highway as a throughway or the construction of a service road.” (Emphasis added.) This authority is extended to land that is not immediately needed for the highway but can include “an entire lot, block, or tract of land if by so doing, the interests of the owner and the state will be best served even though the entire track is not immediately needed for the highway proper.” ORS 374.040.

This provision is limited to the purchase of land required for the construction of highways. The acquisition of development rights is not expressly authorized. Unlike land acquired for wetland mitigation, development rights are not required before the highway can be constructed. Rather development rights could be a tool used to manage the highway from the demands of traffic caused by future development or to compensate developers from the diminishment of value caused by government imposed regulations.

If ODOT wants to have the authority to purchase development rights then additional legislation is required.

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- **Planning Horizon Length**

*Question 9: Does the 20-year planning horizon in the OHP limit the OTC from taking a longer planning horizon?*

DOJ Response: The OHP currently defines the planning horizon as 20 years. The OTC has the ability to change or amend the planning horizon but until it does it should adhere to the 20 year planning horizon.

The Oregon Highway Plan defines the planning horizon as 20 years for the development of state, regional and local transportation plans including ODOT’s corridor plans. (OHP Page 72).

However, if ODOT wished to change the planning horizon, there is not a legal impediment to lengthening it. ORS 184.618 (1) gives the Oregon Transportation Commission as its “primary duty” the responsibility to “develop and maintain a state transportation policy and a comprehensive long-range plan for a safe multi-modal transportation system for the state.

The Highway Plan was developed and adopted to meet the state planning obligations required by ISTEA and the Statewide Planning Goals including the Transportation Planning Rule (TPR) OAR 660-012-000 *et seq.*, which implements State Planning Goal 12 (transportation). The OHP reinforces the need to plan for the long term planning for and specifically requires the development of Interchange Area Management Plans to protect the function of interchanges to provide safe and efficient operation between connecting roadways and to minimize the need for major improvements of existing interchanges. (OHP Action 3C.1)

The Transportation Planning Rule (TPR), OAR 660-012-0005(17) defines the planning period as “the twenty-year period beginning with the date of the adoption of a TSP to meet the requirements of the rule” but also instructs that population and employment forecasts and distributions shall be for 20 years and, if desired, for longer periods. OAR 660-012-0030(3)(a).

The Highway Plan and TPR are currently structured with a 20-year planning horizon. The OTC could amend the OHP to expand the planning horizon for new projects just as interchanges. It does not appear that this would be inconsistent with the TPR.

▪ **Financial Participation – Cost Sharing**

The OTC has asked staff about the potential for local governments and others to participate in paying for needed improvements to interchanges. The commission is concerned that since developers are utilizing capacity at existing interchanges and local governments are authorizing additional development, they should be partially responsible for needed improvements to handle the resultant increased traffic.

*Question 10: What authority does ODOT have to require financial match from local governments and private developers for improvements to interchanges?*

DOJ response: ODOT has no authority to **require** a financial match from local governments and private developers for improvements to interchanges. It can, however, encourage a financial match from local government by developing STIP criteria that places emphasis on local matches. To date private funds have been collected for highway improvements when a local development requires a plan amendment or zone change AND that proposed development will cause a significant affect to the highway under OAR 660-012-0060. In those limited circumstances, the local jurisdiction can require a private development or local jurisdiction to provide the transportation improvements adequate to support the proposed land uses as a condition of approval. These types of conditions are subject to the exaction limitations of Dolan v. City of Tigard, 129 L Ed 2d 304 (1994 (legal exactions require an essential nexus between a legitimate state interest and the permit conditions and rough proportionality between the exactions and the projected impact of the proposed development).

*Question 11: To what extent can ODOT require financial participation from local governments and private developers in interchange improvements?*

DOJ Response: See above. Of course, all parties can voluntarily enter into negotiations and develop different arrangements.

*Question 12: What mechanisms does ODOT have to obtain financial participation from local governments and private developers for interchange improvements?*

DOJ Response: Within the circumstances explained above, ODOT has been approaching the issue of collecting financial contributions in an ad hoc manner and it would be helpful to have a consistent statewide approach. Region 4 has collected funds for improvements in a variety of ways – some involving depositing funds in special accounts. In such circumstances, the private

developer contributes its proportional share for the cost of the improvements but that that share amounts to a small percentage of the cost of the highway improvement. ODOT is allegedly earmarking these funds for that purpose and placing the funds in a special account. Unresolved issues arise when there are inadequate funds to construct the improvements after a period of time. Some agreements purport to return the money to the developer if adequate funds are not collected within a set time period, other agreements say nothing. The tracking of these sorts of arrangements invokes a trustee fiduciary relationship of the part of ODOT. For this reason, ODOT has relied upon these sorts of arrangements for the construction of comparatively small traffic improvements such as left turn lanes or medians which can be completed with the developer's contribution. Region 2 has been effective in exacting transportation improvements prior to issuing an approach permit.

*Question 13: Under what circumstances can ODOT require local governments or private developers to participate in cost of improvements to interchanges?*

DOJ response: I can think of no circumstances where ODOT can **require** local governments or private developers to participate in the cost of improvements. As mentioned in response to item #1, ODOT may adopt STIP criteria which include local contribution in prioritizing selection of projects.

*Question 14: You also asked if local governments can collect SDC that can be spent on improvements to the state highway in its jurisdiction.*

DOJ response: System development charges may be levied by a local government to construct, extend or enlarge a street. These types of capital improvements may be spent only on capacity increasing improvements and the proportion of such improvements paid by SDCs must be related to current or project development. See ORS 223.307(2) There is not a statutory limitation prohibiting the application of system development charges to state highways if the project where to construct, extend or enlarge a street and the proportion of the contribution is SDCs is related to the current or future development.

## Attachment B

### Interchanges on Oregon Highways

Interchanges of Highest Concern as Determined by ODOT Region Staff - 4/20/04

Region 1						
Existing Interchanges						
WEST HOOD RIVER	COLUMBIA RIVER - I-84 - Exit 62	62.06	US 30 - Cascade Ave.	Access to underdeveloped county commercially zoned land		
2nd STREET	COLUMBIA RIVER - I-84 - Exit 63	63.92	2nd Street	Underdeveloped land access - Port of Hood River Waterfront and downtown		
AIRPORT	EAST PORTLAND FWY - I-205 Exit 24	24.75	Airport Way	High congestion. Primary airport access and access to Columbia South Shore		
STAFFORD ROAD	PACIFIC - I-5 - Exit 286	286.18	N. Wilsonville - Ellingson	Heavy traffic and congestion due to surrounding development. Interchange recently rebuilt. Future connection between I-5 and OR 99W.		
NORTH PLAINS/GLENCO RD	SUNSET - US 26	57.16	Glenco Road	Over capacity, primary connection of Forest Grove, Cornelius, North Plains and Hillsboro industrial areas to Sunset Hwy.		
HELVETIA ROAD/SHUTE RD	SUNSET - US 26	61.06	Shute Rd/242nd Ave.	Heavy traffic and congestion due to Hillsboro industrial sites. Ramp will need reconfiguring, spacing a problem will require relocating public streets. UGB expansion in area. Major improvements scheduled		
Region 2						
Existing Interchanges						
WOODBURN	PACIFIC - I-5 - Exit 271	271.85	OR 214	New interchange near construction. IAMP underway		
KUEBLER BLVD	PACIFIC - I-5 - EXIT 251	252.5	KUBLER BLVD	Underdeveloped interchange within Salem UGB and city limits.		
NORTH SANTIAM	PACIFIC - I-5 - EXIT 253	253.88	OR 22	Future impacts from Mill Creek industrial site development and proximity to Lancaster Dr. interchange.		
LANCASTER DRIVE	NORTH SANTIAM HWY - OR 22	1.91	LANCASTER DRIVE	Future impacts from Mill Creek industrial site development.		
DEER PARK DRIVE	NORTH SANTIAM HWY - OR 22	4.03	DEER PARK DRIVE	Future impacts from Mill Creek industrial site development.		
CHEMAWA	PACIFIC - I-5 - EXIT 260	260.2	CHEMAWA RD.	Underdeveloped land in Salem and Keizer UGB. New development approved and proposed will impact interchange.		
ROSEMONT AVE.	WILLAMINA-SALEM HWY - OR22	24.86	ROSEMONT AVE.	Key access to W. Salem and element of OR 22 safety corridor, circulation planning and land use study.		

## Attachment B

### Interchanges on Oregon Highways

Interchanges of Highest Concern as Determined by ODOT Region Staff - 4/20/04

Interchange	Highway	MP	Access Road	Region	Comments
INDEPENDENCE HWY	WILLAMINA-SALEM HWY - OR22	20.37	OR 51		Major safety issues and development potential in Salem UGB. Part of safety corridor planning for local circulation.
DONALD-AURORA	PACIFIC - I-5 - EXIT 278	278.67	EHELEN ROAD		Rural interchange with development potential and very bad geometric problems.
DAYTON	SALMON RIVER	51.38	OR 223		Possible new interchange resulting from Newberg-Dundee bypass impacts to OR 18.
FT. HILLS, YAMHILL R. RD	SALMON RIVER		S, YAMHILL R. RD.		Constructing new interchange in rural developing area with casino and industrial development.
SANTIAM HWY	PACIFIC I-5 - EXIT 233	233.23	US 20		In Albany UGB. Geometric and operational problems with significant city growth to the east.
NORTH ALBANY	PACIFIC I-5 - EXIT 234	234.23	KNOX ROAD		In Albany UGB. Geometric and operational problems with significant city growth to the east.
SANTA CLARA	BELTLINE - OR 26	8.46	RIVER ROAD		Heavily congested in rapidly growing area.
RIVER AVENUE	BELTLINE - OR 26	9	RIVER AVENUE		Rapid development area and new river crossing issues
DELTA HIGHWAY	BELTLINE - OR 26	9.75	DELTA HIGHWAY		Rapid development area and new river crossing issues
MOHAWK BLVD	EUGENE-SPRINGFIELD	6.1	MOHAWK BLVD		Part of 2nd phase Expressway management plan
42ND STREET	EUGENE-SPRINGFIELD	7.5	42ND STREET		Part of 2nd phase Expressway management plan
COTTAGE GROVE	PACIFIC - I-5 - EXIT 174	174.74	ROW RIVER ROAD		Significant development potential in northwest quadrant.
<b>REGION 3</b>					
<b>Existing Interchanges</b>					
FERN VALLEY ROAD	PACIFIC - I-5 - Exit 24	24.40	Phoenix connector		City of Phoenix Interchange Business Zone within UGB
NORTH SHADY	PACIFIC - I-5 - Exit 119/120	120.54	OR 42/99W/HWY 234		Within Green Unincorporated Urban Area between Winston and Roseburg. Growth pressures from plan amendments and new development in county. Traffic conditions on ramps becoming unsafe.
NORTH ROSEBURG	PACIFIC - I-5 - Exit 127	125.73	Stewart Parkway		Large tracts of vacant land zoned industrial. Pressure increased commercial development in area.
SOUTHERLIN	PACIFIC - I-5 - Exit 136	136.52	OR 138(Hwy 231)		In UGB. Community pushing hard for industrial development. Pressure for more commercial development. City developing residential on west side of I-5 and commercial on east side with not good local road system.

## Attachment B

### Interchanges on Oregon Highways

Interchanges of Highest Concern as Determined by ODOT Region Staff - 4/20/04

<b>REGION 4</b>					
Existing Interchanges					
Potential New Interchanges					
REDMOND RE-ROUTE	THE DALLES-CALIF - US 97	119.01	N. terminus of bypass	Close proximity to UGB. Strip Commercial zoning along US 97 in area. Vacant underdeveloped land surrounding future site. Need IAMP to identify specific management needs and methods.	
COOLEY ROAD	THE DALLES-CALIF - US 97	134.11	Cooley Rd.	Development pressure from existing zoning and expansion of Bend UGB. Proposal for 500 acre light industrial development nearby.	
<b>REGION 5</b>					
Existing Interchanges					
UMATILLA	COLUMBIA RIVER - I-84	184.08	HWY 2 - I-82	Need major improvements, inadequate access spacing, potential development at interchange	
STANFIELD	OLD OREGON TRAIL - I-84	188.83	HWY 54 - US 395	Scheduled for bridge replacement, inadequate access spacing, development expected at interchange and growth in surrounding community	
EMIGRANT AVE	OLD OREGON TRAIL - I-84	209.54	HWY 28 - US 395 Pendleton	Major improvement scheduled for 2007, inadequate access spacing, development potential in surrounding community.	
NORTH ONTARIO	OLD OREGON TRAIL - I-84	374.55	OR 201/HWY 455	IAMP being developed, concern for UGB expansion and development at interchange.	
IDAHO AVE	OLD OREGON TRAIL - I-84	376.72	US 30/HWY 455 SPUR	Access management project completed, traffic study underway, pressure for land use changes in surrounding area, in UGB.	

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## Attachment C

### Interchange Management Staff Report Amendment

From June 2004 OTC meeting comments<sup>2</sup>

July 8, 2004

#### Summary of Next Steps

Staff recommends a multi-faceted approach to interchange management that primarily involves continued development of interchange area management plans, increased participation in development review, expanded work on project development and development of guidelines that define a range of effective methods for interchange management.

The following are the next steps the department would intend to take to raise the priority and effectiveness of managing interchange areas.

8. Develop a set of guidelines that provide effective management strategies and solutions for interchange areas. The guidelines will include expectations on consistency, desired management outcomes and processes for developing IAMPs. They will also include necessary implementation mechanisms, actions and performance expectations as well as additional guidance on addressing related topics such as:
  - Access Management
  - Design Considerations
  - Plan amendments and zone changes
  - Periodic Review of local plans
  - IAMP plan adoption
  - Development Review
  - Project Development
9. Redirect staff and funding resources to develop IAMPs and implementing actions in a timely manner. This will most likely involve shifting planning staff and funding from other program areas and set this effort as a higher priority. Impacted work areas will likely include highway segment designation and management plans, corridor plans including deficiency reports and refinement planning associated with project development.
10. Give priority to the preparation of IAMPs identified in Attachment B. This should also include Access Management Plans and TSPs and their associated refinement plans. Through these processes agreements can be forged between state and local governments that will not only address the concerns of all interested parties but also provide a connection to the statewide planning program. This provides a fundamental mechanism to implement and enforce these agreements. This strategic planning is the most effective mechanism to be proactive about development and transportation management expectations and minimize

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<sup>2</sup> Changes to report are in bold italics

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confrontations between state and local governments and development interests. A critical part of successful interchange management involves mutual adoption of IAMPs.

11. In addition to ODOT's existing development review practices, use the plan results to guide participation in the development review and local plan amendment processes. It is essential that ODOT staff, through these mechanisms, analyze and respond to land use intensification and development proposals that may compromise the intended function of state highway interchanges.
12. More fully integrate the use of tools and authorities identified in this report and subsequent guidance during project development where there is no IAMP.
13. Give priority to plans and projects that protect interchange function. ODOT staff should diligently review project funding proposals for consistency with needs to establish management actions in plans. This will mean enhancing our commitment to resources devoted to interchange planning, local government planning and development review while stepping up our efforts in monitoring plan amendments and project funding review.
14. Bring completed plans forward to the OTC as formally adopted facility plans. To be most effective the OTC will adopt these plans as facility plans and local government will adopt them as elements of their TSPs and comprehensive plans.
15. ***Participate in review of Goal 14 and TPR to provide more guidance and establish stronger requirements to coordinate with ODOT to balance the transportation/land use relationship around interchanges.***