

**Item 2 - Attachment D  
Exhibit List  
December 1, 2005 LCDC Meeting**

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Summary Chart of Comments Received	1
<b>Comments</b>	
Andrew Cotugno, Metro (Rec'd on 11/7/05)	2
Sam Adams, City of Portland (Rec'd on 11/10/05)	3
Brian Campbell, Oregon Chapter APA (Rec'd on 11/18/05)	4
Scott Bricker, Bicycle Transportation Alliance (Rec'd on 11/18/05)	5
Paul Wyntergreen, City of Jacksonville (Rec'd on 11/15/05)	6
Craig Anderson, Rogue Valley Transportation District (Rec'd on 11/15/05)	7
Rob Zako, 1000 Friends of Oregon (Rec'd on 11/18/05)	8
Mark Whitlow, Retail Task Force (Rec'd on 11/18/05)	9



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Summary of Comments	Staff Response
<b>Exceptions for Road Improvements on Rural Lands (Rule 660-012-0070)</b> (Proposed Amendments, pages 24-28)	
<u>General</u> 1000 Friends of Oregon has no specific comments on the proposed amendments at this time but urges the Commission to assess whether the rule provisions effectively advance state planning goals to protect farmland and assure adequate mitigation when new facilities are constructed on farmland. [Exhibit 8]	No change is recommended. 1000 Friends correctly notes that the scope of the proposed amendments is to consolidate existing requirements for exceptions. The Joint Subcommittee did not consider suggestions for a broader assessment of the adequacy of the existing exceptions process. A major LUBA ruling on the exceptions process ( <i>1000 Friends v. Yamhill County</i> ) occurred in July 2005, after the Joint Subcommittee completed discussion of these amendments.
(1)-(10) No comments received.	
<b>Division 004 Amendments (Goal Exceptions Rule) (Rule 660-004-000 and 0022)</b> (Proposed Amendments, pages 29-30)	
(0000) No comments received.	
(0022) No comments received.	

<b>Minor Amendments</b>	
<b>Definitions (Rule 660-012-0005)</b> (Proposed Amendments, pages 31-32)	
No comments received.	
<b>Refinement Plans (Rule 660-012-0025)</b> (Proposed Amendments, page 33)	
(3) No comments received.	
<b>“Skinny Streets” Safe Harbor (Rule 660-012-0045)</b> (Proposed Amendments, page 34-35)	
(7) No comments received.	
<b>New Roads in Urban Fringe Areas (Rule 660-012-0065)</b> (Proposed Amendments, page 38)	
(5) No comments received	
(6) No comments received	
<b>Exemption for Small Cities in Metropolitan Areas (Rule 660-012-0055)</b> (Proposed Amendments, page 35)	
(6) No comments received	

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Summary of Comments	Staff Response
(6) The Bicycle Transportation Alliance recommends reinstating the 10% vehicle miles traveled (VMT) reduction requirement. [Exhibit 5]	No change is recommended. The Commission modified the VMT reduction requirement from 10% to 5% in 1998 following an extensive evaluation of MPO efforts and the potential for VMT reductions. Work over the last year has not produced any information that warrants change to the 5% target.
<b>5. Change deadline for integrated land use &amp; transportation plans (Rule 660-012-0055)</b> (Proposed Amendments, pages 16)	
(1)(c) The Retail Task Force expresses concern about the term “designated centers” and proposes broader language to include centers, commercial nodes, mixed use districts and other planning designations. Exhibit 9]	No change is recommended. The term “other land use designations” is broad and allows metropolitan areas to count some flexibility in crafting a regional strategy. Strategies to date have focused on mixed use centers and transit oriented development as a key means to promote land use changes that reduce reliance on the automobile.
<b>6. Review Interim Actions (Rule 660-012-0055)</b> (Proposed Amendments, pages 17)	
(1) (d) The Retail Task Force recommends deleting portions of this rule that spell out findings local governments must make to assess whether interim plan amendments and zone changes implement the region’s overall strategy. RTF would also add a more general standard to allow for changes that “move in the direction” of achieving the region’s adopted strategy. [Exhibit 9]	No change is recommended. The proposed rule is broad and is based on local governments making findings that proposed amendments implement the locally-adopted strategy or vision. The proposed changes would eliminate important and useful direction on how local governments should make these determinations.
<b>Transportation Project Development (Rule 660-012-050)</b> (Proposed Amendments, pages 21-23)	
(1) No comments received.	
(2) No comments received.	
(3) No comments received.	
(4) No comments received.	
(5) No comments received.	
(6) No comments received.	

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Summary of Comments	Staff Response
(4) Metro recommends modifying the list of federal plan amendments that do not trigger a land use consistency requirement to include deletion of a project from the federal RTP where the project is retained in the regional transportation system plan. [Exhibit 2]	No change is recommended at this time. This would be a significant change to this section of the rule. Section 4 lists amendments to the federally-required RTP that, in essence, do not affect land use and that need not be reviewed for consistency with the local plans. The current wording of this section exempts changes that delete "constructed or completed projects" from the consistency assessment. Metro's change would expand this to include any deletion of a project from the federal RTP so long as the project is retained in the regional transportation system plan. Significant changes to the list of "financially constrained projects" included in the federally-required RTP could affect the metropolitan area's ability to meet TPR requirements, especially those related to increasing transportation options to reduce reliance on the automobile.
(5) No comments received.	
<b>2. Revise Measurement Benchmarks (Rule 660-012-0035)</b> (Proposed Amendments, pages 13-14)	
(6) No comments received.	
(7) No comments received.	
<b>3. Revise overall policy statements for "reduced reliance" (Rule 660-012-0035)</b> (Proposed Amendments, pages 10-14)	
(3)(e) BTA opposes the addition of the term "transportation choices" as unclear and not offering a bold direction for plans. [Exhibit 5]	No change is recommended. The proposed rule reflects support from most stakeholders and direction from the Joint Subcommittee to emphasize "increased transportation choices" as the means to achieve reduced reliance on the automobile.
(4) No comments received.	
(5) No comments received.	
(8) No comments received.	
<b>4. De-Emphasize VMT Reduction (Rule 660-012-0035)</b> (Proposed Amendments, pages 10-14)	
(3) No comments received.	
(4) No comments received.	
(5) Oregon APA recommends that this section be modified so that the first sentence ends with "...as provided for in this section" rather than "as provided for in this rule". This will make it clearer that the individual criteria in (5) (a) – (e) trump the broader wording in the introduction to this section. [Exhibit 4]	No change is recommended. The department recommends retaining the reference to "rule." Sections (1) and (4) of 0035 include guidance that is relevant to application of the specific requirements in Section (5).

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Summary of Comments	Staff Response
<b>1. Metropolitan Planning Coordination (Rule 660-012-0016)</b> (Proposed Amendments, pages 6-8)	
(1) Metro recommended deleting the term “single” from provisions of the rule that requires local governments to engage with MPOs in a “single coordinated process” to prepare transportation plans to meet state and federal requirements.[Exhibit 2] Other MPOs support this recommendation.	No change is recommended at this time. The recommended change is minor but potentially important. The department recommended the term “single process” to emphasize the expectation that preparation of metropolitan area transportation plans should address relevant state and federal requirements together rather than separately – to make efficient use of public resources, to minimize delay, and avoid duplication of effort and to provide clarity to the public. The TPR mirrors expectations in federal laws that planning by MPOs will include extensive public involvement and address relevant state and local planning requirements
(2)(a) Metro recommends deleting the phrase “and compliant with the applicable provisions of this division” from this section. [Exhibit 2]	No change is recommended. The department believes that the language of the rule addresses the substance of Metro’s concern. In most situations the TPR would not apply or would be met through a finding that a proposed amendment is consistent with the adopted comprehensive plan or local or regional TSP. Additional findings addressing compliance with the TPR would be required only in situations where the rule includes a requirement that is not met by the existing adopted comprehensive plan or TSP.
(2)(b) Metro recommends that the 1-year deadline for adoption of amendments that conform TSPs to RTPs be amended to allow the Commission to approve a work plan that extends beyond one-year. [Exhibit 2]	The department supports the recommended change. This would amend Section (2)(b) to add: “or according to a work plan approved by the Commission.”
(2)(c) The department proposes a correction to this section to make it clear that compliance with this requirement is addressed by Metro through amendments to the regional transportation system plan.	Substitute “shall” for “may” so that the last sentence reads as follows: “In the Portland Metropolitan area, compliance with this section shall be accomplished by Metro through adoption of required findings or an amendment to the regional transportation system plan.”
(3) No comments received.	

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Summary of Comments	Staff Response
<b>Metropolitan Planning Recommendations</b>	
<p><u>General</u>            Several local governments and MPO staffs have suggested that the requirement in 660-012-0015 that cities and counties within metropolitan areas adopt a regional transportation system plan (RTSP) be deleted. They advise that the extensive coordination and consistency requirements set forth in 0016 make local adoption of an RTSP unnecessary.</p> <p>The relevant portions of 660-012-0015 are provided below:</p> <p>“(2) MPOs and counties shall prepare and amendment regional TSPs in compliance with this division. MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other areas and facilities.”</p> <p>....</p> <p>“(c) Regional TSPs prepared by MPOs other than metropolitan service districts shall be adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan service districts shall adopt a regional TSP for areas within their jurisdiction.”</p>	<p>The department recommends consideration of changes to 660-012-0015 as described below. The suggestion to rely on provisions of 0016 is sound where local TSPs fully address the relevant requirements of the TPR. The Department proposes to modify requirements for adoption of a regional TSP to allow local governments to choose instead to amend the relevant local TSP to adopt policies and measures that are sufficient to comply with the requirements of the TPR for metropolitan areas as they apply within the planning area.</p> <p>Amend Section 0015(2) as follows:</p> <ul style="list-style-type: none"> <li>- Substitute the phrase “local governments in metropolitan areas” for the term “MPOs” throughout this section.</li> <li>- Revise subsection (2)(c) to read as follows: “Regional TSPs prepared for metropolitan areas outside metropolitan service districts shall be adopted by the cities and counties within the metropolitan area. <u>Cities and counties may comply with this requirement by amending local TSPs to include policies and measures sufficient to comply with the requirements of this division for metropolitan areas that apply within the local planning area.</u> Metropolitan service districts shall adopt a regional TSP for areas within their jurisdiction.”</li> </ul>
<p>1000 Friends supports rulemaking efforts to better coordinate state and federal requirements for metropolitan areas but comments that action by the OTC tying funding eligibility to TPR compliance would be more effective in improving planning in metropolitan areas. [Exhibit 8]</p>	<p>No change is recommended.</p> <p>As the comment notes, this action is not within the scope of the current rulemaking.</p>
<p>The City of Jacksonville expresses concern about the effect of implementation of TPR requirements<sup>1</sup> for reduction in parking spaces per capita or parking management measures required by the rule. The city recommends that the rule be amended to add flexibility to these requirements. [Exhibit 6]</p>	<p>No change is recommended.</p> <p>The proposed amendments do not alter this portion of the rule. TPR requirements for parking planning were not identified as a significant issue in the 2004 MPO evaluation or in the Joint Subcommittee review. The department expects to work with Jacksonville and the Rogue Valley MPO to discuss options for meeting TPR requirements.</p>

<sup>1</sup> The TPR requires that metropolitan areas adopt a parking plan that either reduces the number of parking spaces per capita within the region by 10% over the planning period or adopt a series of parking management measures.

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**This chart summarizes comments received through November 18th.  
The complete text of comments is included in Exhibits 2 - 9.**

Summary of Comments	Staff Response
<p><b>Purpose Statement (Rule 660-012-0000)</b> (Proposed Amendments pages 2-5)</p>	
<p><u>General</u> Several local governments and organizations expressed concern that the proposed amendments weaken the purpose statement as it relates to planning for reduced reliance on the automobile. 1000 Friends expresses general concerns that the revised purpose statement lacks vision and fails to express the importance of integrating land use and transportation. [Exhibit 8]</p>	<p>No change is recommended. The proposed purpose statement was the subject of extensive discussion by the Joint Subcommittee. The Subcommittee felt the proposed changes, although different than the existing rule, were an accurate expression of the overall policy and direction in the rule. The purpose statement is an important expression of the Commission's intent and direction to the public, local officials and future Commissions. Consequently, it is appropriate and desirable for the Commission to carefully review the proposed language and consider possible modifications.</p>
<p>(1) The City of Portland recommends adding language reflecting Goal 12 provisions that direct transportation plans to "avoid principal reliance on any one mode of transportation". [Exhibit 3]. Metro, the Bicycle Transportation Alliance (BTA), 1000 Friends and the Rogue Valley Transit District support Portland's recommendation. [Exhibits 2,5 &amp; 7]</p> <p>Oregon APA generally supports the proposed amendments but encourages consideration of a shorter version of the purpose statement suggested by Metro. [Exhibit 4] (1000 Friends also supports Metro's proposal.) If Metro's proposal is not accepted, Oregon APA would support the City of Portland proposal noted above.</p>	<p>The department recommends that the Commission discuss and provide guidance on this proposal. The added statement would incorporate language from Goal 12.</p> <p>Comments from APA and 1000 Friends refer to an informal proposal developed by Metro staff that was not included in Metro's comments. (A copy of Metro staff's proposal is included with the OAPA letter – Exhibit 4.)</p>
<p>(2) No comments received.</p>	
<p>(3)(b) The Bicycle Transportation Alliance (BTA) recommends removing qualifying language about the expected benefits of coordinated land use and transportation plans. [Exhibit 5]</p>	<p>No change is recommended.</p>
<p>(4) No Comments received.</p>	



METRO

DEPT OF  
NOV 07 2005  
LAND CONSERVATION  
AND DEVELOPMENT

November 3, 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 current update to the Oregon Transportation Planning Rule (TPR). We commend the joint OTC/LCDC Transportation Subcommittee for their work on the Metropolitan Planning and Purpose Statement components, in particular, and offer the following comments as "friendly amendments"

### **TPR Purpose Statement**

The joint Transportation Subcommittee held extensive discussions on the revised Purpose Statement, and even appointed a work group to further develop recommendations for refining this part of the TPR. We generally support the changes as helpful interpretations of both the TPR and of the statewide planning goals. However, our policy makers on the Metro Council, JPACT and MPAC also support the principle of retaining the language of Goal 12 to "avoid principal reliance upon any one mode of transportation" in the purpose statement in their September 14, 2005 correspondence to the Commission. While we do not believe that the language currently proposed necessarily undermines the TPR or the statewide planning goal, we do believe that keeping this specific intent of the goal intact in the TPR helps support local implementation of the TPR. We therefore encourage the Commission to consider including the specific language from the transportation goal, and support previous comments on this issue submitted to the Commission by 1000 Friends of Oregon and the City of Portland.

### **Metropolitan Planning**

We appreciate the Commission's efforts to reach out to Metro and other metropolitan planning organizations (MPOs) in the state in crafting this expanded section of the TPR. In doing so, you have both advanced the objectives of the TPR, while also incorporating many of the comments that were offered by the MPOs. We offer the following comments as fine-tuning to the draft rule that you are considering:

*Section 660-012-0016 (1)* – This section addresses the coordination with state and federal components for regional planning. While we support the concept of coordinating these dual tracks of required planning, they often occur in parallel process for a variety of reasons, and not in a "single coordinated process", as called for in the draft TPR. We recommend that this language

simply refer to a "coordinated process", leaving the option of parallel tracks where public outreach and decision points are closely integrated, but not necessarily part of a single process.

*Section 660-012-0016 (2)(a)* – This section implies a finding of consistency with state land use goals, as opposed to a finding of consistency with an adopted regional TSP when amending the federal component of a regional transportation plan. Since subsection (4) that follows establishes a range of types of amendments to regional plans that do not trigger a consistency finding with state planning goals, we recommend that subsection (2)(a) be simplified to delete the words "...and compliant with applicable provisions of this division..". This change would prevent a finding of consistency constituting a land use action, since it could be limited to a simple statement that a change to a federal plan is consistent with an existing regional TSP.

*Section 660-012-0016 (2)(b)* – This section governs the mechanics of how the federal and state components of a regional plan are adopted. While we fully support the concept of a 1-year timeline linking the two components, we have also struggled in the past to achieve this, despite our best efforts. This is often the result of the more frequent federal update requirements conflicting with timelines for other planning activities in our region, such as updates to our 2040 Growth Concept, that have multi-year work programs. Therefore, we recommend that the Commission leave an option for MPOs to propose an alternate work program when the 1-year timeline is counter-productive, and would undermine the ability to meaningfully update a regional TSP. We propose that this section be revised to add the following text: "...and shall be adopted no later than 1 year from the adoption of the RTP amendment or update, or according to a work plan approved by the Commission."

*Section 660-012-0016 (4)* – This part of the proposed TPR amendment establishes a series of federal planning activities that may occur without affecting consistency with the TPR. However, we recommend that subsection (4)(d) be revised to recognize that the federal and state components of an RTP project list are overlapping, but different, and that it is common to remove a project from the federal list, while retaining it in the "state" portion of the plan that constitutes the TSP. Therefore, we propose that the following change be made to this section: "...Deletion of a project from the list of planned projects federal regional transportation plan where the project has been constructed or completed retained in the regional transportation system plan."

## Conclusion

While we believe these changes would further enhance the TPR, we commend the Commission on the scope and quality of this round of amendments. The new provisions will significantly improve our ability to advance statewide planning goals in the region, and benefited greatly from the collaborate approach you used in developing them. Thank you for including us in the effort.

Sincerely,



Andrew C. Cotugno  
Chair, Metro Transportation Policy Alternatives Committee

cc: Members of the LCDC  
Lane Shetterly, Department of Land Conservation and Development  
Members of the Oregon Transportation Commission  
Lorna Youngs, Interim Director, Oregon Department of Transportation



CITY OF

**PORTLAND, OREGON**

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November 8, 2005

DEPT OF  
NOV 10 2005  
LAND CONSERVATION  
AND DEVELOPMENT

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). I appreciate the consideration by the joint OTC/LCDC Transportation Subcommittee of previous comments submitted by Portland Office of Transportation staff.

The Portland Office of Transportation and I generally support the proposed revision of the TPR purpose statement, particularly the changes to its organization, which provides clarity to the rule. The purpose statement would be further strengthened by including the wording in Goal 12 to "avoid principal reliance upon any one mode of transportation." This direction in Goal 12 is an important cornerstone in achieving the transportation system that the citizens of Oregon and Portland desire. While the current language in 660-012-0000 (1)(b) promoting "transportation choices" is a good addition to the purpose statement, we support keeping the Goal 12 intent intact in the TPR.

We propose the following language change to 660-012-0000(1)(b):

**"Avoid principal reliance upon any one mode of transportation and encourage and support the availability of a variety of transportation choices for moving people, including vehicles, walking, bicycling, and transit."**

Sincerely,

Sam Adams

Cc: Members of the LCDC  
Lane Shetterly, DLCD  
Sue Keil, PDOT

10/10/10

10/10/10

10/10/10



# Oregon Chapter of the American Planning Association

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November 18, 2005

Land Conservation and Development Commission  
Salem, Oregon

## COMMENTS ON PROPOSED TRANSPORTATION PLANNING RULE REVISIONS

Commissioners,

The Oregon chapter of the American Planning Association (OAPA), working through its Legislative and Policy Affairs Committee (LPAC), has reviewed the November 2005 proposed changes to the Transportation Planning Rule (TPR). OAPA represents over 900 planners in the state. We have a strong interest in ensuring that the TPR remains true to its original purpose, but we also recognize that changes are needed to make it clearer and more workable for all jurisdictions in the state. We have comments on the proposed changes in several areas, which are discussed below.

### Purpose

The proposed new Purpose statement is an improvement over the existing version. It is much clearer. After the work that has gone into preparation of this Purpose statement, OAPA understands that the Commission could be satisfied that this improved version meets the needs of the state and local agencies that work with TPR, and approve it as proposed. However, after reviewing alternative language submitted by Metro and discussing its merits, we believe there is a good case for substituting a much shorter, more aspirational Purpose statement for one that attempts to place too much specific guidance in the Purpose. For ease of administration it may be much better to have a Purpose statement that states the overall intent without getting into specifics, and insert that more detailed guidance in other sections of the regulations. We recommend that the Commission take a close look at Metro's suggested language and debate the advantages it has over the proposed language.

If the staff's current proposal is accepted, we recommend that at least one change be made to it. The City of Portland has recommended a change to (1)(b) that we support: "Avoid principal reliance upon any mode of transportation and encourage and support the availability of a variety of transportation choices for moving people, including vehicles, walking, bicycling and transit."

Section -00035(5)

The proposed changes to this section are, for the most part, an improvement over the existing language. We would suggest, however, that the criteria by which LCDC will weigh the acceptability of a regional alternative standard could be clearer. We recommend that the language in (5) be modified so that the first sentence ends with "...as provided for in this section" rather than "as provided for in this rule". This will make it clearer that the individual criteria in (5) (a) – (e) trump the broader wording in the introduction to this section.

OAPA believes this change will lessen the ambiguity in the approval process for regional plans. Although this may not have been a significant problem to date, it has caused some concern at the regional level, and anything that can contribute to increased clarity and certainty in the review process should be taken care of before it becomes a problem.

Sections -0060, -0065 and -0070

Though we have no specific comments to make on proposed language changes to Sections 0065 and 0070 at this time, OAPA will monitor the upcoming discussions on these sections at the Commission level to enable our members to understand the implications of these changes and comment at a subsequent meeting, if necessary and the opportunity presents itself. Likewise, we have concerns about, and will continue to monitor the development of, implementation guidelines for the new -0060 language at the ODOT staff level.

Thank you for the opportunity to comment on the proposed TPR changes.

Sincerely,

Brian Campbell  
Vice Chair, LPAC

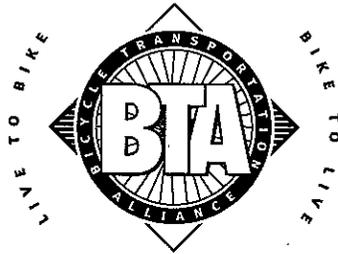
Randy Tucker 9/23/05  
Metro's "informal" proposal  
for revising the purpose  
Statement

660-012-0000  
Purpose

This division implements statewide planning Goal 12 (Transportation) and related provisions of other goals. Transportation system plans that comply with this division also fulfill the requirements of ORS 197.712(2)(e), statewide planning Goal 11 (Public Facilities and Services), and OAR 660, Division 011 (Public Facilities Planning) as they relate to transportation facilities. The objectives of the division are to:

- (1) Promote development of safe, convenient and affordable transportation systems throughout the state;
- (2) **Avoid principal reliance upon any one mode of transportation;**
- (3) Protect the public's investment in transportation facilities by promoting land uses that are consistent with the intended functions of the facilities;
- (4) Strengthen Oregon's economy, particularly by facilitating the movement of goods and services; and
- (5) Improve livability in Oregon's communities by encouraging transportation plans and land use patterns that will improve air quality, improve public health, reduce the cost of services, protect farm and forest land, provide people with choices among modes of transportation and make walking, biking and transit more convenient and enjoyable.





**DATE:** November 18, 2005  
**FROM:** Scott Bricker, Policy Director  
**TO:** Land Conservation and Development Commission  
**RE:** Proposed Revisions to the Transportation Planning Rule

The Bicycle Transportation Alliance participated in the TPR Workgroup in 2005. The BTA submitted numerous comments and concerns throughout the process of TPR revision. We believe that the proposed changes to the Purpose Statement and the Administrative Rule create a significant policy shift away from the intent of Goal 12 and the existing language.

In this letter we focus on three areas that are most important to the BTA:

1. Shift in the Purpose Statement away from Goal 12's statement that the TPR will "avoid principal reliance upon any one mode of transportation";
2. Removal of performance standards that set an excellent benchmark of success; and
3. General weakening of the rule and connection between land use and transportation planning.

***I. Avoid Principal Reliance***

In the Purpose Statement, 660-012-0000 (1)(b) should be changed to:

**"Avoid principal reliance upon any one mode of transportation and encourage and support the availability of a variety of transportation choices for moving people, including vehicles, walking, bicycling, and transit."**

*Discussion: The term "avoid principal reliance" is consistent with Goal 12 and avoids the "reduced reliance" phrase that was the primary impetus for this "housecleaning". Without this phrase, Goal 12 is significantly weakened.*

***II. Performance Standards***

In 660-012-0035 the performance standards that included reduced VMT measurements are removed, p.10 lines 5 and 6.

**The performance standards that include percentage reduction of VMT and measurement standards in (6) should be reinstated to 10%.**

*Discussion: The performance standards set an essential goal that quantifies Oregon's commitment to linking land-use and transportation planning. Since the adoption of these goals, all MPOs distanced themselves from these rigorous standards. However other entities, including the City of Portland in their Transportation System Plan, still seek to achieve this goal. Removing the goal removes any true benchmark for communities to achieve. The alternative is weak – “demonstrating progress towards increasing transportation choices...”*

### **III. Weakening Transportation and Land-use Connection**

Throughout massive proposed changes, the new language erodes a strong connection between efficient land-use and transportation planning that increases the use of non-vehicle trips.

**Reinstate strong language that requires plans to coordinate transportation and land use with the goal of avoiding the principal reliance on automobiles.**

Examples include:

660-012-0000 3(b) “...coordinated land use and transportation plans are intended to improve livability and accessibility by promoting the provision of transit service where feasible and more efficient performance of existing transportation facilities...”

*Use of “intended to”, “promoting the provision of”, and “where feasible” are all weak and create a new service provision element of the Purpose Statement that distances itself from planning solutions.*

660-012-0035 (C)(e) p.9, line 17 “The transportation system shall avoid principal reliance on any one mode of transportation by increasing transportation choices and shall reduce principal reliance of the automobile.”

*This change suggests removing strong planning language with a weak phrase “transportation choices”. The term “transportation choices” is introduced in the Purpose Statement is unclear and does not offer a bold direction for providing premier plans and systems.*

660-012-0035 (8) p.12 line 23. The requirement to measure parking spaces is removed.

*Parking is an important planning tool that can decrease auto use, this section should be reinstated.*

We appreciate the opportunity to comment on the proposed changes.

**Bob CORTRIGHT - TPR amendment comments**

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**From:** "Paul Wyntergreen, City Administrator" <jvillepaul@charter.net>  
**To:** CORTRIGHT Bob <Bob.Cortright@state.or.us>  
**Date:** 15 November 2005 (Tuesday) 16:03  
**Subject:** TPR amendment comments

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Hello Bob,

Here are my comments for consideration under the TPR amendment process. As you know, the City of Jacksonville has a notable lack of adequate parking and is very concerned about the plan requirement found in subsection (c) of section 5 of 660-012-0045 Implementation of the Transportation System Plan. It is a broadbrush requirement that does not fit our particular circumstances of having large event-based parking impacts within a historic town. We have expressed this concern at every TPR amendment discussion that has been entertained in Southern Oregon.

You were kind enough to point out at your informational session last week that there is an alternative parking requirement in (d), just a few lines below (c). I have reviewed that subsection and found that, in its search for creative approaches to parking, Jacksonville has already implemented some of those alternatives, may consider some of the others, and probably would not implement the remainder due to their effect on limiting available parking. Therefore, if selective compliance does not satisfy this requirement, in other words we must implement all of subsection (d), this alternative will still not satisfy our circumstances.

Hence, in that case, we would request that the parking reduction section of the TPR be amended to allow for circumstances where a reduction is not in the best interest of the community.

Paul





# Rogue Valley Transportation District

Support Services Department – Planning • Marketing • TDM

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November 17, 2005

TO: Chair, Land Conservation and Development Commission  
 SUBJECT: Proposed Revisions to the Transportation Planning Rule

Thank you for the opportunity to comment on the proposed amendments to the Transportation Planning Rule (TPR). My background includes sixteen years in the field of transportation planning, including six years at the Rogue Valley Metropolitan Planning Organization (RVMPO). While working for the RVMPO, I authored the alternative measures (or “standards”) proposal that was considered by LCDC in December 2001 and spent five years on the Oregon Model Steering Committee, a group that has been involved in examining ways to effectively implement provisions of the TPR.

Through the TPR, the State has identified very ambitious standards for metropolitan areas (e.g., reduction of VMT/capita) and has similarly challenged cities outside of MPOs in ways that may seem onerous. As someone who was directly responsible for ensuring that the Rogue Valley MPO complied with the provisions of the TPR, I am sympathetic to these types of concerns. However, I feel that to accept all of the TPR modifications as they are currently proposed would be a great mistake.

Some of the proposed TPR revisions represent a weakening of the rule and a retreat from the objectives of Goal 12. Additionally, the formation of a “stakeholder” group to propose revisions – particularly one that is largely composed of those who are subject to complying with the TPR – is a profoundly flawed process.

The following excerpts from Frank Angelo’s memo of September 14, 2004, reflecting the “stakeholder” group sentiment, provide the basis for several of my concerns:

- *“Reduce Reliance”*: according to Stakeholders, this phrase in the TPR has been the source of numerous problems (real and perceived). The strong suggestion that arose during the Stakeholder Interviews was to eliminate this reference and replace it with phrasing such as “... provide transportation choices (options or alternatives)”. The feeling is that the “reduce reliance” emphasis is too negative and, especially in smaller jurisdictions, creates the sense that the TPR is an “attack” on the auto. This phrase is especially viewed as “Portland centric” and makes the TPR more difficult to promote outside of metropolitan areas.
- *Some Stakeholders thought that certain elements of the TPR should be more aspirational and clearly defined as such and that the TPR should clearly differentiate between what is aspirational and what is specifically required. Those elements felt to be more aspirational in nature included the VMT reduction requirements and elements of 0045 (such as the per capita parking reduction and building siting standards)*
- *Automobiles need to be recognized in the TPR. The TPR is viewed as being too focused on bikes, pedestrians and transit and ignores what will continue to be the major form of transportation.*

- *“Substantial Compliance”. While this term has been used in the past, some stakeholders hold the belief that when a jurisdiction makes a sincere attempt to implement the TPR in their community and has few outstanding issues for complete compliance that their TSP should be acknowledged with the understanding that either certain elements cannot be achieved in a specific community or that the outstanding issues will be addressed during future Periodic Review cycles.*

I believe that the sentiments expressed above give insight into the rationale behind some of the proposed recommendations while creating a disturbing impression that the henhouse has been turned over to the foxes. Some of the “stakeholders” seem to either be dismissive of problems associated with a dependence on the automobile, or they feel that solutions should be implemented on a voluntary basis and not be mandated by the State. This sort of ideology calls into question the idea of establishing statewide goals to begin with and is indicative of a very limited and self-interested perspective on transportation issues and how they relate to broader social issues.

The TPR was amended in 1998 to make it easier for MPOs to meet the requirements of reducing VMT/capita. With the elimination of the phrase “reduce reliance on the automobile,” what is the basis for maintaining the VMT/capita reduction requirement or any other provision linked to mitigating the effects of auto dependency?

“Avoiding principal reliance upon any one mode of transportation” is an objective of Goal 12. “Reduce reliance on the automobile” is a restatement of this objective in a way that provides specific direction. It’s a call for balance, not “anti-auto” rhetoric as is being suggested by some “stakeholders.” There is clearly an imbalance when 3 out of 4 Oregonians drive alone to work, while less than 8% walk or take public transit. Substituting the phrase “reduce reliance on the automobile” for “provide options” may put a more positive spin on the TPR, but it also helps to fuel a denial of the problems posed by auto dependency. There is no evidence supporting the idea that “providing options” alone – increased transit service, sidewalks, bicycle lanes, etc. - will do anything to significantly alter our dependency on the automobile.

The vast majority of us would be hard-pressed to imagine a life without our cars. There is an epidemic of obesity and diabetes among children in the U.S., largely because there is no longer a safe way for them to get anywhere under their own power. What challenges does our auto-dependent society impose on the poor, elderly, disabled and others who do not or cannot drive a car? How many of these people were included among the “stakeholders” and how were their issues addressed?

There may be several TPR revisions recommended by the “stakeholder” group that make sense. Eliminating the phrase “reduce reliance on the automobile” is not one of them.

Thank you again for the opportunity to comment.

Sincerely,

Craig Anderson, Senior Planner  
Rogue Valley Transportation District



## Exhibit 8

**Date:** November 18, 2005

**From:** Rob Zako, Transportation Advocate

**To:** Land Conservation and Development Commission

**Re:** Proposed Amendments to Transportation Planning Rule

### Executive Summary

Trying to “tweak” the TPR to fix perceived problems is misguided. Integrating land use and transportation planning is important. The proposed purpose statement lacks vision. The proposed amendments for MPOs are good, but likely won’t be effective without the OTC’s support. LCDC should review its policies concerning goal exceptions for transportation facilities on rural lands.

Dear commissioners:

Following are our initial comments regarding the proposed amendments to the Transportation Planning Rule (TPR). Here we aim to highlight the important “big picture” policy questions we believe you should be considering. As we move through the rulemaking process, we will offer suggestions for specific changes to the TPR.

#### Trying to “Tweak” the TPR to Fix Perceived Problems Is Misguided

Alas, we are frustrated that the current review of the TPR hasn’t included a serious discussion of the important policy questions concerning how the State of Oregon and its subdivisions can better plan and develop transportation systems in coordination land uses.

Indeed, the current discussion has been hampered by the direction 1) to “fix problems” with the TPR and 2) to in some cases “tweak” the words in the TPR without changing the policies. We believe the end result is that a lot of good people have spent a lot of good time not making much difference one way or another. Overall, we view the proposed amendments to the TPR as not terrible but also not especially helpful. Overall, we see efforts leading up to the proposed amendments as a lost opportunity to have a more productive discussion.

It’s like a guy who goes to his doctor and says, “Doc, I want you to help me fix this problem. Every time I eat a Big Mac, I get indigestion. Can you give me something to help my stomach?” The doctor examines the guy and responds, “Joe, I could give you an antacid, but your problem isn’t indigestion. You have far too much fat in your diet, you are overweight, and you don’t get enough exercise. If you don’t make some lifestyle changes, you are headed for a heart attack.”

When people complain that they don’t like the “reducing reliance on the automobile” language in the TPR, it is like complaining about indigestion. But if you look at the recent effort to update the Oregon Transportation Plan, it is clear that the way Oregon plans and develops transportation

systems in the coming years will need to change significantly. The State of Oregon needs to make some lifestyle changes. We most likely won't have the revenues to continue building state highways to serve current needs, let alone the needs of an estimated additional 2 million people over the next 30 years. The likely rise in the price of gasoline will exert a drag on our economy unless Oregon finds innovative ways to move people and goods that are less dependent on oil. And the state's ability to effectively regulate how growth occurs will likely be limited regardless of how the current controversy over Measure 37 is resolved. Oregon may have reached the "high water mark" for regulation as a tool for managing growth and will likely need to use tools beyond regulation—i.e., beyond the TPR.

Of course, the work to date on the TPR is water under the bridge. Our comments aren't intended to criticize what has occurred but to highlight the limitations of what is before you now.

Our comments are also intended as cautionary to anyone who might be involved in the "Big Look" at Oregon's land use planning program. Unlike the review of the TPR, that effort should be focused on looking forward to the kinds of policies Oregon will need to ensure our prosperity in the coming years, not on looking backward to fix perceived problems with the land use planning program.

## **Integrating Land Use and Transportation Planning Is Important**

Land use and transportation planning are critically important but aren't rocket science.

It is important to plan transportation systems well because 1) transportation systems are the lifeblood that serve our communities and economies, 2) the public makes a substantial investment in the transportation systems, 3) it is prohibitively expensive or impossible to acquire right-of-ways for transportation improvements in heavily populated areas if these improvements have not been planned for in advance, and 4) once a transportation corridor is in place, it is often close to impossible to move that corridor if it turns out it was put in the wrong place.

Indeed, if you have an intuitive understanding of how the body functions and grows, then you have an intuitive understanding of land use and transportation. Land uses, i.e., where people live, shop, work, learn, play, etc., are the flesh of our communities. Transportation systems, i.e., streets, highways, transit routes, bicycles paths, sidewalks, rail lines, marine channels, etc., are the blood vessels of our communities. Like arteries and veins, transportation corridors bring essential materials and resources into our communities and carry away wastes and byproducts. Indeed, it is no accident that transportation engineers talk about transportation "arterials." The words "arterial" and "artery" have the same root in Latin.

In general, the body doesn't grow at random. A plan for growth is contained in the body's DNA. The plan ensures that as a person develops from an infant to a mature adult, the system of arteries and veins grows in concert with (concurrently with?) the flesh to ensure that all parts of the body are adequately nourished. As an infant grows into an adult, new blood vessels are developed to serve new parts of the body, and existing blood vessels are expanded to accommodate a larger quantity of blood circulating through the system.

Similarly, when a community grows, you'd expect the transportation system would grow both longer and wider to serve new parts of the community and to handle a larger circulation. But, as noted above, the transportation system won't grow adequately to support the land uses without advance planning, i.e., without the community's DNA. Haphazard development of the transportation system is difficult, expensive and ultimately often results in communities that suffer because they have the wrong transportation systems.

Alas, here in the real world of Oregon, land use and transportation planning often hasn't worked very well. Consider Oregon's fastest growing community: Bend. It is like a teenager growing a couple inches every month. The flesh of that community is developing so fast it is scary. But are the blood vessels of Bend growing in concert with the flesh to support that rapid growth? Sadly, the answer is mostly "no."

A story in the October 6, 2005 issue of *The Source Weekly* (reproduced in full below) reported:

"Just four years after the Bend Parkway put the pedal to the metal, the \$120-million bypass needs major surgery to keep the economic heart of Central Oregon pumping at full throttle. And our 'medical insurance'—state funding, that is—won't cover all the costs on this congested stretch of U.S. Highway 97. ...

" 'The Bend Parkway has been a huge frustration for me,' said Stuart Foster, chairman of the [Oregon Transportation Commission]. ...

" 'Frankly, ODOT didn't do a great service in designing what we got, which I assume was in close consultation with the community,' Foster said. 'Bend has failed, and the business community has failed in it. We have egg on all our faces.'

"He particularly criticized the north end of the parkway. 'Once it was constructed, at least it appeared to me, nobody planned for what happens at the south end and at the north end; the parkway ended in a shopping center, which is still absolutely mind-boggling to me,' he said. 'You spend 100 million bucks and we have the thing designed to end at a shopping center.' ...

" 'Over the years, the land-use decisions that have been made and the improvements that have been made by landowners adjacent to Highway 97 have done nothing but deteriorate the function of Highway 97,' said [Oregon Transportation Commissioner] Gail Achterman, who once lived in Central Oregon."

We couldn't have said it better ourselves (and we appreciate the same analogy to hearts, bypasses, surgery and the like).

This example vividly illustrates how land use and transportation planning often aren't working together in Oregon, and how expensive that failure is. This example also illustrates the huge influence of transportation investments, i.e., the actions of ODOT, regardless of what the TPR and other regulations might say.

In summary, it is critically important that Oregon integrate land use and transportation planning and that we "get it right" so that we don't all end up with egg on our faces—and a hole burning in the pockets of taxpayers.

## **Proposed Purpose Statement Lacks Vision**

Unfortunately, we believe the proposed TPR purpose statement fails to express the importance of integrating land use and transportation. It fails to outline the problem and how the TPR aims to address that problem.

As we testified before to the TPR Work Group and the Joint LCDC/OTC Transportation Subcommittee, we believe the proposed TPR purpose statement is too long and too bureaucratic. While the proposed words are more or less a reordering of words in the existing purpose statement, we believe the sense of importance and vision has been lost. The existing purpose

statement says to us: “Oregon is different. We aim to do things better than the rest of the country.” The proposed purpose statement says to us: “Oregon is governed by bureaucrats who have good intentions but who in the end provide balance and compromise so much that the results are poor.” Think of the Bend Parkway: good people with good intentions that in the end perhaps wasted \$120 million of taxpayer money. The Bend Parkway is a poster child for how Oregon is little different from the rest of the country and is failing to address the challenges of growth in a positive way.

But as many have noted, in some ways the TPR purpose statement is more symbolic than substantive. Having a better purpose statement won’t necessarily make for better policies; having a worse purpose statement won’t necessarily lead to worse policies. In fact, given that the attempt has been to tweak the words of the TPR without talking about policy, the exercise has mostly missed the mark.

Were it to be done over again, we would recommend that the discussion start with the goals of integrated land use and transportation planning, i.e., the Statewide Planning Goals, move to a discussion of the policies aimed to meet those goals and how they do so, and then end with a purpose statement that reflects those goals and policies.

As it is, 1000 Friends of Oregon supports a much briefer and to the point purpose statement, for example, along the lines proposed by Metro. We also support the language suggested by the City of Portland.

In the ongoing review of the TPR, we have already offered numerous suggestions for improving the purpose statement, but most of these have been rejected. As the process moves forward, we may offer additional specific suggestions.

## **Proposed Amendments for MPOs Are Good, But Likely Won’t Be Effective Without OTC’s Support**

The proposed amendments relating to Metropolitan Planning Organizations (MPOs) are generally good—as far as they go.

We see these amendments as important. Something like 62% of Oregon’s population lives in Oregon’s six MPOs: Portland, Salem, Eugene, Medford, Bend and Corvallis. Moreover, these six areas are among the fastest growing areas in the state where it is most critical that land use and transportation planning be integrated. We have already noted the growth pressures in Bend, and how so far we all have egg on our faces in trying to meet the challenges of that rapid growth.

We also see the amendments as needed. Currently, the TPR is silent on if or how transportation planning aimed to meet state requirements relates to transportation planning aimed to meet federal requirements for metropolitan areas under the federal Intermodal Surface Transportation Efficiency Act (ISTEA) and more recent federal legislation. The confusion in the Eugene-Springfield metropolitan area over the relationship between the transportation system plan (TransPlan) meeting state requirements and the Central Lane Regional Transportation Plan meeting federal requirements highlights the importance of articulating if and how planning to meet the two sets of requirements should be coordinated. It is unfortunate, if understandable, that an appeal to LUBA in the case of Eugene-Springfield’s transportation plans shed little light on this question.

In summary, we support DLCD working with the MPOs to better clarify the rules for coordinating state and federal regulations and plans to meet those regulations.

But we are pessimistic that clearer rules will necessarily change anything. Currently, the TPR includes clear rules for planning that MPOs should undertake. In particular, the rules call for reducing daily vehicles miles of travel per capita (VMTs) or meeting an alternative standard and call for the development of an “integrated land use and transportation plan.” While these rules are clear, they have not been followed very well in some cases and not at all in others.

It doesn’t take rocket science to understand why the rules aren’t being followed very well; it is simple economics. All the MPOs slavishly follow the letter of federal transportation planning rules. They do so because they know they will lose federal transportation dollars if they fail to meet requirements or deadlines. In contrast, if an MPO fails to meet requirements in the TPR, DLCD tries to work with the jurisdictions and give them more time to comply—and ODOT looks the other way and continues to provide state transportation dollars to communities that aren’t meeting state transportation planning requirements.

If LCDC is serious about improving transportation planning in metropolitan areas—i.e., in avoiding the expensive mistakes in Bend and other metropolitan areas—and if the OTC is serious about partnering with LCDC to ensure that ODOT and DLCD are working hand-in-hand to advance the state’s policies, then state transportation funding should be contingent on meeting state transportation planning requirements. This simple policy change, which only the OTC has the power to make happen, would do far more to improve the quality of transportation planning in metropolitan areas than any changes to the language of the TPR might have. Such a policy change by the OTC would also be perhaps the best way to avoid a repeat of the problems in Bend, something that it sounds like the OTC would be anxious to do.

## **LCDC Should Review Its Policies Concerning Goal Exceptions for Transportation Facilities on Rural Lands**

The proposed amendments to Section 0070 of the TPR aim to clarify and collect in once place the requirements for goal exceptions for transportation facilities on rural lands—without changing current policies.

We won’t debate whether or not the proposed amendments retain the existing policies or if the current policies are legally consistent with ORS 197.732 and Goal 2. Instead, we urge LCDC to take this opportunity review the policies in place to assess whether these policies do, in fact, effectively advance the state’s goals.

As this is a complicated discussion that has not even begun, here we will merely highlight the questions we believe LCDC should be asking. As we move forward in this rulemaking process, we will offer more detailed comments and proposals for specific rule language.

Ideally, transportation facilities would be developed in a manner that meets *all* of the 19 statewide planning goals. But when there is a need to build a transportation facility on rural lands, in particular, through farm (Goal 3), forest (Goal 4) or natural resource (Goal 5) lands, these goals are at odds with Goal 12 concerning transportation. The fundamental policy question before you is this:

### **If it isn’t possible to meet all goals, which goal(s) are dropped and how?**

The answer provided by the current goal exception process is to avoid building, for example, a bypass on rural lands, unless there is no non-exception alternative that can “reasonably accommodate” the transportation need.

The trouble with this policy is that it will almost always be far more reasonable—and certainly cheaper—to build a new highway through less developed farm, forest and natural resource lands than through more developed urban areas. Moreover, when a jurisdiction decides to sacrifice rural lands in favor of a transportation facility, there is no requirement for mitigation. As such, the goal exception process allows a jurisdiction to, in effect, ignore the costs of taking rural lands.

In contrast, the National Environmental Policy Act (NEPA), which calls for environmental impact statements, is to avoid, or minimize *and mitigate* environmental impacts. Like the goal exception process, the NEPA process calls for looking at alternatives and selecting the “best” alternative. But unlike the goal exception process, with the NEPA process, if it isn’t possible to avoid environmental impacts, then it is necessary to mitigate those impacts.

For example, look to the proposed Newberg-Dundee Bypass. The alternative selected in the goal exceptions process would divide Columbia Empire Farms in two. Columbia Empire Farms is a productive working farm that sells its products, for example, at the Portland International Airport and contributes to the state’s economy. As far as I know, there is no proposal to mitigate the impacts on Columbia Empire Farms, i.e., to replace prime farmland that is lost or to provide for the successful operation of a farm split in two.

(Note: Our purpose here isn’t to argue the legality of goals exceptions already taken under existing rules. It may very well be that these goal exceptions are perfectly legal. In any case, that legal question is currently before the Court of Appeals. Our purpose here is to raise the policy question of what the rules *should* be.)

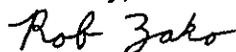
As noted above, it is almost always cheaper and easier to build on farmlands than in urban areas. Indeed, it was this recognition that prompted the creation of Oregon’s land use planning program. Development will occur in farmlands if allowed to occur.

Thus we urge LCDC to ask three questions:

- 1) Is the state committed to preserving farm, forest and natural resource lands?
- 2) If so, do the current goal exception rules for transportation facilities on rural lands fulfill or undermine that commitment?
- 3) When a decision is made to use rural lands for a transportation facility, what if any kinds of mitigation should be required?

Again, as we move forward in the rulemaking process, we will have more specific comments to make.

Sincerely,



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# Attachment

## **Bend Bypass needs major surgery**

**Rapid growth has \$120 million parkway clogged**

By Frank Fiedler

*The Source Weekly*

*October 6, 2005*

Just four years after the Bend Parkway put the pedal to the metal, the \$120 million bypass needs major surgery to keep the economic heart of Central Oregon pumping at full throttle.

And our “medical insurance”—state funding, that is—won’t cover all the costs on this congested stretch of U.S. Highway 97.

Traffic on the north end of the parkway comes to a grinding halt with signals at Robal and Cooley Roads. Three signals on the south end result in screeching tires and accidents. Nerve-racking, dead-stop on-ramps and off-ramps test the skills of any NASCAR-racer wannabe. U.S. Highway 20 from the west doesn’t even directly connect to the parkway. Want to head east on Highway 20 from the parkway? Good luck. Don’t even mention the Reed Market nightmare. And does anybody pay attention to the 45-mile-per-hour speed limit?

Most everyone knows the gridlock on the north end of the roughly seven-mile-long parkway needs fixing, but the main solution—an interchange at Cooley Road—riles neighborhood associations, big box retailers and a bunch of other businesses.

Wal-Mart’s planned supercenter at the northwest corner of Cooley and Highway 97 will add super traffic. Also, Bend’s vision for a campus/research/industrial park at Juniper Ridge, northeast of Cooley/97, will place enormous demands on a failing transportation network while routing traffic through residential neighborhoods and past nearby schools.

The City of Bend and the Bend Metropolitan Planning Organization (MPO) are working with the county and the Oregon Department of Transportation (ODOT) to solve this mess. But the Oregon Transportation Commission (OTC) hasn’t given the green light for the approximately \$20 million to \$35 million Cooley Road interchange.

“The Bend Parkway has been a huge frustration for me,” said Stuart Foster, chairman of the OTC, which oversees highway funding for state road projects. (He made that comment and the following ones at an August commission hearing in La Grande. *The Source Weekly* received a copy of a tape recording of the hearing.)

“Frankly, ODOT didn’t do a great service in designing what we got, which I assume was in close consultation with the community,” Foster said. “Bend has failed, and the business community has failed in it. We have egg on all our faces.”

He particularly criticized the north end of the parkway.

“Once it was constructed, at least it appeared to me, nobody planned for what happens at the south end and at the north end; the parkway ended in a shopping center, which is still absolutely mind-boggling to me,” he said. “You spend a 100 million bucks and we had the thing designed to end at a shopping center.”

Apparently, that didn't help the Mountain View Mall; much of it was demolished and it's now being rebuilt as the Cascade Village Shopping Center. But it's the continued sprawl northward, zoned commercial for decades, that rankled another commission member in comments made in La Grande.

"Over the years, the land-use decisions that have been made and the investments that have been made by landowners adjacent to Highway 97 have done nothing but deteriorate the function of Highway 97," said Gail Achterman, who once lived in Central Oregon.

"It's almost as though someone had gone out with malice aforethought to say, 'North of where the parkway ends we're going to cause a mess,'" she added. "And that's exactly what's happened. I don't think anyone wanted to cause a mess, but it has gotten worse and worse and worse and worse because of our collective decisions, and we simply can't tolerate it anymore."

After that blast, Achterman still hadn't finished unloading her frustrations on what has occurred in Central Oregon, the sixth-fastest growing area in the country, according to recent census figures.

"Twenty years from now, Bend and Redmond could very easily look like the difference between Portland and Beaverton, which means there is no difference," she said. "And I think that would be a great tragedy."

So the commission, heeding the call of several leaders of neighborhood associations who testified in La Grande, is asking local officials for a "refinement plan," which was already in the works, to be completed before the dollars are doled out. The commission's main focus is the area between Cooley Road and the Highway 20/97 junction. Also, it requests "extending the parkway from its northern terminus to Bend's urban growth boundary."

The conditional approval also states that "the refinement plan include land-use actions and transportation facility designs and financing needed to implement the plan."

So far, the state is willing to commit \$15 million to the project, with local entities adding \$5 million and possibly \$2.5 million more, according to Peter Russell, a senior planner with ODOT in Bend. He noted, though, that these figures are "squishy" at this point.

If the project nears the high end, or \$35 million mark, additional funding could become an issue with the OTC. Russell said, "If we don't have enough money, we'll have to go back and reassess the plan."

The plan, so far, has stirred intense reactions among neighborhood associations in the area, whose members fear that a "grade-separated interchange" at Cooley Road would forever mar the nature of their neighborhoods, particularly with the Juniper Ridge development looming on the horizon.

"This project, as proposed, is in the wrong place and the wrong solution," said Connie Kennard, chair of the Boyd Acres Neighborhood Association (BANA, in her testimony La Grande.

Kennard's group is aligned with two others: the Mountain View Neighborhood Association (MVNA) and the Hunnell United Neighbors (HUNS), which represents landowners between Highways 20 and 97 and north of Cooley Road.

"Instead of neighborhoods disrupted with heavy traffic, noise and air pollution, Bend needs a comprehensive plan for traffic coming to and through Bend," testified Jeanne Newton, chairwoman of the MVNA.

An improved Cooley Road will handle the traffic from Juniper Ridge for the first 10 years of the project, which could begin in 12 months to 18 months, said Bend Mayor Bill Friedman, the chief cheerleader for Juniper Ridge.

Businesses fear the highway modifications will mean a loss of access to their establishments, and hence a loss of income. If the interchange were built at Cooley Road it would require the signal at Robal to be removed, since that intersection is too close to Cooley for ODOT standards. The only access to Food 4 Less, at the south end of the so-called "Golden Triangle," would be via Cooley Road.

JRH Transportation Engineering of Eugene represents Home Depot, the Pape Properties, Inc., the Bend Center, the Cascade Village Shopping Center and other commercial interests located in the Golden Triangle. Larry Reed, representing JRH, testified in La Grande that "JRH's clients are strongly objecting to OTC taking any action that leads to the elimination of the signalized intersection of Highway 97 and Robal Road."

Reed told commissioners that if the Cooley Road interchange is a "done deal," it should expand the scope of the project to include "a complete access frontage road system" to be completed before construction of the interchange.

The inherent conflict is that ODOT and the OTC want to move traffic safely, quickly and efficiently through Bend by the elimination of all five signals along Highway 97. But at the same time the highway also has to accommodate local traffic. Businesses and surrounding neighborhoods on the north end are understandably nervous about any change to the status quo.

Something's got to give.

ODOT's numbers for parkway volumes show the north end to be the busiest. In 2004, there were 34,800 average daily trips next to the Golden Triangle. That number is expected to jump to 53,100 by 2024, according to figures supplied by Joel McCarroll, ODOT's regional traffic manager in Bend.

Russell said local governmental entities, along with ODOT's transportation consultants, Kittelson & Associates Inc., are looking at "other treatments other than a grade-separation interchange and [trying to] determine how long they would last."

These treatments could include "jug-handle" on-ramps and off-ramps, "taking left turns out" and making it more like Powers Road on the parkway's southern section.

Russell noted that roadway interconnections develop in an "evolutionary" way, from road widening to adding stop signs, then signals, and then dedicated left-turn lanes.

"At some time, we'll have to do something like a grade-separation interchange," he said.

To the commission, the mayor of Bend and countless frustrated drivers, that time has come.

"If we continue to funnel traffic through that area, you have to build an interchange," Friedman said. "There's no other option."

But the Cooley Road controversy is a small issue compared to the Highway 97/20 realignment schemes currently in the "refinement plan."

Of the three plans, the one favored least, according to Sonia Hennum, a senior engineer at Kittelson in Boise, ID, would leave highways 20 and 97 as they are, but add overpasses/underpasses or interchanges at Robal and Cooley on each highway and connecting eastbound Highway 20 with the parkway.

The realignment favored by businesses and most neighborhood groups is one that routes Highway 97 to Highway 20, according to Mike Schmidt, president and CEO of the Bend Chamber of Commerce, which is facilitating discussions among the various stakeholders. Under this plan, Highway 97 would then split off from Highway 20 north of the Golden Triangle and reconnect with Highway 97, providing a central access point to Juniper Ridge. Deschutes Junction would be the third entrance to Juniper Ridge.

The new, “dormant” section of Highway 97, adjacent to the shopping centers, would be rechristened “Business 97” and be under local control, much as Third Street is now. The advantage to this scheme is that, theoretically, it would separate local traffic from through traffic.

The plan favored by government entities, according to Russell and Hennem, would realign Highway 20 over to Highway 97 well north of Cooley Road. The “dormant” section of Highway 20 between the current junction with Highway 97 and the realignment would then become a city street.

The advantage to this plan, supporters say, is twofold. The new interchange at Highway 97 could double as a central access point to Juniper Ridge, something that some neighborhood associations want, and be part of a future loop around Bend connecting to Highway 20 east. This would also solve the lack of connections between Highway 20 and the parkway at Greenwood Avenue.

All three alternatives show an interchange at Cooley Road.

“If we’re not careful, we’re going to be building the bypass to the bypass to the bypass in Bend,” said Foster of the OTC.

The cost of realigning either Highway 20 or Highway 97 is not in the current budget being discussed for the Cooley Road interchange, Russell said. The cost of highway realignment, or bypassing the bypass, along with the \$20 million to \$35 million for the Cooley Road project, could possibly match the \$120 million spent, in state and local dollars, on the parkway.

Foster is pessimistic about this prospect.

“We’re right at the point of a train wreck there,” he said in La Grande. “If it cost \$100 million to solve the Third Street problem, if we don’t get a handle on this right now, it’s going to cost a half-billion to solve the parkway problem.”

Today’s parkway problems were not unforeseen a decade ago. Indeed, due to inadequate funding, compromises were made then that have come home to roost. It could have been worse: Initially five signals were planned on the south end, but developers and the city managed to eliminate two of them with overpasses at Wilson Avenue and Reed Market Road.

On the southern section, the Murphy Road Crossing plan is proceeding with little of the rancor surrounding the north end. The plan calls for a realignment of Murphy Road south of the Arco station and Pinebrook Plaza before it crosses over the parkway into a new mixed-use zone. The current parkway intersection at Pinebrook Boulevard would be eliminated.

Friedman, who also is chairman of the Bend Metropolitan Planning Organization, is fully aware of the parkway’s shortcomings.

“We knew we were stopping short on south and north ends,” he said. “But we didn’t have the funds to have anything else. If you look at Redmond and their bypass [east of downtown], it’s stopping short of where it should stop. It’s a consequence of available cash. These things tend to be built with less of the future in mind.”

Friedman has been accused by neighborhood associations of fast-tracking the interchange at Cooley Road because of his involvement with Juniper Ridge. He rejects their claims that the public has been excluded from the process, citing well-attended public meetings about Juniper Ridge held at Lava Ridge Elementary, which is on Cooley Road.

“Do people feel included if it’s not going the way they prefer? No,” he said.

Yet the testimony of Kennard and others in La Grande, which is roughly 300 miles from Bend, surprised transportation commissioners. This suggests that the process was not fully open to the public.

The neighborhood associations testified that their complaints were ignored by the Bend MPO and that no citizen advisory committee had been formed. Schmidt wrote to the mayor in late August urging him to form advisory panels, specifically a citizens’ advisory committee, which the Bend MPO policy allows for.

Friedman did say that a citizens’ advisory committee is being formed, explaining that it “has been premature for us before now because we didn’t have anything to plan.”

“It has been on our agenda,” he added. “Now is the right time to do it, and we’re delighted to have people help us put together an advisory committee.”

Meanwhile, that \$3 gallon of gas gets wasted in traffic jams that won’t ease up anytime soon, particularly when heavy Interstate 5 traffic gets rerouted through Bend in the coming months due to major bridge work on I-5. Even the OTC’s Achterman inadvertently referred to Highway 97 as “I-97” at the hearing in La Grande.

The refinement plan probably won’t be finished until the end of the year, said Henum, the Kittelson engineer, with one and possibly two public hearings before then. The OTC could still approve funding for the 2007-‘09 biennium, which means the traffic mess on Bend’s north end probably won’t be solved for at least five years.

[http://www.tsweekly.com/oregon\\_newspaper\\_archive/10-06-05archive/localnews1.asp](http://www.tsweekly.com/oregon_newspaper_archive/10-06-05archive/localnews1.asp)





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November 21, 2005

Chair John Van Landingham  
Land Conservation and Development Commission  
c/o Shelia Preston  
635 Capitol Street SE, Suite 150  
Salem, OR 97301-2540

**Re: Amendments to the Transportation Planning Rules (TPR)**

Dear Chair Van Landingham and Commission Members:

This letter is written on behalf of the Retail Task Force (RTF), with respect to the proposed amendments to the Transportation Planning Rule. As the RTF submitted to the Joint OTC/LCDC Transportation Subcommittee in its written comments of September 22, 2005 and oral testimony of September 23, 2005, the RTF remains concerned with the new provisions for MPOs set forth at Section 0055. Specifically, we are concerned that the required findings in Section 0055(1)(d)(A-C) for plan amendments and zone changes will make it impossible to obtain plan amendments or zone changes outside of "designated centers."

During my prior testimony, I suggested that the use of the term "designated centers" was specific to the Portland area MPO (under Metro's 2040 Growth Concept), which terminology would not be meaningful, and perhaps confusing, to other MPOs in the state. In spite of that testimony, the language remains essentially the same. I had also testified on September 23, that the specific findings proposed by Section 0055 (1)(d)(A-C) would create new state criteria for amendments to local comprehensive plans and regulations, which would increase the regulatory burden and encroach on local decision making prerogatives under the state framework. Local governments should be able to decide when proposed amendments to their plan and land use regulations support the implementation of their long-term land use and transportation vision. Accordingly, we ask that the proposed state criteria be stricken as unnecessary.

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Perkins Coie LLP and Affiliates

Chair of the Land Conservation and Development Commission

November 21, 2005

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Based upon the above, we submit proposed revisions to the text in marked fashion by way of attachment. We believe that the revised language achieves the staff's intent, without creating the impression that the state is attempting to apply the Portland area MPO standards statewide, and without inserting new state criteria into a local decision making process.

Thank you for the opportunity to provide comments on this important matter.

Very truly yours,

Mark D. Whitlow

MDW:djf

Enclosures

Cc: Bob Cortright  
Retail Task Force Participants

September 22, 2005

TO: Joint OTC/LCDC Transportation Subcommittee  
FROM: Mark Whitlow/Retail Task Force (RTF)  
RE: **RTF Comments**

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Dear Commissioners/Subcommittee Members:

This memorandum is written on behalf of the Retail Task Force (RTF) to reiterate and build upon the comments made by the RTF at the Work Group meeting on September 9, 2005.

We are concerned with the new provisions for MPOs set forth at Section 0055. Specifically, we are concerned that the required findings in Section 0055(1)(d)(A)-(C) for plan amendments and zone changes will make it impossible to obtain plan amendments/zone changes outside of designated Centers. The introduction of these new criteria appears to add to the regulatory burden, instead of streamlining it, which we understood to have been one of the primary purposes for the proposed TPR amendments.

The RTF further requests that the Joint Subcommittee calendar a future date certain for automatic review (within 12 to 18 months) of the workability of the new "reasonably likely" standards via written statements to be issued by local governments and/or ODOT. To the extent that the written statements prove ineffective to solve the *Jaqua* problem, then the rules should be further amended to provide an adequate solution.

Thank you for the opportunity to participate on the Work Group.

Very truly yours,



Mark D. Whitlow

MDW:djf

cc: Frank Angelo  
Craig Greenleaf, ODOT  
Lane Shetterly, DLCD  
Bob Cortright, DLCD  
RTF Participants

## TRANSPORTATION PLANNING RULE

660-012-0055

...

**(1)(c)(B) Identification of centers, commercial nodes, mixed-use districts or -and other land use planning designations (PDs) intended to implement or move in the direction of the vision;**

**(C) Adoption of housing and employment allocations to PDcenters and land use designations; and**

**(D) Adoption of implementing plans and zoning for designated PDcenters and other land use designations.**

**(d) Local governments within metropolitan areas that are not in compliance with the requirements of this division to adopt or implement a standard to increase transportation choices or have not completed an integrated land use and transportation plan as required by this division shall review plan and land use regulation amendments and adopt findings that demonstrate that the proposed amendment supports implementation or moves in the direction of the region's adopted vision, strategy, policies or plans to increase transportation choices and reduce primary reliance on the automobile.**

~~A plan or land use regulation amendment supports implementation of an adopted regional strategy, policy or plan for purposes of this section if it achieves the following as applicable:~~

~~(A) Implements the strategy or plan through adoption of specific plans or zoning that authorizes uses or densities that achieve desired land use patterns;~~

~~(B) Allows uses in designated centers or neighborhoods that accomplish the adopted regional vision, strategy, plan or policies;~~

~~(C) Allows uses outside designated centers or neighborhood that either support or do not detract from implementation of desired development within nearby centers.~~