

1 Note: New language is shown in **bold**. Deletions are shown in brackets and ~~[struck over]~~.

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3 **660-012-0060**

4 **Plan and Land Use Regulation Amendments**

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

6 (1) ~~[Amendments]~~ **Where an amendment to a functional plan[s], an acknowledged**
7 **comprehensive plan[s, and land use regulations which], or a land use regulation would**
8 **significantly affect [a] an existing or planned transportation facility, the local government**
9 **shall put in place measures as provided in section (2) of this rule to assure that allowed**
10 **land uses are consistent with the identified function, capacity, and performance standards**
11 **(e.g. level of service, volume to capacity ratio, etc.) of the facility. [This shall be**
12 ~~accomplished by either:]~~ **A plan or land use regulation amendment significantly affects a**
13 **transportation facility if it would:**

14 (a) **Change[s] the functional classification of an existing or planned transportation facility**
15 **(exclusive of correction of map errors in an adopted plan);**

16 (b) **Change standards implementing a functional classification system; or**

17 (c) **As measured at the end of the planning period identified in the adopted**
18 **transportation system plan:**

19 (A) **Allow [types or levels of] land uses or levels of development [which] that would result**
20 **in types or levels of travel or access [which] that are inconsistent with the functional**
21 **classification of [a] an existing or planned transportation facility;**

22 (B) ~~[Would]~~ **Reduce the performance of an existing or planned transportation [the] facility**
23 **below the minimum acceptable [level] performance standard identified in the TSP or**
24 **comprehensive plan; or**

25 (C) **Worsen the performance of an existing or planned transportation facility that is**
26 **otherwise projected to perform below the minimum acceptable performance standard**
27 **identified in the TSP or comprehensive plan.**

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1 **SECTION 660-012-0060 (2)**

2 **(2) Where a local government determines that there would be a significant effect,**
3 **compliance with section (1) shall be accomplished through one or a combination of the**
4 **following:**

5 **(a) ~~Limiting allowed~~ Adopting measures that demonstrate allowed** land uses ~~[to be]~~ **are**
6 consistent with the planned function, capacity, and performance standards of the
7 transportation facility.

8 **(b) Amending the TSP or comprehensive plan to provide transportation facilities,**
9 **improvements or services** adequate to support the proposed land uses consistent with the
10 requirements of this division. **Such amendments shall include a funding plan or**
11 **mechanism consistent with section (4) or include an amendment to the transportation**
12 **finance plan so that the facility, improvement or service will be provided by the end of**
13 **the planning period.**

14 **(c) Altering land use designations, densities, or design requirements to reduce demand for**
15 **automobile travel and meet travel needs through other modes~~[-or]~~.**

16 **(d) Amending the TSP to modify the planned function, capacity ~~[and]~~ or performance**
17 **standards ~~[-as needed, to accept greater motor vehicle congestion to promote mixed use,~~**
18 **~~pedestrian friendly development where multimodal travel choices are provided.] of the~~**
19 **transportation facility.**

20 **(e) Providing other measures as a condition of development or through a development**
21 **agreement or similar funding method, including transportation system management**
22 **measures, demand management or minor transportation improvements. Local**
23 **governments shall as part of the amendment specify when measures or improvements**
24 **provided pursuant to this subsection will be provided.**

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1 **SECTION 660-012-0060 (3)**

2 **Notwithstanding sections (1) and (2) of this rule, a local government may approve an**
3 **amendment that would significantly affect an existing transportation facility without**
4 **assuring that the allowed land uses are consistent with the function, capacity and**
5 **performance standards of the facility where:**

6 **(a) The facility is already performing below the minimum acceptable performance**
7 **standard identified in the TSP or comprehensive plan on the date the amendment**
8 **application is submitted;**

9 **(b) In the absence of the amendment, planned transportation facilities, improvements**
10 **and services as set forth in section (4) of this rule would not be adequate to achieve**
11 **consistency with the identified function, capacity or performance standard for that**
12 **facility by the end of the planning period identified in the adopted TSP;**

13 **(c) Development resulting from the amendment will, at a minimum, mitigate the**
14 **impacts of the amendment in a manner that avoids further degradation to the**
15 **performance of the facility by the time of the development through one or a**
16 **combination of transportation improvements or measures.;**

17 **(d) The amendment does not involve property located in an interchange area as defined**
18 **in paragraph (4)(d)(C); and**

19 **(e) For affected state highways, ODOT provides a written statement that the proposed**
20 **funding and timing for the identified mitigation improvements or measures are, at a**
21 **minimum, sufficient to avoid further degradation to the performance of the affected**
22 **state highway. However, if a local government provides the appropriate ODOT**
23 **regional office with written notice of a proposed amendment in a manner that provides**
24 **ODOT reasonable opportunity to submit a written statement into the record of the local**
25 **government proceeding, and ODOT does not provide a written statement, then the local**
26 **government may proceed with applying subsections (a) through (d) of this section.**

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

2 (4) Determinations under [~~subsections~~] **sections (1) – [~~and (2)] (3)~~** of this [~~section~~] **rule** shall
3 be coordinated with affected transportation facility and service providers and other affected
4 local governments.

5 **(a) In determining whether an amendment has a significant effect on an existing or**
6 **planned transportation facility under subsection (1)(c) of this rule, local governments**
7 **shall rely on existing transportation facilities and services and on the planned**
8 **transportation facilities, improvements and services set forth in subsections (b) and (c)**
9 **below.**

10 **(b) Outside of interstate interchange areas, the following are considered planned**
11 **facilities, improvements and services:**

12 **(A) Transportation facilities, improvements or services that are funded for**
13 **construction or implementation in the Statewide Transportation Improvement**
14 **Program or a locally or regionally adopted transportation improvement program or**
15 **capital improvement plan or program of a transportation service provider.**

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

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

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

30 **(E) Improvements to regional and local roads, streets or other transportation**
31 **facilities or services that are included as planned improvements in a regional or local**

1 transportation system plan or comprehensive plan when the local government(s) or
2 transportation service provider(s) responsible for the facility, improvement or service
3 provides a written statement that the facility, improvement or service is reasonably
4 likely to be provided by the end of the planning period.

5 (c) Within interstate interchange areas, the improvements included in (b)(A)-(C)
6 are considered planned facilities, improvements and services, except where:

7 (A) ODOT provides a written statement that the proposed funding and timing of
8 mitigation measures are sufficient to avoid a significant adverse impact on the
9 Interstate Highway system, then local governments may also rely on the improvements
10 identified in paragraphs (b)(D) and (E) of this section; or

11 (B) There is an adopted interchange area management plan, then local governments
12 may also rely on the improvements identified in that plan and which are also identified
13 in paragraphs (b)(D) and (E) of this section.

14 (d) As used in this section and section (3):

15 (A) Planned interchange means new interchanges and relocation of existing
16 interchanges that are authorized in an adopted transportation system plan or
17 comprehensive plan;

18 (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

19 (C) Interstate interchange area means:

20 (1) Property within one-half mile of an existing or planned interchange on an
21 Interstate Highway as measured from the center point of the interchange; or

22 (2) The interchange area as defined in the Interchange Area Management Plan
23 adopted as an amendment to the Oregon Highway Plan.

24 (e) For purposes of this section, a written statement provided pursuant to
25 paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or
26 transportation facility provider, as appropriate, shall be conclusive in determining
27 whether a transportation facility, improvement or service is a planned transportation
28 facility, improvement or service. In the absence of a written statement, a local
29 government can only rely upon planned transportation facilities, improvements and
30 services identified in paragraphs (b) (A)-(C) to determine whether there is a significant
31 effect that requires application of the remedies in section (2).

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

660-012-0005

Definitions

Add the following definition to this rule.

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

(x) “Minor transportation improvements” include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, and transportation system management measures. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include interchanges or new interchange ramps, new collector or arterial streets, road realignments or addition of travel lanes.