

**Joint-Subcommittee of the
Oregon Land Conservation and Development Commission
and the
Oregon Transportation Commission**

**Testimony received prior to the
February 15, 2011
meeting**



From LCDC:
Hanley Jenkins
Greg Macpherson
Marilyn Worrix



From OTC:
David Lohman
Mary Olson

From	Date Received
Caroline E. K. MacLaren Black Helterline LLP, on behalf of CPM Development Corporation	February 8
Dennis Egner Assistant Planning Director, City of Lake Oswego	February 10
George Endicott Mayor, City of Redmond, Chair, Local Officials Advisory Committee	February 11
Patrick Ribellia Planning Director, City of Hillsboro	February 11
Lisa Gardner Planning Director, City of Eugene	February 11
Don Mazziotti Community Development Director, City of Beaverton	February 14
Mark Whitlow Perkins Coie LLP, on behalf of the International Council of Shopping Centers (ICSC) and the Retail Task Force (RTF)	February 14
Michel Bayard Director, Central Oregon LandWatch	February 15

Committee Staff

For further information or to submit written testimony, contact Matt Crall:
matthew.crall@state.or.us
503-373-0050 ext. 272

635 Capitol St NE, Suite 150
Salem OR 97301-2564

B L A C K

H E L T E R L I N E

ATTORNEYS AND COUNSELORS AT LAW

CAROLINE E.K. MACLAREN
DIRECT DIAL: (503) 417-2168
E-mail: ckm@bhlaw.com
Admitted in Oregon

RECEIVED

February 8, 2011

Oregon Department of
Land Conservation and
Development

Our File No. 011195-0002

February 8, 2011

Joint Subcommittee of the
Oregon Land Conservation and Development Commission and the
Oregon Transportation Commission
c/o Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2564

Reference: Transportation Planning Rule – Recommended Revisions

Dear Commissioners:

This letter is submitted on behalf of CPM Development Corporation (“CPM”), a producer of aggregate, crushed rock products, ready-mix concrete, and construction services, with operations throughout Oregon. CPM has 900 employees in Oregon. Please include this letter as part of the record of these proceedings.

CPM supports the apparent charge of this Joint Subcommittee to evaluate conflicts between economic development and the transportation planning rule (the “TPR”), and to recommend rule-making by the Land Conservation and Development Commission (“LCDC”) or the Oregon Transportation Commission (“OTC”), or both. CPM understands that the discussion and certain recommendations that have been placed before this committee are an outgrowth of the rulemaking pursuant to HB 3379, itself a recognition that the “significant effect” requirements of the TPR pose a barrier to economic development, particularly in times of inadequate funding for needed transportation improvements.

While much of the background materials relate to economic development within urban growth boundaries, the conflicts identified (and even some of the recommended solutions) are equally applicable to economic development in rural areas where funding for transportation improvements is scarce. Based on its experience, CPM recommends consideration of the following recommendations:



1. Create a Materiality Standard: Under the current TPR, any reduction or worsening of a transportation facility below the minimum performance standard identified in a transportation system plan (“TSP”) or comprehensive plan— no matter how small – results in a finding of “significant effect.” Particularly given the lack of finding for transportation improvements at all levels, and the imperative to improve conditions for economic development, it makes little sense to arrive at a finding of “significant effect” over a *de minimis* change in the number of trips. Thus, we would recommend inclusion of a materiality standard (or significance threshold) to avoid denial or imposition of costly transportation improvements when the proposed plan amendment or zone change will cause only a small change in the number of trips. As but one example of such standard, see Washington County Community Development Section 501-8.8, defining detrimental impact to a roadway as where:

“(1) The estimated traffic to be generated by the development exceeds ten (10) percent of the existing average daily traffic * * * [or]

“(2) ‘In Process’ traffic volumes result in the facilities operating below Level of Service ‘E’ for more than twenty (20) minutes of one peak hour and the proposed development’s traffic will be five (5) percent or greater of the total ‘In Process’ traffic.”¹

A similar rubric could be established for determining “significant effect” under the TPR.

2. Expand Mitigation Opportunities: The TPR provides special mitigation opportunities in instances where the transportation facility is already failing. We see little reason for such limited application, and would instead recommend that an applicant have the ability to mitigate impacts irrespective of the point in time that the transportation facility fails. This would enable an applicant to offset the impacts of its development, avoiding a significant effect to the transportation facility.

3. Address Lengthy Appeals: Provide clarification and direction for development that has been languishing under appeals and remands for years, resulting in arguments that its studies are now stale. The “law of the case” and the goal-post rules provide

¹ The final component of this definition is not relevant here, but instead concerns circumstances where the pavement structure, surface, etc. do not meet the county standards.

some guidance as to which standards apply, but may be inadequate to address questions of substantial evidence or arguments that the adoption of a new TSP requires analysis of a different planning horizon.

4. Exclude Comprehensive Plan Amendments for Goal 5 Resources: Finally, we recommend that additions to Goal 5 inventories be included in the specific list of land use decisions to which the TPR does not apply. In the context of aggregate resources, adding a site to a Goal 5 inventory addresses only the question of whether there is sufficient quality and quantity, and appropriate avoidance of Class I and II farmland, to make a finding that the resource is “significant.” That action does not authorize mining or processing activities, and does not result in any trip generation. The appropriate stage to apply the TPR and evaluate whether there is a “significant effect” to a transportation facility is at the time a zone change is sought.

The above recommendations are offered to highlight the need to address the TPR, and the need to do so in the context of rural economic development as well as in urban areas. As a related matter, because of the reliance on state highways in rural areas, addressing rural needs will also require an evaluation of the standards under the Oregon Highway Plan and funding under the Statewide Transportation Improvement Program (“STIP”).

CPM appreciates the opportunity to provide input as this committee evaluates what recommendations it will make for rulemaking, and looks forward to the opportunity to participate further in amendment proceedings.

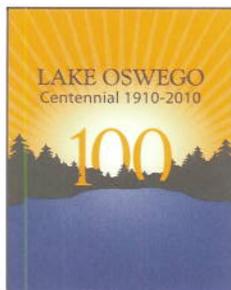
Very truly yours,



Caroline E.K. MacLaren

SRS:ckm
379471

cc: Richard Whitman, Director, DLCD
Matthew Crall, DLCD (via e-mail)
Mr. K.C. Klosterman, CPM Development Corporation (via e-mail)



RECEIVED

February 10, 2011

Oregon Department of
Land Conservation and
Development

CITY OF LAKE OSWEGO
PLANNING & BUILDING SERVICES

380 A Avenue
PO Box 369
Lake Oswego, OR 97034

503-635-0290
www.ci.oswego.or.us

February 9, 2011

Joint Subcommittee
Land Conservation and Development Commission and
Oregon Transportation Commission
635 Capitol St. NE, Suite 150
Salem, OR 97301-2564

Dear Commissioners,

The City of Lake Oswego strongly supports the overall objective of linking transportation planning and land use planning as outlined in the Transportation Planning Rule. This letter describes an area of concern where the rule, in practice, may fail to achieve what is best for local communities, the Metro region, and the state.

Downtown Lake Oswego, located along State Highway 43 between Portland and West Linn, is designated as a Metro 2040 Town Center. As such, the downtown is planned to be a vibrant, mixed-use center that is highly walkable and well served by transit. Through urban renewal efforts, the City has been successful in encouraging private investment and mixed-use development that has resulted in an increase in property values of over \$200 million since 1986.

The City is currently examining the opportunities to further enhance its town center by redeveloping an existing industrial area (the Foothills area) located adjacent to Highway 43, between the downtown and the Willamette River. In addition, Metro and the City are currently in the process of developing plans to extend the Portland Streetcar to Lake Oswego with streetcar stops located in the Foothills area. The redevelopment opportunities are tremendous.

In 2005, the City completed a study that explored the opportunities and constraints related to redevelopment in Foothills. The study, funded by a Transportation and Growth Management (TGM) grant, examined land use and transportation impacts of three different development scenarios for Foothills.

The most intense scenarios added 1,200 housing units to the area and 70,000 sq. ft. of commercial space. To implement the scenarios, a comprehensive plan and zone change would be required which would trigger the need to address the Transportation Planning Rule (TPR). Notably, the study actually found that at this level of redevelopment, the TPR would not trigger the need for major improvements to Highway 43. Simple traffic signal timing adjustments could satisfy any problems.

Jack Hoffman, Mayor ■ Jeff Gudman, Councilor ■ Donna Jordan, Councilor
Mike Kehoe, Councilor ■ Sally Moncrieff, Councilor ■ Mary Olson, Councilor ■ Bill Tierney, Councilor

Earlier this year, the City hired a team to create a detailed development plan for the Foothills area. The plan will address transportation, infrastructure, and environmental issues and is intended to make the site development ready. A key question that remains unanswered is the density and intensity that is needed to make the redevelopment feasible. It is highly possible that the final desired densities for Foothills will be as much as two or three times the number of units that were analyzed in the 2005 study. But based on the results of the 2005 study, this increase in intensity will likely require additional lanes along Highway 43 through the downtown which would greatly impact existing buildings and the intimate scale and character of the street.

The 2005 study was based on a Metro 2025 traffic model and came to the following conclusions:

- Traffic on Highway 43 is expected to increase by 35-50% over the 20-year period.
- 10-15% of the increase in traffic on Highway 43 could be expected to be generated by the Foothills development.
- 85-90% of the increase in traffic could be expected to be generated by background traffic and new development elsewhere, which might include up to 7,000 units in the Stafford basin.
- Note that the Metro traffic model which assigned the background traffic to the Stafford basin is not based on any acknowledged city or county plan designating the area for development.

To conclude, linking transportation and land use planning is complex. In the case of Lake Oswego's Foothills area, the amount of development that is allowed under the rule is dependent on the amount of background traffic generated by the Metro traffic model. For Foothills, it is entirely possible that increased development intensity in the right place – a walkable Metro 2040 Town Center – would be prevented due to a high level of future background traffic that could be generated by unwanted and unplanned development at the edge of the urban area. Rather than accommodate dispersed growth, the TPR should be crafted to encourage development in the right places - in centers, corridors and in downtowns. In your work to address problems with the TPR, please assure that methods are developed that give priority to plan amendments that add densities in centers and corridors consistent with local and regional aspirations.

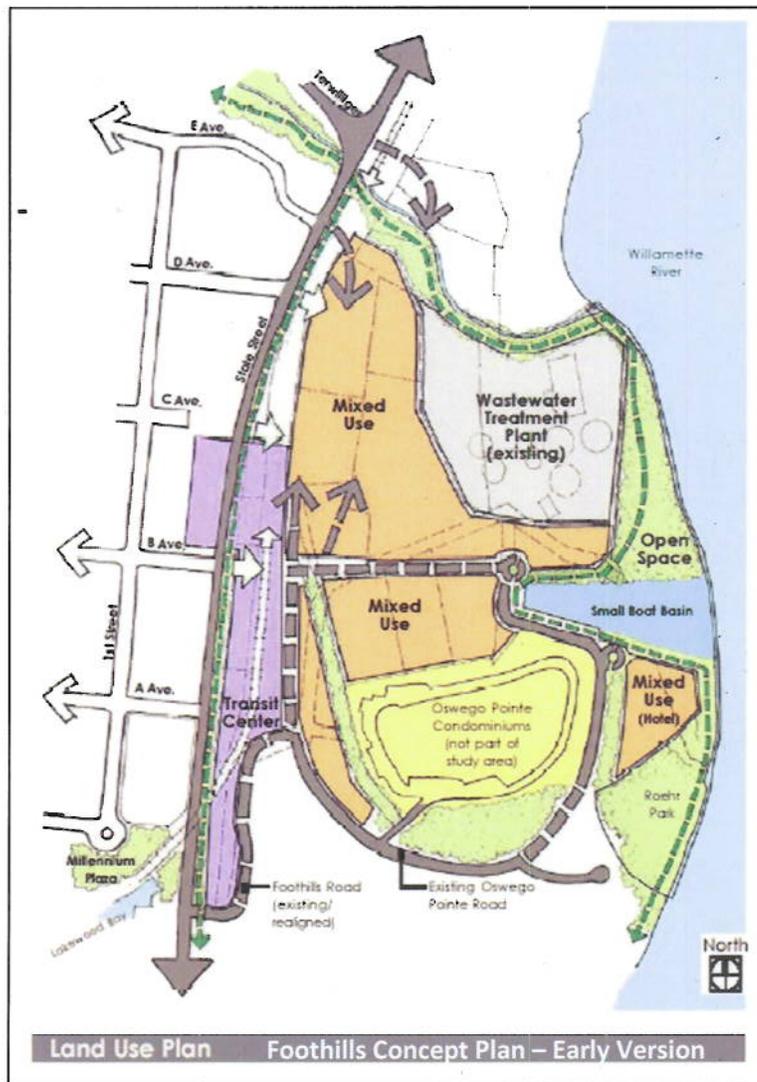
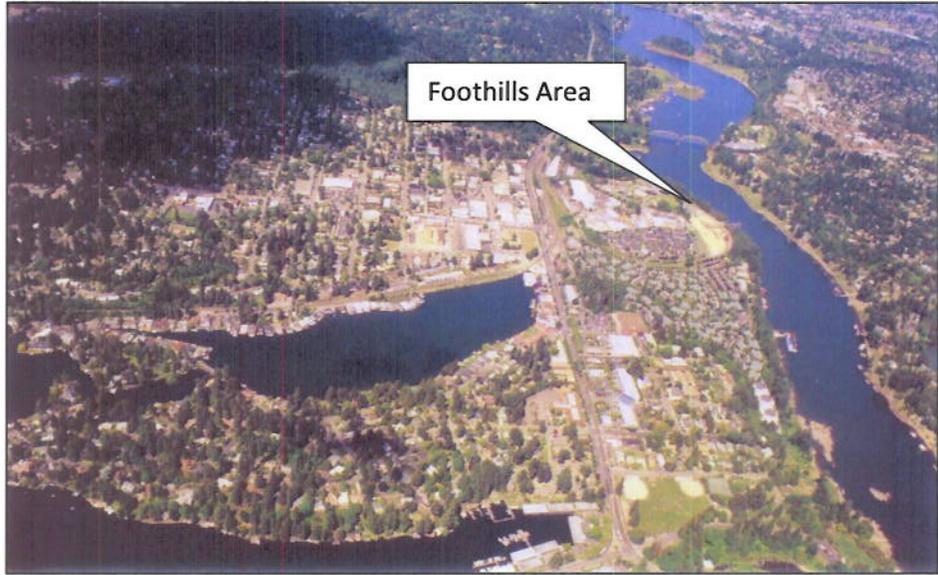
Thank you for the opportunity to comment.

Sincerely,



Dennis Egner
Assistant Planning Director
City of Lake Oswego

Attachments: Foothills Area Map and Concept Plan





CITY OF REDMOND
Office of the Mayor

RECEIVED

February 11, 2011

Oregon Department of
Land Conservation and
Development

716 SW Evergreen Avenue
Redmond OR 97756
(541) 948-3219
Fax (541) 548-0706
george.endicott@ci.redmond.or.us
www.ci.redmond.or.us

February 15, 2011

Joint Sub-Committee of the LCDC and OTC
Oregon Department of Land Conservation and Development
635 Capitol Street, NE
Salem, Oregon

RE: Testimony regarding the Transportation Planning Rule

Dear Sub-Committee and Commission members:

On its surface, the TPR is prudent and responsible rule which espouses responsible growth and development practices in Oregon. It requires us not only to plan future transportation system improvements – but ensure that those improvements can be constructed at time of need.

However, when coupled with conservative mobility standards, strict design standards, and dwindling state transportation resources (see 2014/15 Modernization STIP, \$0), the TPR mandates an unattainable condition.

Most, if not all, Transportation Professionals will agree that “we cannot build our way out of congestion”. However, the TPR would have us do just that – and to believe otherwise is the “polite fiction” of this day and age.

Our suggested solution is not simple: The entire manner in which transportation systems are planned, designed, and funded needs to be torn apart and rebuilt. Our suggestions as follows:

1. **TPR:** Maintain a requirement to responsibly plan for facilities and improvements, but remove the “reasonably likely” requirement.
2. **Mobility Standards:** Craft fair and flexible standards in recognition that some congestion is tolerable in urban areas. Remove the red tape that is required to implement an alternative mobility standard.
3. **Design Standards:** Practical Design and Least Cost Planning efforts are a good start, but only to the extent that they are truly practical.
4. **Funding:** There are many creative funding and financing mechanisms for transportation system improvements that are not allowed in Oregon. We need to put these tools in our toolbox; specifically those tools which utilize tax increment financing elements.

A solution to our transportation dilemma will require a little give and a little take from many different avenues and arenas. Thank you for the opportunity to provide comment and input.

Sincerely,

George Endicott
City of Redmond, Mayor
Local Officials Advisory Committee, Chair



City of Hillsboro Testimony
Before the Joint-Subcommittee of the Oregon LCDC and OTC
Re: the Oregon Transportation Planning Rule (TPR) (OAR 660-12-0060)
 February 15, 2011

Honorable Subcommittee Members:

Thank you for this opportunity to urge the LCDC and OTC to undertake further TPR and, perhaps, the OHP mobility performance standards rulemaking.

As described below, Hillsboro will have to solve the various compliance TPR and OHP requirements noted below in the near future. Absent unlimited resources to do so, it will be nearly impossible for Hillsboro to demonstrate full compliance by the following imminent planning actions with these standards as currently written – which essentially makes them “gating issues” as regards these City actions:

Major City Planned Development	Pending City Land Use Action	ODOT Highway Facility	Applicable Compliance Standard
700-Acres <i>Tanasbourne/Amberglen 2040 Regional Center</i> Development (see attached project description)	<ul style="list-style-type: none"> • Adoption of high density mixed use zones • Potential Urban Renewal implementation 	<ul style="list-style-type: none"> • 185th Ave./ Hwy 26 Interchange 	<ul style="list-style-type: none"> • OHP mobility Std. • TPR -0060
<i>South Hillsboro “Great Community”</i> Development (1100-Acres; 8400 DUs) (see attached project master plan map)	<ul style="list-style-type: none"> • Plan Amendment & Zoning 	<ul style="list-style-type: none"> • TV Hwy • Cornelius Pass Rd. & SW 209th intersections 	<ul style="list-style-type: none"> • OHP mobility std. • TPR -0060
310-690-Acres <i>North Hillsboro 2011 Industrial UGB Expansion</i> proposal for 5-6 large industrial sites (100 acres or more) for new anchor companies and the organic growth/expansion of the Silicon Forest high-tech, solar and bio-pharma clusters.	<ul style="list-style-type: none"> • Potential City implementing TSP Plan Amendments & Zoning • City adoption of IAMP 	<ul style="list-style-type: none"> • Brookwood Ave./Hwy 26 Interchange 	<ul style="list-style-type: none"> • OHP mobility std. • TPR -0060
Pedestrian-friendly & “road diet” improvements to SW Oak and SW Baseline Roads in <i>Downtown Hillsboro Regional Center</i> Plan implementation	<ul style="list-style-type: none"> • Implementing TSP Plan Amendment • Higher-density Downtown Core Upzoning 	<ul style="list-style-type: none"> • TV Hwy (SW Oak & SW Baseline Roads) 	<ul style="list-style-type: none"> • TPR -0060

Fortunately, we are working collaboratively with ODOT Region 1 staff to address these requirements as follows: 1) preparation of a Brookwood Avenue/Hwy 26 Interchange IAMP based on executed Memorandum of Understanding and Partnering Agreement; 2) preparation of a ODOT-TGM grant-funded TV Highway Corridor Refinement Plan; and, 3) close collaboration with ODOT staff on Downtown Hillsboro Revitalization proposals re: SW Oak and SW Baseline Road improvements. We greatly appreciate the strong ODOT-DLCD technical and funding assistance and support of these projects.

However, such collaboration will only take these projects so far in terms of achieving satisfactory compliance with the applicable TPR and OHP mobility performance standards. We share the view of other entities and local governments such as Metro, the League of Oregon Cities and many Oregon cities that TPR and OHP mobility standards need strategic adjustments to better support important local land use economic and community development goals and priorities while maintaining the functional performance of State highway facilities.

We hope you will advise LCDC and ODOT to engage in further TPR and OHP rulemaking toward that end.

Respectfully submitted:

CITY OF HILLSBORO PLANNING DEPARTMENT:

A handwritten signature in black ink, appearing to read "Patrick A. Ribellia". The signature is written in a cursive, flowing style with a large initial "P".

Patrick A. Ribellia, Planning Director

Attach:

Community/Economic Development & Growth

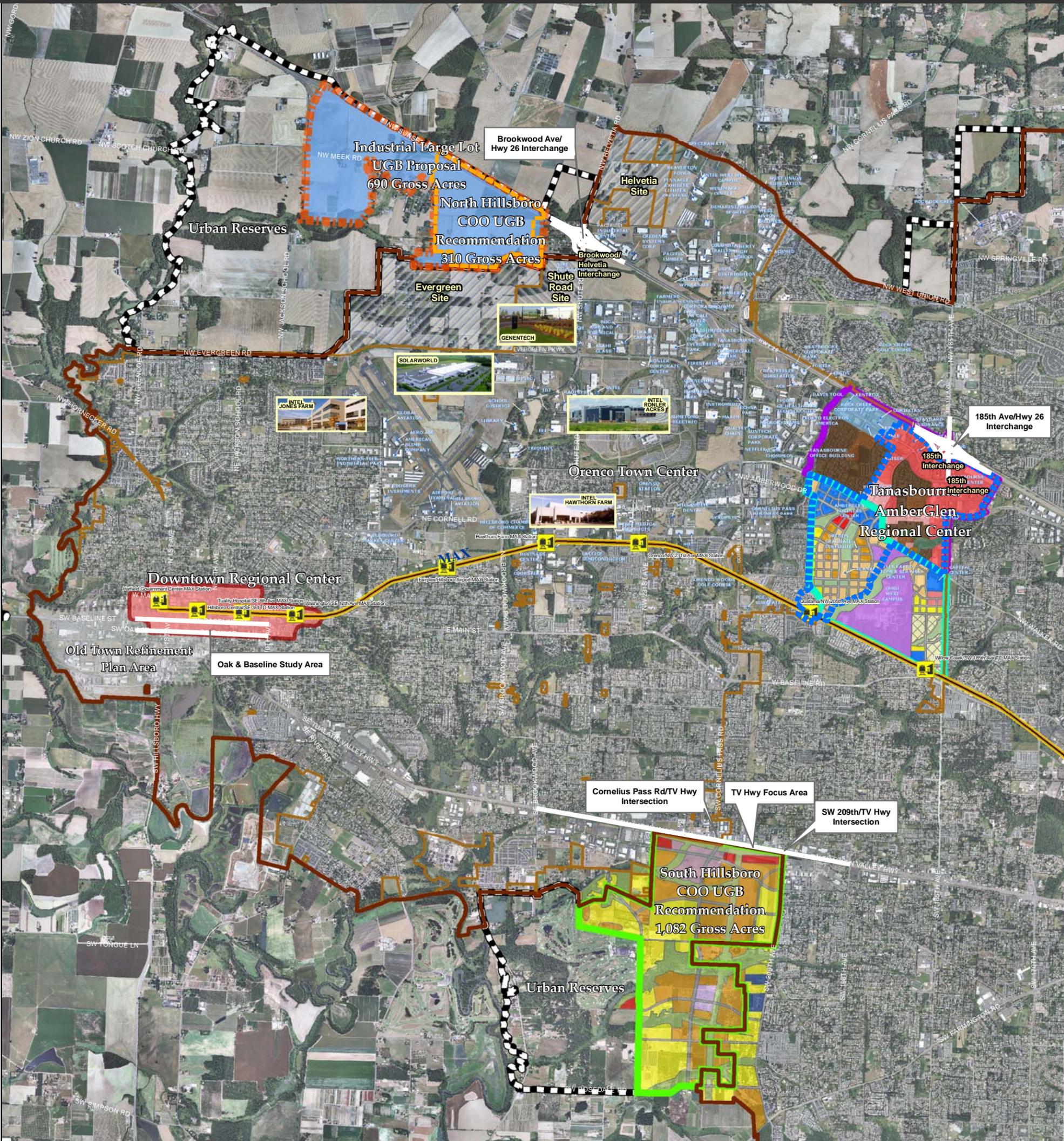
February 11, 2011



City of Hillsboro

PLANNING DEPARTMENT

150 E. Main Street, Fourth Floor
Hillsboro, OR 97123-4028
www.ci.hillsboro.or.us
Tel: 503.681.6153
Fax: 503.681.6245



- | | | | | | |
|--|--|--|---------------------------------------|--|-----------------------|
| | Industrial Large Lot UGB Proposal | | Tanasbourne Plan Area | | Urban Growth Boundary |
| | NoHi COO UGB Recommendation | | AmberGlen Community Plan Area | | Hillsboro City Limits |
| | South Hillsboro COO UGB Recommendation | | Tanasbourne/AmberGlen Regional Center | | Light Rail |
| | Urban Reserves | | Downtown Regional Center | | Light Rail Stops |
| | Old Town Refinement Plan Area | | | | |

Source:
City of Hillsboro GIS
- Current as of August 2010
- Aerial Photo as of June 2009
- Employer Data Current as of 2009
Washington County GIS
- Current as of August 2010
Metro RLIS
- Current as of August 2010

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

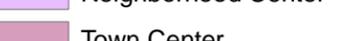
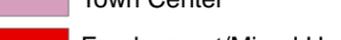
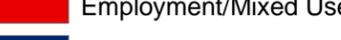
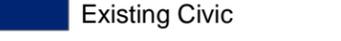


CITY OF HILLSBORO 2010 UGB Expansion South Hillsboro Concept Plan Map

Final Concept Plan as of April 2, 2008

SoHi East Concept Plan

Metro 2040 Design Type

-  Outer Neighborhood
-  Inner Neighborhood
-  Neighborhood Center
-  Town Center
-  Employment/Mixed Use
-  Existing Civic
-  Open Space
-  Roads

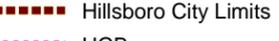
Future Parks - final location and size to be determined by Park Commission

-  Community Park
-  Neighborhood Park

Plan Area Data:

-  South Hillsboro Community Plan Study Area (2,330 Acres)
-  South Hillsboro Community Plan Area (1,566 Acres)
-  Area 69 (248 Acres)
-  Area 71 (87 Acres)

Base Data:

-  Witch Hazel Village (317 Acres)
-  Taxlots
-  Hillsboro City Limits
-  UGB
-  School District Boundary

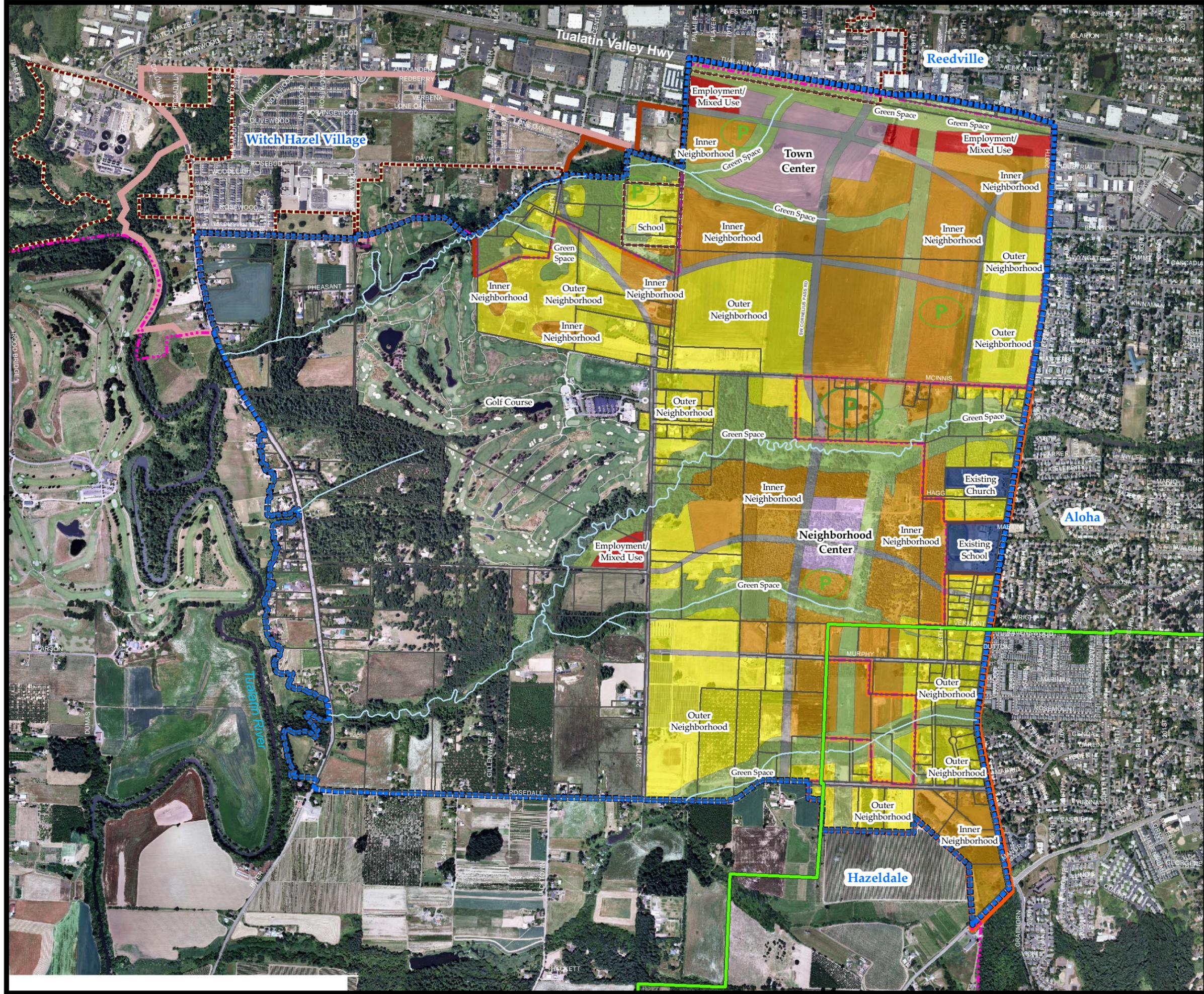
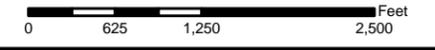
Sources:

City of Hillsboro Planning Department - May 2010
 City of Hillsboro GIS Department - May 2010
 Washington County - May 2010
 Metro - May 2010

Printing Date: July 6, 2010
 File: W:\GIS_Projects\LRNGE\Urban Reserves\
 ConceptPlanning\SouthHillsboro\Update032010\
 South Hillsboro 2040 Concept Plan_East_CapacityUpdate032010.mxd



1 inch = 1,320 feet



TANASBOURNE | AMBERGLEN

FOCUS | Housing, Shopping and Employment



Approximately 30,000 people will live in this regional center, and 23,000 people will work here



STATE OF THE CENTER:

Tanasbourne has evolved into a regional-scale, housing, retail and employment center close to regional employers and transportation facilities

State of the Centers Report Metro, 2009		Estimated Development Capacity City of Hillsboro, 2010	
	Tanasbourne Town Center	Regional Center Average	Proposed Tanasbourne/ AmberGlen Regional Center
Net Area	469	419	537
People/net acre	24	28	99
Dwelling Units/net acre	8	3	25
ULI businesses	97*	84	not estimated

*April 2010 Update, City of Hillsboro

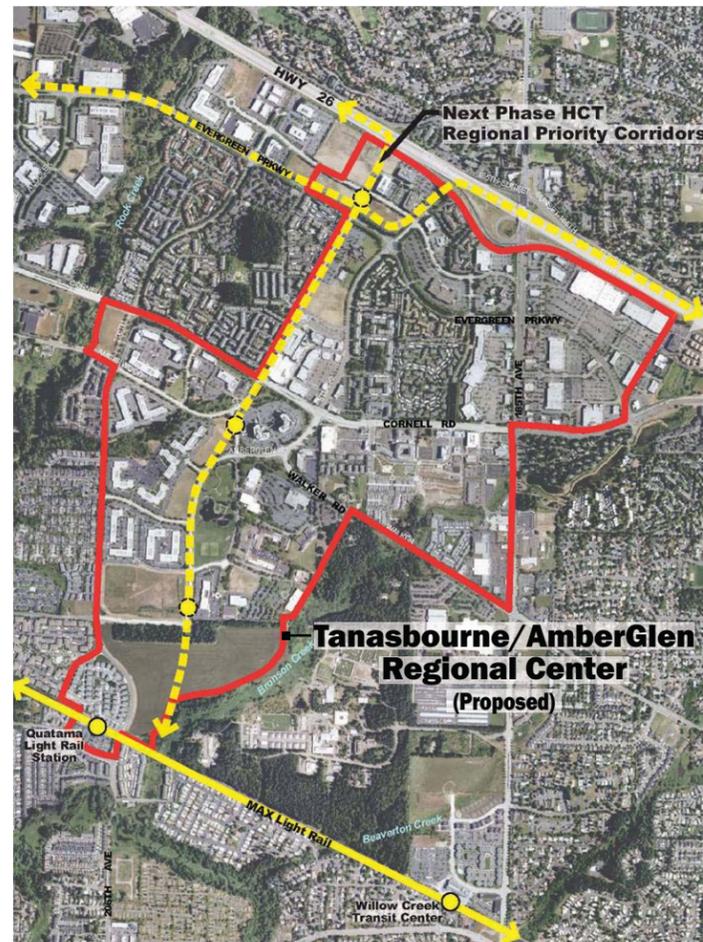
THE ASPIRATION:

Create a vibrant, regional activity center enlivened with high-quality pedestrian and environmental amenities, taking advantage of the region's light rail system



Urban Amenity Businesses Tanasbourne/AmberGlen, 2010

Bakery	1
Bar	0
Bike Shop	0
Book Store	2
Brew Pub	0
Child Care	1
Cinema	1
Clothing Store	30
Coffee Shop	7
Deli	1
Dry Cleaner	3
Fast Food Restaurant	9
Fitness Gym	1
Full Service Restaurant	31
Garden Store	0
Grocery Store	4
Ltd Service Restaurant	10
Music Store	1
Wine Bar/Sales	1



Tanasbourne/AmberGlen is an ideal location for more intensive mixed-use development close to major employers, Tanasbourne retail centers, and regional transportation facilities including the Westside Light Rail line and Highway 26.

GUIDING PRINCIPLES

- Urban/Green.** Mixed-use development sites are organized around a signature central park, natural corridors, habitat areas and developed open spaces. This urban green framework provides recreation amenities, enhances ecological functions, and fosters a strong connection to nature in the heart of an urban neighborhood.
- Connectivity.** Existing streets are incorporated into an urban grid to support walking, bicycling, and transit use while accommodating vehicles. In the envisioned urban mixed-use environment, a high proportion of trips people make are naturally by foot because home, work, shopping, recreation and transit can be conveniently made by bike or on foot.
- Third Places.** Places where people naturally gather are provided in parks, plazas and along streets at sidewalk-oriented, neighborhood-serving businesses.
- Market Flexibility.** A phased implementation approach supports and leverages existing development until the time that redevelopment becomes economically viable.
- Regional Landmark.** High-density residential and mixed-use development organized around a dramatic central park with access to shopping, transit and nature creates a landmark identity for a regional-scale district.
- Model Development.** The district will be a showcase for transforming suburban development, and for creating a compelling alternative for people seeking an urban lifestyle based on sustainable development practices.
- Economic Vitality.** Planned proximities to urban amenity businesses, open space and employment ensure that the price premiums required for high-density urban development forms are achievable.
- Create Catalyst at Outset.** Implementation targets strategic public investments to leverage widespread and sustained private investment with the Community Activity Center and Central Park serving as initial development catalysts.

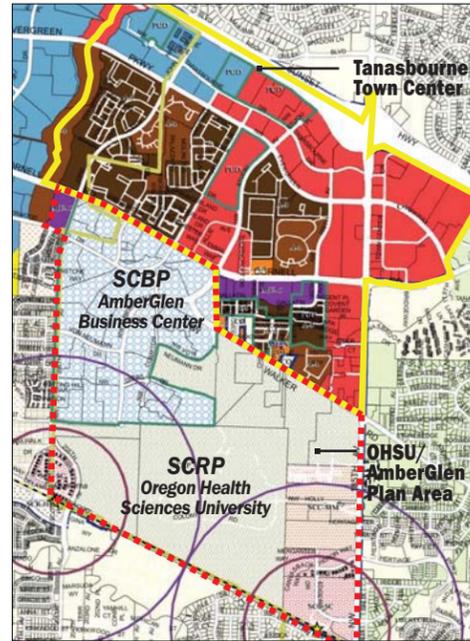


TANASBOURNE | AMBERGLEN

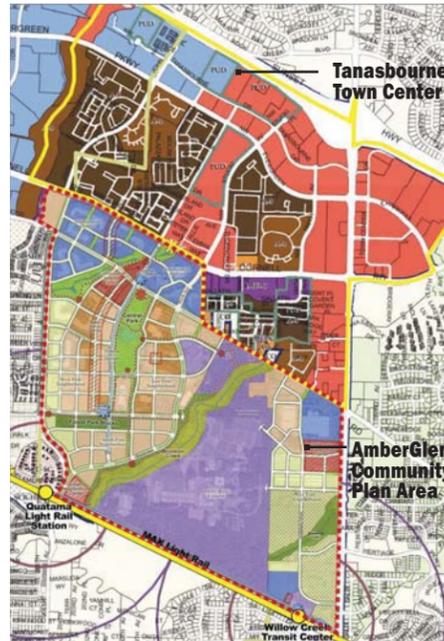
Area Planning Timeline



Tanasbourne/AmberGlen Planning Areas Aerial Photo, 2005



Tanasbourne Town Center Zones, adopted 2004 Station Community Campus Area Zones (OHSU/AmberGlen area), adopted 1996



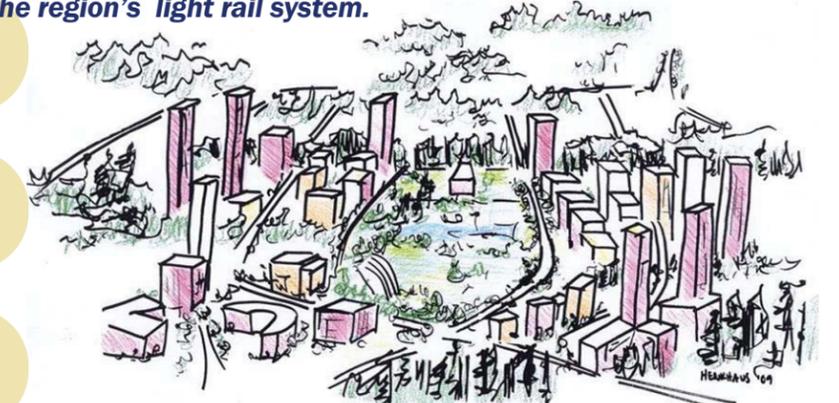
AmberGlen Community Plan Land Use Policy Amendments, 2010



Proposed redesignation and reconfiguration of the Tanasbourne Town Center as the Tanasbourne/AmberGlen Regional Center, 2010

VISION

Create a vibrant, regional activity center enlivened with high-quality pedestrian and environmental amenities, taking advantage of the region's light rail system.



NEXT STEPS

- 2010 Tanasbourne | AmberGlen Regional-Center Designation
- 2010 Establish stakeholder Memorandums of Understanding
- 2010/11 Adopt zoning, design and sustainability standards & incentives
- 2010/11 Establish public funding mechanisms and potential urban renewal district
- 2011/12 Initiate Multijurisdictional Interchange Refinement Plan
- 2011/12 Develop activity center catalyst project
- 2011/12 Tanasbourne Plan Area Update

Early 1980's

TheStandard Standard Insurance creates "Tanasbourne"
Standard Insurance begins development of 850 acres, the initial phase of the masterplan for "Tanasbourne." It was to become one of the region's largest, horizontal mixed-use developments.

1996

City adopts Station Community Plans and Campus Zones for OHSU/AmberGlen
Zoning supports existing "campus" uses and is intended to foster transit-oriented, pedestrian-sensitive, and auto-accomodating development. AmberGlen Business Center is designation: Station Community Business Park (SCBP). Oregon Health Sciences University designation: Station Community Research Park (SCRPP).

2006

City initiates AmberGlen Concept Planning Process
The City of Hillsboro initiated the OHSU/AmberGlen Concept Plan in 2006 to achieve higher levels of density close to major employers; provide high quality amenities & a pedestrian oriented, urban environment; support regional transportation infrastructure; and to transform all of Tanasbourne to a major regional activity center. The concept planning process was a collaborative effort between property owners, Tanasbourne area stakeholders and City, County, Metro and State officials. Although the concept plan was broadly endorsed by City Council and Planning Commission, it was not adopted.

2010

City adopts Resolution endorsing Tanasbourne/AmberGlen Regional Center
In February 2010, the City of Hillsboro adopted a resolution endorsing Metro 2040 redesignation and reconfiguration of the Tanasbourne Town Center as the Tanasbourne/AmberGlen Regional Center. Development capacity for the 687-acre area is estimated at over 30,000 residents and 23,000 jobs.

2010

City adopts AmberGlen Community Plan as an amendment to the Comprehensive Plan and Map
Adoption of the AmberGlen Community Plan in January 2010 established the policy framework required to amend land use regulations for higher intensities and densities, and to implement the vision established by the Concept Plan. The Community Plan provides a comprehensive guide for land use decisions necessary for transforming the area into a vibrant regional center close to major employers, the dynamic Tanasbourne Town Center, and regional transportation including Highway 26 and the Westside Light Rail. The complete, urban community is envisioned to be a regional landmark and a model of urban sustainability.

1991

BIRTCHE Real Estate Group AmberGlen Business Center breaks ground
Birtcher Development & Investments and State Farm Insurance, in a development agreement with Amberjack, break ground on the AmberGlen Business Center. The master plan identifies a multi-tenant, 26 building, 1.25 million square-foot research and development facility on 217 acres adjacent to OHSU.

1998

City initiates Parks & Open Space Investments
Rock Creek Trail construction begins the City's ongoing investment in parks and open spaces. With additional funds from Metro, 1.5 miles of paved nature trail connects residential, commercial and industrial neighborhoods.

1999 / 2004

City adopts Tanasbourne Town Center & Zones
City of Hillsboro adopts Tanasbourne Town Center Plan (1999) and designates Mixed Use Commercial zones (2004) to direct new mixed-use growth in support of Metro 2040 Growth Concept goals and allocations for housing and jobs.

1980 - 1995

1996

1997

1998

1999

2000

2001

2002

2003

2004

2005

2006

2007

2008

2009

2010

2035



1995

Metro adopts 2040 Growth Concept
The Metro 2040 Growth Concept was adopted in the Region 2040 planning and public involvement process in December 1995. The Growth Concept defines the form of regional growth and development for the Portland metropolitan region. The concept is intended to provide long-term management of the region.

1998

MAX Westside Light Rail Opens
Planning for a light rail system on Portland's west side began in 1979. In 1989, the local jurisdictions asked to add an extension to the Westside project to extend the line to Hillsboro due to rapid development. The Westside MAX line connecting Hillsboro to Portland opened in September, 1998.



2009

Metro adopts Regional High-Capacity Transit System Plan
On July 9, 2009 the Metro Council adopted the High Capacity Transit System Plan. The Plan identifies 16 potential high capacity transit corridors in four regional priority tiers, framework for future system expansion prioritization and proposed amendments to the Regional Transportation Plan. The 30-year Plan will guide investments in light rail, commuter rail, bus rapid transit and rapid streetcar in the Portland metropolitan region.

Potential Metro 2040 Regional Center designation for Tanasbourne/AmberGlen

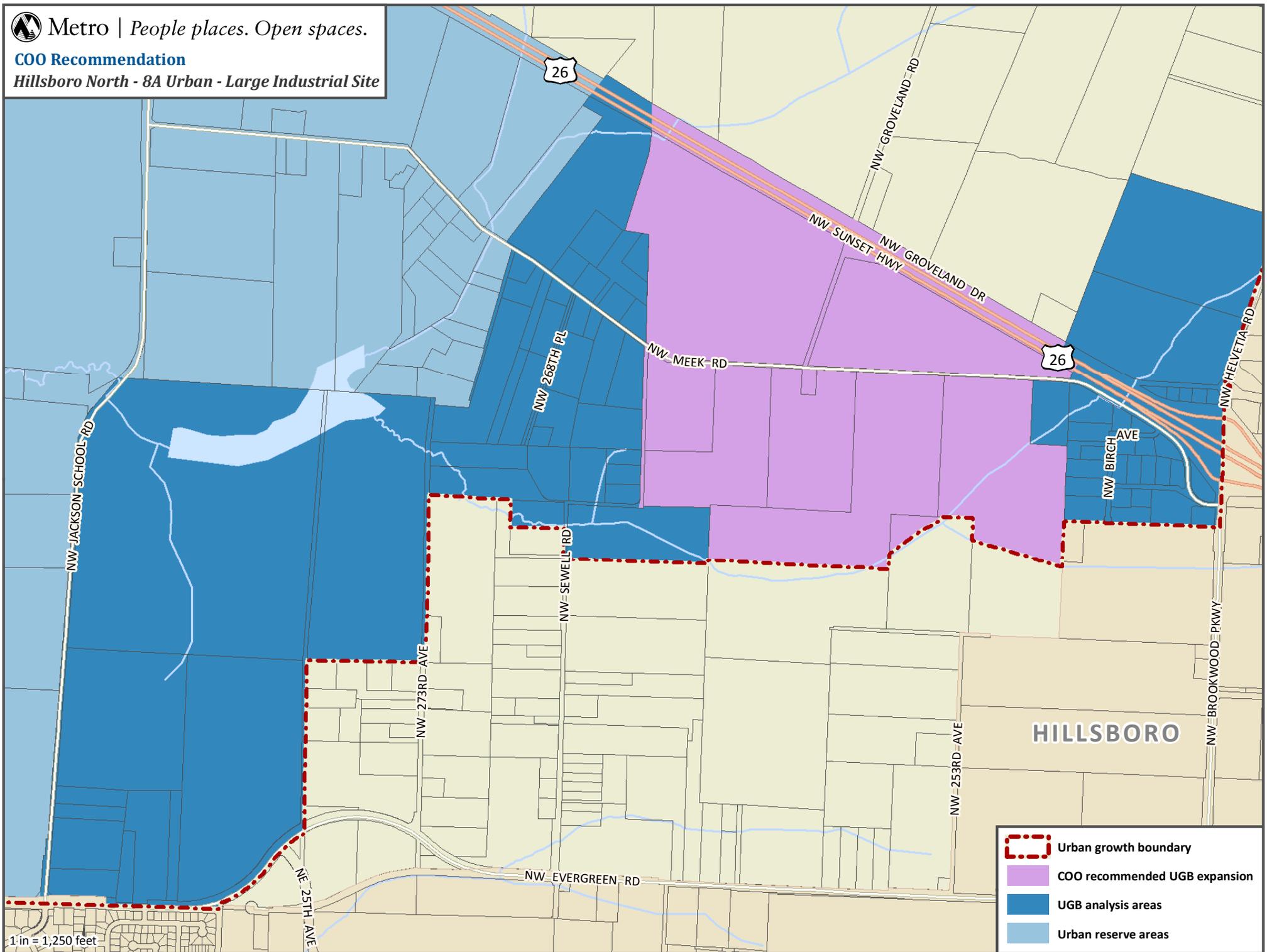


Potential extension of a High Capacity Transit Line along NW 194th Avenue with service to Tanasbourne/AmberGlen

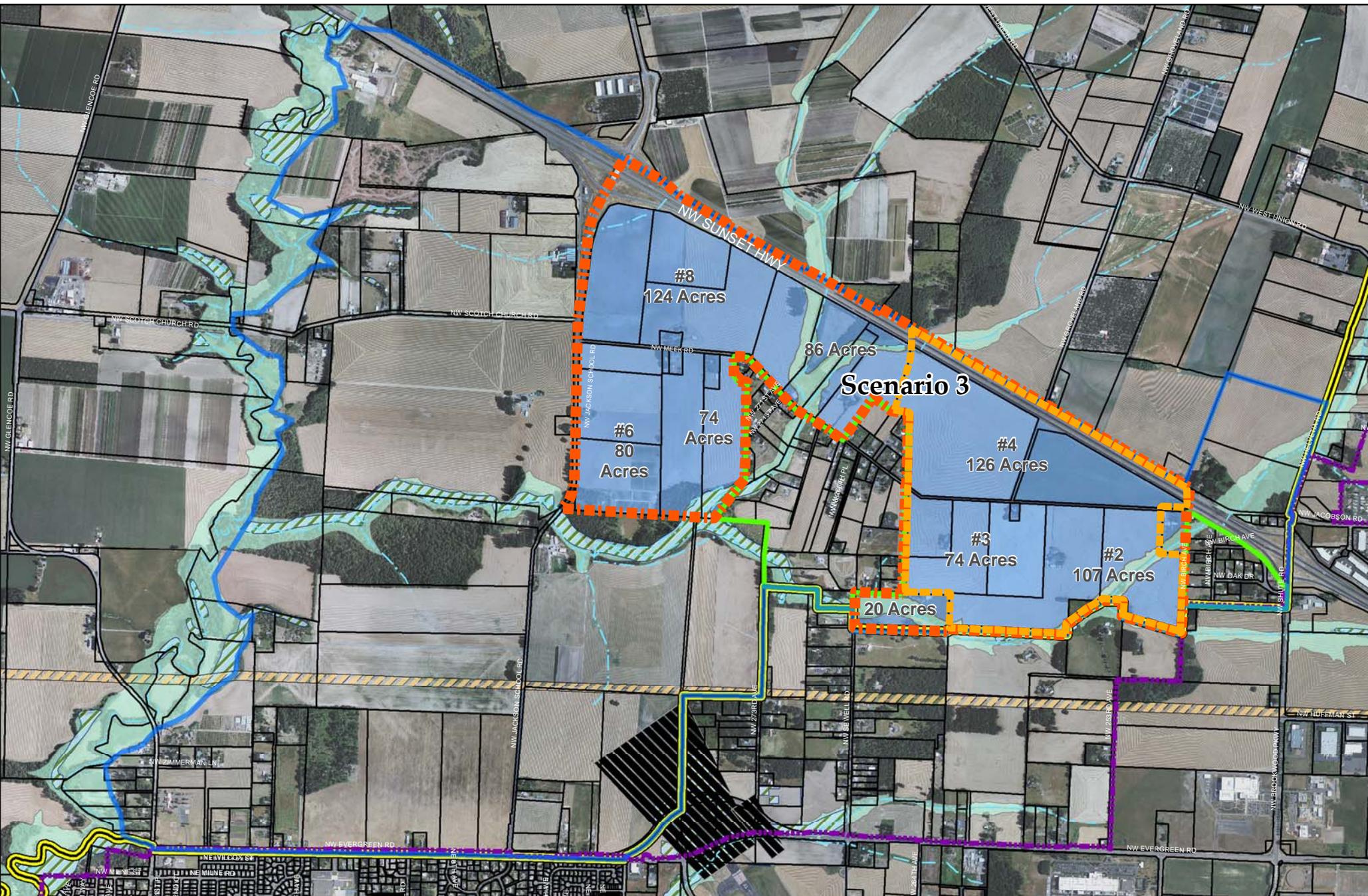


COO Recommendation

Hillsboro North - 8A Urban - Large Industrial Site



1 in = 1,250 feet



City of Hillsboro
PLANNING DEPARTMENT
 Long Range Planning
 150 E. Main Street, Fourth Floor
 Hillsboro, OR 97123-4028
 www.ci.hillsboro.or.us
 Tel: 503.681.6153
 Fax: 503.681.6245

Map 1
North Hillsboro
UGB Expansion

1 inch = 0.38 miles
 1 inch = 2,000 feet

- UGB Scenario 3
- UGB Scenario 3 Boundary
- COO Recommendation
- Exception Land
- Urban Reserves Boundary
- Urban Growth Boundary
- Hillsboro City Limits
- FEMA 100 Yr Floodplain
- Wetlands
- BPA ROW
- Airport Restriction Zone 1
- Tax lots

Gross Acres	Less: Constraints	Net Acres	Less: 10% for Future Roads	Net Buildable Acres	Employment Density	Employment Capacity
690	(47)	643	(64)	579	19.6	11,347

Source:
 City of Hillsboro GIS
 - Current as of May 2010
 Washington County GIS
 - Current as of May 2010
 Metro RLIS
 - Current as of May 2010

DISCLAIMER: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Printing Date: September 1, 2010
 File: W:\GIS_Projects\LRange\Urban Reserves\UGB\UGB_Scenario3_090110_Map1_NoHi_UGB_Exp_8x11_090110.mxd

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February 11, 2011

Oregon Department of
Land Conservation and
Development



Planning & Development
Planning Division

City of Eugene
99 W. 10th Avenue
Eugene, Oregon 97401
(541) 682-5377
(541) 682-5572 FAX
www.eugene-or.gov

MEMORANDUM

Date: February 11, 2011

To: Joint Subcommittee of the Oregon Land Conservation and Development Commission and the Oregon Transportation Commission

From: Lisa Gardner, Planning Director

Subject: Initiation of Rulemaking regarding the Transportation Planning Rule (TPR)

Please accept the following testimony on behalf of the City of Eugene regarding the upcoming public hearing to consider initiation of amendments to the TPR.

As you are aware, many cities throughout Oregon have recently provided both written and oral testimony to the Land Conservation and Development Commission regarding the need to amend the TPR. While the City of Eugene fully supports the purpose and intent of the TPR, we believe it is in the best interest of the state, as well as local governments, to re-examine its effectiveness and to make the appropriate improvements.

The attached letter was provided to LCDC several months ago detailing specific concerns experienced by the City of Eugene. We would note that many of our issues have been echoed by several other jurisdictions. We are hopeful that these common themes could serve as basis for determining the scope of future amendments. Key issues which we would emphasize for consideration include:

- Exempt zone changes from the TPR if consistent with adopted comprehensive plans.
- Define reasonable benchmarks to serve as the basis for impact analysis.
- Provide greater flexibility in determining how and when mitigation shall be implemented.
- Re-examine mobility standards, including a streamlined process for adoption of alternative standards.

While our concerns pose substantial implementation challenges at the local level, our primary concern is with the unintended consequences that result, many of which may be contrary to other fundamental statewide objectives. These include:

- Discouraging economic recovery
- Promoting sprawl through less efficient use of land within UGB's
- Limiting cities from balancing land use and transportation needs
- Limiting thoughtful growth management solutions

The attached letter provides further details of these concerns, including examples of how specific elements of the TPR have been problematic in Eugene.

We understand the effort involved in the rulemaking process, but believe the circumstances associated with the implementation of the TPR are significant enough to warrant initiation. The City of Eugene strongly supports initiation of this process and is available to assist in this effort.

Thank you for your consideration of our testimony.

Attachment: Letter to LCDC, dated May 28, 2010



May 28, 2010

Richard Whitman, Director
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

Subject: Transportation Planning Rule (TPR) comments

On June 2-4, 2010, the Land Conservation and Development Commission (LCDC) will be holding their next regular meeting to take action on policy agenda items for the remainder of the biennium. We understand that one topic that will be discussed is the Transportation Planning Rule (TPR). In anticipation of this discussion, the Department of Land Conservation and Development (DLCD) and LCDC have encouraged local jurisdictions to share their concerns regarding the TPR. We appreciate this opportunity and would like to provide the following comments in hopes of improving the effectiveness of the TPR.

Background

As DLCD staff is aware, implementation of the TPR over the last few years has been an unpredictable process to navigate, in part due to the various court decisions that have been issued. As it stands today, the TPR poses some serious implications for local jurisdictions in their efforts to plan for, and accommodate, growth in their communities. These circumstances are exacerbated by the fact that local governments are struggling financially to provide a variety of services to their communities. This includes the provision of adequate transportation facilities. The TPR is predicated on the concept that state, county and city governments will have all necessary transportation facilities in place or programmed (with funding strategies) for their respective planning periods. We understand that the HB 3379 committee may be addressing the question of adequate funding. Needless to say, the ability to accomplish this is an increasing challenge.

In Eugene, there are several city, county and state transportation facilities that are currently (or nearly) falling below the facility's performance standard. While some of these facilities may benefit from planned improvements included in our local Transportation System Plan (TSP), others are yet to be addressed. While some local streets have been problematic in evaluating the TPR, by in large, Eugene's biggest challenge has been related to ODOT facilities, as well as some Lane County facilities. Where no future improvements are planned, new development or redevelopment has been severely restricted, if not completely halted.

While the City of Eugene fully supports the intent and purpose of Goal 12 and the TPR, recent court rulings have created unintended consequences that in some cases, seem to be in conflict with other statewide planning goals.

Current Challenges

The current application of the TPR poses challenges both to local governments as they plan for growth, as well as individual property owners who are attempting to further develop their land. Following is a brief discussion of those challenges:

Privately Initiated Amendments: When reading the TPR, it appears that the main focus of the rule was to assure that larger scale changes in a community's land use plans require careful consideration of corresponding transportation impacts. Under these circumstances, one would expect that a local government would be undertaking some form of comprehensive amendment process, possibly involving its TSP as well. For privately initiated amendments, this is not the case. Typically, such requests are site specific and limited in scope. Under these circumstances, the comprehensive nature of the TPR does not match the realities of small scale, quasi-judicial proposals. This is especially true for zone changes.

OAR 660-012-0060(1) states that the TPR applies to amendments of functional plans, an acknowledged comprehensive plan or land use regulation. While previous rulings have determined that a zone change is considered an amendment of a land use regulation, we believe that the TPR, as written, does not account for the realities associated with typical zone changes requests.

The amendments described above address fundamental changes to a local government's adopted plans (Amendments of comprehensive plans and local land use or zoning codes). A zone change, by definition, is simply a request to conform a property's zoning to an adopted and acknowledged comprehensive plan designation. Regardless of this viewpoint, application of the TPR at the time of zone changes has created circumstances we believe are contrary to the state's objectives.

With respect to privately initiated actions, an applicant is responsible for bringing an entire transportation facility into compliance with accepted standards, if that facility is not identified for improvement on the city's TSP. While the TPR allows the city to lower its level of service, the prospect of amending the TSP in response to a simple zone change request is infeasible. Expecting other agencies to do the same for their respective facilities is even more unrealistic. This approach essentially means that one single property owner must bear the responsibility of mitigating a failing facility [as prescribed under 0060(2) or (3)]. In the case of ODOT facilities, the typical mitigation necessary far exceeds the capacity of a single property owner. In Eugene, this has resulted in applications either being withdrawn or severely reduced in scale to avoid mitigation.

Growth Management Planning: Eugene is in the process of developing its strategy for accommodating its 20 year growth needs. The challenge of ensuring adequate city transportation facilities to serve this growth is substantial, especially when many facilities are currently at, or near capacity. While the TPR does provide some limited relief valves (660-012-0060(2)(d) and 660-012-0060(6)), Eugene's primary challenge has been with ODOT facilities, and to a lesser degree, county facilities. While the city works closely with these agencies on transportation issues, it has little control for ensuring long term solutions on their respective facilities. In the absence of any additional flexibility within the TPR, Eugene may be precluded from pursuing strongly supported efficiency measures for growth within its UGB if these strategies affect already impacted facilities.

Unintended Consequences

Based on these and other circumstances, application of the TPR in Eugene is resulting in the following unintended consequences:

Discourages economic recovery

Given the circumstances above, potential projects along certain ODOT affected corridors have essentially been stifled at the prospect of addressing cost prohibitive mitigation measures. This has been especially true for small property/business owners. Several projects (both residential and commercial) have been pursued in Eugene, but ultimately withdrawn, solely because of the prospect of TPR mitigation. Unfortunately, the very areas in Eugene that are more readily able to accommodate additional growth or redevelopment are located in the vicinity of these impacted facilities.

Promotes sprawl

In order to avoid cost prohibitive mitigation, applicants that do proceed are scaling back or limiting their development requests to avoid the requirement for mitigation, resulting in low intensity development. This is especially frustrating when both the city and the applicant are attempting to promote efficient use of the land within the UGB only to find a developer reluctantly reduce the level of development in order to avoid costly mitigation. A recent example of this is a comprehensive plan amendment and zone change approval for a residential parcel. In order to avoid mitigation requirements, the applicant proposed to condition the decision so that the resulting number of units would not exceed 1 unit per acre. Instead of pursuing a project that could yield up to 350+ units (as allowed under the city's adopted plans), future development will be limited to 28 units.

In another instance, a 23 acre parcel designated for high density residential development in the City's Metro Plan and neighborhood plan reduced proposed density by over 300 dwelling units (13 units per acre) after realizing the mitigation costs necessary to satisfy the TPR. The resulting density is slightly above the minimum required for the high density designation. The loss of these 300 units will eventually need to be made up elsewhere.

Continued development scenarios such as this will ultimately require Eugene to consider larger UGB expansions in the future.

Precludes communities from balancing transportation and land use objectives

As currently applied, the TPR allows very little, if any, opportunity for local governments to balance its land use objectives with the transportation requirements specified in the TPR. For example, comprehensive plans and neighborhood plans that were adopted and acknowledged by the state cannot necessarily be relied upon as a blueprint for future growth. In essence, the TPR prohibits consideration of previously adopted plans (even if these studies contained transportation considerations) when evaluating a zone change request. For zone change requests that are simply attempting to bring properties into conformity with the adopted comprehensive plan designations, the TPR, not the comprehensive plan, is the primary determinant of future growth potential. Under this approach, the TPR essentially trumps any adopted land use goal, objective or policy.

Limits growth management solutions

The current application of the TPR raises serious concerns for how cities can plan for future growth. Eugene is in the process of evaluating how to accommodate its future housing and employment needs. As Eugene looks at efficiency measures for how to grow more densely within our UGB, we are already seeing many areas of the city potentially eliminated from consideration simply because they involve failing or near failing ODOT or county facilities with no programmed improvements. These circumstances can be especially frustrating when considering growth scenarios that emphasize less dependence on vehicle use. The flexibility allowed in the TPR (660-012-0060(6)), while helpful, provides minimal assistance in satisfying the TPR.

Opportunities for Improvement

Based on the experiences in Eugene, we would like to offer the following suggestions on how the TPR might be improved:

1. **Exempt Zone Changes:** As noted above, Eugene believes that zone changes should not be considered an "amendment of a land use regulation". We have found that application of the TPR at the time of zone change is impacting the state's land use and growth management objectives disproportionate to the potential transportation benefits that may be achieved (see comments above). While it might seem advantageous to mitigate potential traffic impacts before any actual development is proposed, such mitigation rarely occurs, as applications are either abandoned or scaled back significantly to avoid any mitigation.
2. **Flexibility to provide mitigation over the planning period:** Greater flexibility in both the thresholds for determining impact and the mechanisms for implementing mitigation measures would help realize feasible improvements while accommodating growth. Areas to address could include:
 - Clarify/Modify the term "Significant Affect": The TPR provides minimal guidance as it relates to determining "significant affect". Eugene has based its determination on "reasonable worst case scenarios" which is not defined in the TPR. While some clarification of "significant affect" would be helpful, the larger concern is determining a reasonable level of impact in the absence of any actual project. Without the benefit of having development proposals to evaluate, these hypothetical scenarios can vary greatly. Any potential definition should account for projects that may be higher or lower in intensity over time (not simply worst case scenarios for every proposal).
 - Work with ODOT to modify their mobility standards (Volume to capacity ratio) to be less restrictive and/or balanced with other land use objectives.
 - Minor vs. major transportation Improvements: Consider eliminating this distinction or modifying it at a minimum, as it is referenced in 660-012-0060(2)(e). Eugene has had 2 recent examples where mitigation was proposed by an applicant, that if determined to be major improvements under 0060(2)(e), could have precluded the mitigation from being provided because it would require an amendment to the city's TSP (infeasible during a zone change process). If the affected agency supports the mitigation proposal, whether the mitigation is minor or major should be immaterial.
 - Phased Compliance: Consider amendments to allow greater flexibility in phasing mitigation. Consider allowing projects that are identified in adopted transportation system plans, whether funding is secured or not.

3. **Make the burden of mitigation proportional to the impact:** Under the current TPR, the rule has no accommodation for considering the proportional impact of a particular request. In essence, the rule functions under a “last straw” concept. If a transportation facility is near failing and the next request pushes the impact beyond acceptable levels, that project is responsible for bringing the transportation facility up to the identified performance standard. Particularly when ODOT facilities are involved, there are rarely modest (and proportional) mitigation measures available to a developer that would bring the facility up to the identified performance standard to restore capacity. Rather, it is more common to see the necessary mitigation be a substantial project. For most applicants, these choices are completely infeasible and disproportionate to their project.

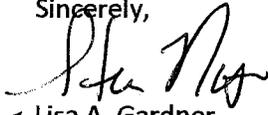
Given that these circumstances run contrary to other laws that limit a local government to imposing proportional mitigation (e.g. Dolan), we encourage the state to consider an amendment that bases the burden of mitigation in some proportional way. One option would be to consider a “fee in lieu” approach if no proportional mitigation is available.

4. **Balance the needs of ODOT facilities with other statewide planning goals:** Under its current application, the TPR provides minimal means to balance the needs of other statewide planning goals, in particular Goals 9 and 10. While we support the need for maintaining effective and functioning transportation systems, we do not believe that it is in the best interest of our community or the state to do so at the expense of sound growth management strategies. Given the limited resources to local governments, as well as the state, we are concerned that under the current approach, TPR compliance may lead cities to make decisions based predominately on a path of least resistance (e.g. avoids substantial transportation mitigation). We would encourage LCDC and staff to consider greater flexibility in the TPR to enable actions that balance the objectives of Goals 9 and 10 with those in Goal 12.

While we realize that our comments call for a more comprehensive assessment of the TPR, we do believe that left unchecked, the circumstances we’ve described will become more common place throughout the state. Eugene has had the unenviable position of being at the leading edge of these impacts, as a result of recent court decisions in our community. However, we are hearing from other communities who are beginning to experience similar impacts.

We appreciate your willingness to listen and look forward to the opportunity of working with your office on potential solutions.

Sincerely,


for Lisa A. Gardner
Planning Director
City of Eugene

cc: John VanLandingham, Chair, LCDC
Linda Ludwig, LOC



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

February 11, 2011

DEPT OF
FEB 14 2011
LAND CONSERVATION
AND DEVELOPMENT

Joint-Subcommittee of:
Oregon LCDC &
Oregon Transportation Commission
c/o Matt Crall
635 Capitol Street NE, Suite 150
Salem, OR 97301-2564

RE: Testimony Considering TPR Revisions

Dear Joint Subcommittee Members:

Thank you for considering the City of Beaverton's testimony on an extremely important topic to the City of Beaverton as well as communities and regions throughout the state.

Please understand that the City supports many of the concerns already raised at previous discussions including comments to the Joint LCDC/OTC Subcommittee on the Transportation Planning Rule (TPR) from local government practitioners.

The City of Beaverton's more specific concerns are:

Annexations

TPR should provide flexible consideration when properties annex which have similar but not exact county to city use designations in particular zones.

What is *No Significant Impact* of the TPR?

There are no clear and objective criteria to place judgment on the TPR's "no significant impact." How is a jurisdiction or ODOT supposed to determine No Significant Impact when analyzing the TPR?

Improvements

When should mitigation improvements be made? At the time of a zone change or at the time of development? If a fee-in-lieu is made in relation to appropriate nexus to those improvements, ODOT should be administering the fee, not the local jurisdictions. This money should be going directly to the specific improvements as found to be necessary with the development / zoning impacts.

Zone Changes

The City has recently experienced a TPR difficulty attempting to implement a Code Amendment by changing the zoning of parcels from one residential zone to another residential zone. Commentary from DLCD staff identified the need for analysis that demonstrated compliance with the TPR. This led to the city's choice of pursuing the zone of lesser density (as a replacement zone) solely because

we knew this choice would enable us to demonstrate compliance with the TPR and would not require traffic analysis for which we had not budgeted and was not warranted due to the size and condition of the properties. However, as we experienced in deciding to pursue the zone of less density, we received concerns from Metro as to compliance with Title 1 (Housing). Accordingly, we had to show how our down-zoning proposal would not reduce density more than 80 percent of that allowed under the former zone (per Title 1 and our Comp Plan Housing Element). Metro was not pleased with our choice to pursue this option.

State Agencies Inability to Differentiate Minor Amendments from Large

The City's experience on recently proposed Office Commercial amendments indicate that the State agencies simply object to approval of any increase in commercial zoning, no matter how small the site or the functional condition of the site. Even though the City had recently had substantial land use amendments to the Development Code approved and acknowledged by State and regional agencies, the City's subsequent effort to implement those changes on the zoning map were found to be objectionable by the State. A majority of the Office Commercial map amendments were small, developed parcels of less than 1 acre in size, whereby the existing commercial zone that had been recently deleted in the Code would be replaced by another commercial zone. Although these proposed amendments are relatively small and minor in nature, the State agencies do not appear to consider their minor nature. In order to implement these minor zoning changes, the City will be forced to expend already limited funding resources to study an impact that cannot be reasonably assumed to take place at any time in the future. The City believes that far too much emphasis is placed on studying potential transportation system impacts at the legislative stage. This is usually an academic exercise which will be followed by a development specific transportation impact analysis with a development proposal. We do not believe that transportation impact analyses should be abandoned at the legislative state of review. We believe that at the legislative stage of review, potential transportation impacts should be identified and solutions considered. However, specific improvements and the timing of those improvements should only be identified and required at the time when there is a specific development proposal with an identifiable transportation impact under consideration.

Thank you for your consideration. Please contact me at (503) 526-2422 to help with any questions you may have in light of the City's testimony.

Sincerely,



Don Mazziotti
Community Development Director

DM/TR/pal

c: Denny Doyle, Mayor
Alan Rappleyea, City Attorney
Gary Brentano, Economic & Capital Development Director



1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503-727-2000
FAX: 503-727-2222
www.perkinscoie.com

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February 14, 2011

Oregon Department of
Land Conservation and
Development

Mark D. Whitlow
PHONE: (503) 727-2073
FAX: (503) 346-2073
EMAIL: MWhitlow@perkinscoie.com

February 14, 2011

Michael D. Rock
Oregon Department of Transportation
Transportation Development Division
555 13th Street NE
Salem, OR 97301

**Re: Potential Amendments to Transportation Planning Rule
Request for Streamlining to Facilitate Development**

Dear Joint Committee Members:

This letter is written on behalf of the International Council of Shopping Centers (ICSC) and the Retail Task Force (RTF) regarding the Commission agenda item relating to Oregon's Transportation Planning Rule (TPR). Please make this letter a part of your record of proceedings.

I was a member of the HB 3379 Stakeholders Committee. In addition, I have participated in numerous legislative activities regarding the TPR, including the last amendments in 2005 based on the *Jaqua* case. As some members of the Commission may recall, ICSC and the RTF presented testimony during that last round of amendments and were skeptical of the workability of the "reasonably likely" standard for establishing the certainty of funding for necessary transportation facilities improvements to provide future system capacity. Several years later, those concerns appear to have been well justified. HB 3379 does not present a viable solution to the TPR's "reasonably likely" problems.

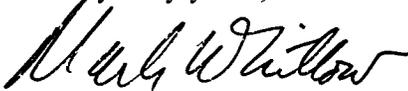
It is time to take a fresh look at the TPR. Some of its provisions are detrimental to critical economic growth and development, especially regarding the need to increase densities inside urban grown boundaries, one of the state's primary land use policies. If the capacity of the transportation system cannot be increased correspondingly with the increase in density, then the TPR's concurrency policy will prevent the planned increase in the density of development inside UGBs, at least where the density increase is hinged on plan amendments. Accordingly, the concurrency requirements of the TPR in that context are in a direct policy conflict with the state's primary land use policy.

In addition to the policy conflict above described, the TPR also contains a number of other provisions that could be amended to enhance economic growth and development by avoiding unnecessary cost and delay now created by the following circumstances:

- As interpreted, the TPR now applies to zone changes in conformance with comprehensive plans. In the last round of discussions, I believe that many cities and/or counties testified that such an interpretation was overly burdensome and served no particular use or purpose. In other words, that interpretation of the rule creates process without corresponding benefit. Other interests may disagree but, on balance, the issue needs to be reexamined. It would be very easy to amend the rule to avoid that interpretation.
- As now interpreted, Section 0060 would only allow certain transportation measures to be utilized for mitigation purposes following a TPR analysis and resultant finding of significant affect, rather than allowing those transportation measures to be used to avoid a finding of significant affect. The difference is more than "half full/half empty." Rather, the difference is the addition of considerable cost and delay to a project by requiring a long-range traffic impact study and the time to negotiate, analyze and apply that study, where many studies ultimately propose a "trip cap" for mitigation, where the trips to be generated by the new plan map and zoning map designations will be no greater than the trips originated by the prior plan map and zoning map designations. So, the simple question is why can't a trip cap be used to avoid a finding of significant affect and truncate the system? Some jurisdictions may not favor trip caps, but many others, including the City of Portland, have identified them as useful tools. As above, the relevant provisions of the TPR could easily be amended to provide that streamlining opportunity.

We offer the above comments as illustrations of the need to further address the TPR. Both ICSC and the RTF look forward to the opportunity to participate in amendment proceedings. Thank you for the opportunity to present comments on this important matter.

Very truly yours,



Mark D. Whitlow

MDW:sv

cc: ICSC, Government Relations Committee for Oregon
RTF Participants



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February 15, 2011

Oregon Department of
Land Conservation and
Development

*Protecting Central Oregon's natural environment
and working for sustainable communities.*

CENTRAL OREGON LANDWATCH

25 NW MINNESOTA AVE. #12

BEND, OR 97701

PHONE: (541) 647-1567

FAX: (541) 647-1568

WWW.CENTRALOREGONLANDWATCH.ORG

February 15, 2011

TPR/OHP Subcommittee of LCDC and OTC
635 Capitol Street, NE, Ste. 150
Salem, OR 97301-2564

Re: Hearing of February 15, 2011, on Transportation Planning Rule

Dear Commissioners:

My name is Michel Bayard, a director of Central Oregon LandWatch. I am also the Chair of the Citizens Advisory Committee for the ODOT Highway 97/20 refinement plan and am a member of the Citizens Advisory Committee of the Bend Metropolitan Planning Organization.

On behalf of LandWatch, I am here today to support the Transportation Planning Rule and to emphasize the reasons why we have the rule in the first place. First of all, it is imperative that development pays for itself and that we do not burden future generations with financial obligations and problems which we have created. The Transportation Planning Rule protects communities and protects the environment.

While some amendments to the TPR or how ODOT utilizes its volume to capacity ratio might be warranted, any such changes should be cautiously made. Rather than adopt the sweeping changes now being proposed, LCDC and the OTC should first see how recent rule changes such as under HB 3379 will work.

I also wish to emphasize that the Transportation Planning Rule is not the obstacle that many people are claiming as the reason for our economic difficulties. There is a large inventory of residential, commercial and other properties available for development in Central Oregon. It is estimated that one in ten homes built since 2000 in the city of Bend are now sitting vacant. The TPR did not cause these problems.

In addition, we believe it is imperative to protect our current jobs which may in large part rely upon the Transportation Planning Rule. These jobs and the associated transportation mobility associated with them should not be sacrificed in the name of new jobs without there being a very careful assessment of the economic impacts of congestion and loss of mobility.

Thank you for this opportunity to comment.

Very truly yours,

Michel Bayard