



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



*Oregon Administrative Rule 660-012-0060*

### Summary of New Sections

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

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

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

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

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

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

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

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

## Summary of Changes within Existing Sections

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

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

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

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

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

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

## Additional Information

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

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

### **Rulemaking Process**

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

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

### **Oregon Highway Plan**

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

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

### **Staff Contact**

Matt Crall, Land Use and Transportation Planner  
[matthew.crall@state.or.us](mailto:matthew.crall@state.or.us) – 503-373-0050 x272

### **Disclaimer**

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

January 18, 2012

# Amendments to the Transportation Planning Rules Oregon Administrative Rules 660-012-0005 & 0060

Adopted by the Oregon Land Conservation and Development Commission December 9, 2011.  
Filed with the Secretary of State December 30, 2011. Effective January 1, 2012.  
Additions are **bold and underlined**. Deletions are [~~struck through in brackets~~].

## 660-012-0005

### Definitions

....

(7) "Demand Management" means actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include, but are not limited to, the use of alternative modes, ride-sharing and vanpool programs, [~~and~~]trip-reduction ordinances, **shifting to off-peak periods, and reduced or paid parking**.

...

## 660-012-0060

### Plan and Land Use Regulation Amendments

(1) [~~Where~~] **If** an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (**including a zoning map**) would significantly affect an existing or planned transportation facility, **then** the local government **must** [~~shall~~] put in place measures as provided in section (2) of this rule, **unless the amendment is allowed under section (3), (9) or (10) of this rule** [~~to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility~~]. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

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

(c) **Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions** [~~As~~] measured at the end of the planning period identified in the adopted [~~transportation system plan~~] **TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.** [~~;~~]

(A) [~~Allow land uses or levels of development that would result in t~~] **Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

(B) **Degrade** [~~Reduce~~] the performance of an existing or planned transportation facility **such that it would not meet the** [~~below the minimum acceptable~~] performance standards identified in the TSP or comprehensive plan; or

(C) **Degrade** [~~Worsen~~] the performance of an existing or planned transportation facility that is otherwise projected to **not meet the** [~~perform below the minimum acceptable~~] performance standards identified in the TSP or comprehensive plan.

(2) [~~Where~~] **If** a local government determines that there would be a significant effect, [~~compliance with section (1) shall be accomplished~~] **then the local government must ensure that allowed**

**land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the [following:] remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.**

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
- ~~(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.]~~
- ~~(c)[d])~~ Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- ~~(d)[e])~~ Providing other measures as a condition of development or through a development agreement or similar funding method, including, **but not limited to**, transportation system management measures ~~[, demand management]~~ or minor transportation improvements. Local governments shall, as part of the amendment, specify when

measures or improvements provided pursuant to this subsection will be provided.

**(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.**

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

- ~~[(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;]~~
- ~~(a)[b])~~ In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;
- ~~(b)[e])~~ Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;
- ~~(c)[d])~~ The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and
- ~~(d)[e])~~ For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a

minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

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

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

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

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

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

development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

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

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

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

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

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

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also

identified in paragraphs (b)(D) and (E) of this section.

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

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

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

(C) Interstate interchange area means:

(i) Property within **one-quarter**~~[one-half]~~ mile **of the ramp terminal intersection** of an existing or planned interchange on an Interstate Highway~~[as measured from the center point of the interchange]~~; or

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

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

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in **sections** ~~[0060]~~(1) and (2), local governments shall give

full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in **subsections** (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in **subsection** (a) **above**;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in **subsection** (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in **OAR 660-012-0045(3) and (4)**. The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with **OAR 660-012-0045(3) and (4)** or through conditions of approval or findings adopted with the plan

amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to **subsection** (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in **subsections** (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in **[Section] OAR 660-012-0020(2)(b)** and **[Section] 660-012-0045(3)** ~~of this division~~:

- (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
- (b) The local government has not adopted a TSP or local street plan which complies with **[Section] OAR 660-012-0020(2)(b)** or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3

of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in **section** ~~0060~~(1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

- (A) An existing central business district or downtown;
- (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
- (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
- (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in **subsection** (a) **above** which includes or is planned to include the following characteristics:

- (A) A concentration of a variety of land uses in a well-defined area, including the following:
  - (i) Medium to high density residential development (12 or more units per acre);
  - (ii) Offices or office buildings;
  - (iii) Retail stores and services;
  - (iv) Restaurants; and
  - (v) Public open space or private open space which is available for public use, such as a park or plaza.
- (B) Generally include civic or cultural uses;
- (C) A core commercial area where multi-story buildings are permitted;
- (D) Buildings and building entrances oriented to streets;
- (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

- (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
- (G) One or more transit stops (in urban areas with fixed route transit service); and
- (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

**(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.**

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;**
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and**
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.**

**(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or**

**policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.**

**(a) A proposed amendment qualifies for this section if it:**

**(A) is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and**

**(B) is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.**

**(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:**

**(A) with a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;**

**(B) entirely within an urban growth boundary;**

**(C) with adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;**

**(D) with land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and**

**(E) located in one or more of the categories below:**

**(i) at least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;**

**(ii) within the area of an adopted Interchange Area Management Plan**

(IAMP) and consistent with the IAMP; or

(iii) within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing

boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and

transshipment and research and development.

(ii) “traded-sector” means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for “Other Employment Use” or “Prime Industrial Land” as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not

respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

Stat. Auth.: ORS 183 & 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712, 197.717 & 197.732