

AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, October 04, 2011, 7:00 p.m.
Council Chambers
21420 Main Street N.E., Aurora, Oregon

1. **Call to Order of Planning Commission Meeting:**
2. **City Recorder Calls Roll**

Chairman, Kaiser
Commissioner, Graupp
Commissioner, Gibson
Commissioner, Graham
Commissioner, Fawcett
Commissioner, Braun
Commissioner, Schafer

3. **Consent Agenda**

All matters listed within the Consent Agenda have been distributed to each member of the Aurora Planning Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the consent Agenda and placed on the Regular Agenda by request.

Minutes

- I. Aurora Planning Commission Meeting –September 06, 2011
- II. City Council – August 09 , 2011

Correspondence

- I. **Oregon Local leadership training schedule**
- II. **LCDC Meeting Notice October 6-7th, 2011**

4. **Visitor**

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Council could look into the matter and provide some response in the future.

5. New Business

- A. Discussion on 99E Corridor Project**
- B. Discussion and or update on Transportation Planning Rule (TPR)**

6. Unfinished Business

- A. Aurora State Airport Master Plan Review Update.**
- B. Discussion and or Action on Historic Review Guidelines update.**
- C. Development Code status.**

7. Commission Action/Discussion

- A. City Planning Activity (in Your Packets)**
Status of Development Projects within the City.

8. Adjourn

CONSENT AGENDA

Meeting Minutes

Correspondence

Financials

Other Items

Minutes
Aurora Planning Commission Meeting/Worksession
Tuesday, September 06, 2011 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Renata Wakeley, City Planner

VISITORS PRESENT: Richard Harrison, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Nick Kaiser at 7:02 p.m.

2. City Recorder Did Roll Call

Chairman, Kaiser	-	Present
Commissioner, Graupp		Present
Commissioner, Gibson		Came in late
Commissioner, Graham		Absent
Commissioner, Fawcett		came in late
Commissioner, Braun		Present
Commissioner, Schafer		Present

3. Consent Agenda

Minutes

- **Planning Commission Meeting** – August 02, 2011
Pg 2 OTAC spelled wrong OTAK is correct
Pg 2 Schaffer is spelled wrong Schafer is correct
Pg 1 comments on Council minutes did not approve of the word felt changed it to stated.
Pg 2 consensus of the Commission remove September should read future Code update.
- **City Council** – July 12, 2011

Correspondence

- I. **HRB status report to Council**, there was a brief discussion about the report.
- II. **2011 2nd quarter Community Block Grant Awards**
- III. **Training Flyer**
- IV. **League of Oregon Cities Bulletin**

A motion to accept the consent agenda with the changes stated for the August 02, 2011 minutes was made by Commissioner Braun and seconded by Commissioner Graupp. Motion Passes Unanimously.

4. Visitor

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Planning Commission could look into the matter and provide some response in the future.

Richard Harrison, Aurora OR, spoke to the Planning Commission about the information that he has gathered along with the information provided to him by City Planner Wakeley in regards to his property and its build ability. Mr. Harrison spoke to the Commissioners in regards to the code 16.48.040 Sec A & B he also stated he has made application to Division of State Lands for a wetlands inventory determination report.

Planning Commission discussed briefly with Mr. Harrison and City Planner Wakeley however until the City receives and application/permit there is not a lot we can do at this point.

Gary Lovell, Aurora was only visiting and made no comments.

5. New Business

NONE

6. Unfinished Business

A. Aurora State Airport Master Plan Review Update

- There is one more PAC meetings scheduled for September 15, @ 5:00 at North Marion School District
- Review of Chapter 6 and Chapter 7

B. Discussion and or Action on Historic Review Guidelines

- There is a brief discussion on the direction to go with the guidelines most if not all of the Commissioners along with Councilor Sahlin gave input and once it was all done they decided on four core areas to start with;
 - Chapter 17 of the Municipal Code specifically the procedural aspects and are they followed and the need for some fine tuning of procedure.
 - It was an over whelming agreement that the Guidelines were too subjective and need more clarity.
 - Inventory VS district and type I & II would need administrative approval verses going to the Board.
 - Enforcement and violation follow up, who checks to see if conditions were indeed met.
- Discussion on SHPO inventory was briefly discussed, Commissioners were not sure they agreed with the entire document.

7. Commission Action/Discussion

- ##### A. City Planner Activity Sheet (not in your packets) Status of Development Projects within the City: Attached.

City Planner Wakeley read her report.

Wakeley updated the Commission and read her report.

- D&S Spa (Dave Foster) questions as to whether or not he would need a site design review for starting a small inn. Wakeley had no concerns and stated he did not need to go through site design.
- Richard Harrison helping him with his property questions
- Working on drafting letter to Annie Kirk for help with the tree list.

There were no more questions of Planner Wakeley.

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8. Adjourn 8:25 P.M.

A motion to adjourn the September 06, 2011 meeting is made by Commissioner Gibson and seconded by Commissioner Fawcett. Motion Passes Unanimously.

Nick Kaiser, Chairman

ATTEST:

Kelly Richardson, City Recorder

Minutes
Aurora City Council Meeting
Tuesday, August 09, 2011 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Bob Southard, Public Works Superintendent
 Kelly Richardson, City Recorder,
 Brent Earhart, Chief of Police
 Jan Vlcek, Finance Officer
 Otis Phillips, Waste Water Operator

STAFF ABSENT: NONE

VISITORS PRESENT: Bill Graupp, Aurora
 Mary Kastrikin, Canby
 Dave Kostrikin, Canby
 Aaron Reed, Aurora

1. Call to Order of Regular Meeting

The meeting was called to order by Mayor Jim Meirow at 7:04 p.m.

2. City Recorder does Roll Call

Councilor Taylor –Present
Councilor Roberts – Present
Councilor Sahlin – Absent
Councilor Brotherton - Present
Mayor Meirow – Present

3. Consent Agenda

- I. City Council Meeting Minutes – July 12, 2011
- II. Planning Commission Meeting Minutes – July 05, 2011
- III. Historic Review Minutes – June 23, 2011, Notice of Decisions

Correspondence

- Email regarding phone call complaint, *it was explained by the Mayor that the difference in this instance is that in prior situations Aurora Officers were responding anytime they wanted, in this instance which the Council is in full support of the Chief was asked by the other agency to respond they didn't have anyone who could.*
- DLCD 2011 Land Use Legislation, *Councilor Taylor aks Nick Kaiser in the audience if he had seen this article. Nick Kaiser said yes and at this time there were no concerns.*

- Email from WaterISAC Advisory on Utilities.
- Meeting Notice from State Citizen Advisory Committee (CIAC)
- News paper article from Woodburn Independent. *Mayor Meirow reads an article titled "How much more can Aurora residents take?" and addresses each and every point brought up in the article as follows and comments;*

- Paper states that Aurora lost a lawsuit brought by Aurora resident Aaron Reed and Riverkeepers, Mayors response, *The City of Aurora never lost a lawsuit with Riverkeepers the City was told that it would cost upwards of 3 to 4 hundred thousand dollars to defend itself, we agreed to settle it for 1 hundred thousand dollars. Because you settled does not mean you lost.*
- Then paper states, *City officials fired Police Chief Conboy and less than two years later fires Police Chief Reedy along with the entire department for their attempt to unionize. Mayor Meirows response, another lie Chief Police Conboy resigned, due to threats of being fired which would mean the City had a reason or situation to terminate, so far first two statements are incorrect. Point two does Dan Marshall still work here? Absolutely answers Finance Officer, Vlcek and at the time did he not work here with another officer which would make two officers. Yes, and currently Marshall is still working here is any of this true, Vlcek no none of it sir.*
- Paper states now Police Chief Earhart is facing disciplinary action from when he was employed at Mt. Angel for an issue that took place in Mt. Angel and that all of this took place under the watchful eye of Aurora Mayor Meirow. Meirow states, *Chief did I know you during the time in which you were employed at MT. Angel, Chief no and in fact none of this was ever mentioned or took place until at least 2 months after I started my employment with City of Aurora. Interim Chief Detloff, retired from Clackamas County would have been the one to conduct the background check.*
- paper goes on to state that all of this was done under my watchful eye, Meirow well I have to tell you that at the time of the lawsuit I had been on the Council 3 months, I had absolutely nothing to do with this lawsuit being filed. I and other councilors did however take a 532 million dollar lawsuit and bring it down to a settlement of 100 thousand and no charges filed. I don't think that's a bad thing but what the HE__do I know.
- Then paper goes on to say Meirow condemned the police dept for pulling over drivers at the local watering hole, and actually telling them to stop targeting those drivers. Meirow states *I had a local business owner Laurie Newcomber, who is trying to make it in these tough economic times come to me and let me know that the police department was targeting her customers and parking across the street from her front door destroying her business. I then went to Officer or at that time Interim Chief Reilly and told him about the complaint as I often do and that I considered it to be tacky at best to park directly across the street. I never told him to stop enforcing traffic law. I did say it might be better to patrol around the area and we never spoke of it again until it shows up in the newspaper. As far as the unionization they had the right to do what they wanted too.*
- The paper states they tried calling repeated times for comment and left numerous messages, Meirow states *one call attempt and 1 message about Chief Earhart on my cell phone, I have no comment on Earhart this all took place prior to Aurora and has absolutely nothing to do with Aurora. Canby Herald states that Chief Earhart has lost his certification. Meirow asks the Chief do you still currently have your certification Earhart answers yes, Chief are you still a legal officer in the State of Oregon, Chief Earhart yes I am. Then why would I want to come to you and let you go I have no reason, do I want to create a lawsuit no, I do not.*
- Again later in the article the paper states that Meirow knew about this and did nothing, again I say active Interim Police Chief Detloff, retired from Clackamas County did the checks. And as previously stated by Earhart none of this came about until after I had started my employment with Aurora nothing had been filed for at least 2 months after I started with Aurora.
- Again I say City of Aurora needs another way to get the message out, we certainly can't rely on the newspaper to report on both sides of the issues and the facts or even the truth for that matter.

- *And then the Canby Herald reports the story of former Officer Reilly suing the city and council members and at the end of that article Huey of the Canby Herald states that the insurance company is representing them. But what isn't said is that this Is a part of the insurance company and not being paid for by tax payers. It simply amazes me that all of the little facts that would explain are always on a regular basis left out.*

As the Mayor and Council we are stifled as to what we can say in public however the newspaper and their journalists can print whatever garbage they hear and not even have to check the facts and the Council is simply stuck having to take it.

The entire Council agreed with everything that the Mayor had to say and the truth of the facts as stated.

I have been a part of the council in a couple different capacities over the years; I have enjoyed my time here and learned a lot. I will tell you that I have been trying to sell my house it has finally sold and I will be moving therefore the September meeting will be my last. As I said I love this City I will be around the city. I feel as though I have given it my all and I have no regrets on the decisions that I have made.

A motion to approve the consent agenda was made by Councilor Brotherton and seconded by Councilor Taylor. Motion Passes Unanimously.

- ❖ Mayor Meirow states he will be resigning as Mayor as of the September meeting.

4. **Visitor**

Anyone wishing to address the City Council concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the City Council could look into the matter and provide some response in the future.

Amy Willman, Aurora – Wanted the Council to know she was very impressed with Chief Earhart felt that he was doing an exceptional job as the new Chief. I would like to support the Chief and she asked the best way to do that and council suggested writing a letter to the DPSST Board.

5. **Discussion with the Parks Committee**

- **Parks Committee Report (not in packet)**

No discussion

6. **Discussion with Traffic Safety Commission**

- a. **Traffic Safety Report (not Included in your packet)**

No discussion

7. **Reports**

- A. Police Chief's Report – (included in your packet)**

Chief Earhart summarizes his report to the Council.

- Citations were down
- Total of 80 incidences

- 5 arrests
- Speed has increased significantly
- This last week has been successful on code enforcement so far they are complying and responding.
- Once Airport Road has been repaved I would extend a warning to watch your speed a newly paved road you can cruise along without noticing.

No more questions of the Chief.

B. Finance Officer's Report – Financials (included in your packets)

1. Revenue & Expense Report

Vlcek summarizes her report.

- Email received from Billbury currently working on the final report for the water filtration system, it came in 9,000 less than anticipated.
- Two amendments were made.

There were no other questions from the Council.

C. Public Works Department's Report – (included in your packet)

1. Monthly Status Report (Storm Water) Southard reads his report.

Bob is working consistently on the Ehlen Road and Airport Road project.

A. Waste Water Treatment Plant Update (from Otis Phillips)

- Swapped out the generator
- DEQ has approved the removal of the baffle in cell 1 & 2

There were no more questions from the Council.

D. City Recorder's Report (included in your packet)

Gives a brief over view of the monthly report as attached. Richardson explains why the City Web-site is down due to the expensive web-hosting that we have been paying. Currently I am working with Webber Consulting to obtain a lower cost web-hosting company.

Mayor Meirow explains that we certainly appreciate all that John Steward has done on the web-site in the past and if Mr. Steward would like to work with Jonathan Gibson and the other volunteers we would welcome his help. We would just like to get all the information and billing in the City of Aurora's name.

City Recorder, Richardson has had a few conversations now with Mr. Steward which have all gone very well, I have asked Steward for the information regarding our domain name and account information which is currently in Johns name and needs to be updated and put in the City of Aurora's name since John doesn't work for the City at this point. I will contact him next week to try to get this accomplished.

No questions from the Council.

E. City Attorney's Report – (not Included in your packet)

- Previous bill from the State when the Charger was returned has been lowered to 2,500. I recommend we accept this proposal. Next time not order so many items which results in added cost and make sure we obtain items that are removed. It still would have cost us more to keep the squad car in the long run.

Councilor Taylor makes a motion to accept the 2,500 bill to the State of Oregon for the Charger and it was seconded by Councilor Roberts. Motion Passes.

- Working with the City Planner & City Recorder on Code Update Amendments and we should have a clean copy soon.
- ORD 446 states background checks are only required on employees not City Officials or volunteers. I feel it needs some work and clarification but it is very clear on the Official and Volunteers.
- Working on Heid easement
- Here is the letter I recently sent out to the State in regards to our building code division. That we are moving forward.
- Amended version of Wave agreement

There were no more questions of Koho.

8. Ordinances and Resolutions

- A. Ordinance Number 465 Update Wave Broadband Franchise Agreement.** This will be the second reading.

This is second reading of Ordinance Number 465 a motion to approve the amended second reading from 10 years to 5 years was made by Councilor Roberts and is seconded by Councilor Brotherton. Motion Passes Unanimously.

9. Old Business

- A. Discussion and or Action on Aurora Airport Master Plan** Sept 15th there will be a meeting to discuss options and they are having a tour 26 or 27th.

- B. Discussion and or Action on Water System Development Charges and Water Rate study.** Ray Bartlett presentation, on the draft of water rate analysis and SDC charges, as attached.

a. Draft Water Rate Study

- Operating expensed 26,400
- Dept Service 22,200
- Debt Service reserve 6,000 Capital Reserves is 50,000
- Operating expense 176,000
- 280,600 a year requirement and currently 206,000
- Current water rate .044 proposed .06
- Base Rate increase is proposed as well
- Current base Rate is 25% of annual revenue
- Current usage is 75% of annual revenue
- Discussion of possibility of charging the Fire Department for water usage. Recommendation is to waive base rate and only charge usage

recorder

From: olli@list.orcities.org
Sent: Tuesday, September 27, 2011 8:39 AM
To: recorder
Subject: LOC's Fall training

Oregon Local Leadership Institute (OLLI)

PROVIDING VALUABLE TRAINING FOR LOCAL GOVERNMENT OFFICIALS

The following trainings are open for registration.

We make decisions to hold training based on minimum and maximum numbers- so register early to avoid cancellation or missing out on a training in your area.

Leadership (2 days)

LGMC Approved: #10 Ethics & Leadership – 12 hrs

10/10 & 11/ 2011 Redmond

5/10 & 11/ 2012 Tualatin

Economic Development-Creating a Prosperous Community

LGMC Approved: #5 Land Use Planning & Economic Development -6.5 hrs

10/17/2011 Bandon

2/8/2012 Independence

Effective Disciplinary Actions

LGMC Approved #2 Human Resource Management- 4 hours and #8 Risk Management 2- hours

10/18/2011 Bandon

1/17/2012 Independence

4/19/2012 Redmond

Research Tools for Competitive Grant Applications

LGMC Approved: #1 Budget & Finance –5 hours

10/19/2011 Florence

11/2/2011 Pendleton

12/8/2011 Salem

Introduction to Project Management

LGMC Approved: #4 Public Works & Utilities – 7.5 hrs

10/25/2011 Salem

12/14/2011 Medford

Negotiation Skills for Projects and Procurement

LGMC Approved: #4 Public Works & Utilities – 4.5 hrs(and #6 Public Contracting & Purchasing–3 hrs)

10/26/2011 Salem

How to Write an RFP

LGMC Approved: #6 Public Contracting & Purchasing– 5 hrs

10/27/2011 Salem
12/15/2011 Medford

Community and Media Relations

LGMC Approved: #7 Community Relations – 6.5 hrs

11/1/2011 Pendleton
1/10/2012 Independence
4/26/2012 Newport

Legal Powers & Impediments Affecting Local Officials

LGMC Approved: #8 Risk Management-5 hours

11/3/2011 Pendleton
2/10/2012 Sherwood
4/27/2012 Newport

Managing Consultants

LGMC Approved: #4 Public Works & Utilities – 10 hrs

11/8-9/2011 Salem

Elements of Effective Supervision (2 part series)

LGMC Approved: #2 Human Resource Management– 20 hrs

11/14 & 15/2011 and 11/28 & 29/2011 Bend
4/9 & 10 and 4/23 & 24/ 2012 Salem

Oregon Planning Procedures–From Application to Approval

LGMC Approved: #5 Land Use Planning & Economic Development- 6.5 hrs

12/2/2011 Jacksonville
3/13/2012 John Day
5/4/2012 La Grande

Land Use Planning – Building Successful Communities

LGMC Approved: #5 Land Use Planning & Economic Development -6.5 hrs

12/3/2011 Jacksonville
1/28/2012 Salem

Financial Analysis & Planning

LGMC Approved: #1 Budget & Finance – 6.5 hrs

12/7/2011 Salem
12/16/2011 Jacksonville

To register or for more information [CLICK HERE](#)

Or contact:

Kim Shook

Training/LGMC Coordinator

kshook@orcities.org

503-588-6550

800-452-0338



Kim Shook, Training/ LGMC Coordinator

kshook@orcities.org

(503) 588-6550 | (800) 452-0338 |

1201 Court St NE, Suite 200 | Salem, Oregon 97301

www.orcities.org/training

Cancellation Policy

Cancellations must be received at least five business days prior to the workshop to receive a refund or to cancel billing.

No credit will be issued for any portion of the "Late Cancellation" or "No Show" fee.

Please note: If you register for a workshop that has a discount due to a co-sponsorship subsidy or are awarded a full or partial scholarship and you are a no-show, you will be billed the full non-discounted registration fee.

# of Business Days Prior to Event/Session	Refund Received
5 or more business days	100%
1- 4 business days	50%
Day of the event or no notice	0%

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Oregon

John A. Kitzhaber, M.D., Governor

Land Conservation and Development Commission

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

<http://www.oregon.gov/LCD>

MEETING NOTICE

LAND CONSERVATION AND DEVELOPMENT COMMISSION



October 6-7, 2011
The Guild Building
1867 Williams Highway, Guild Hall
Grants Pass, Oregon

The meeting location is accessible to persons with disabilities. To request an interpreter for the hearing impaired or for other accommodations for persons with disabilities, please make requests at least 48 hours before the meeting to Lisa Howard at (503) 373-0050 ext. 271, lisa.howard@state.or.us, or by TTY: Oregon Relay Services (800) 735-2900.

Public Testimony: The commission places great value on testimony from the public. Those items on the agenda with an asterisk (*) are ones where public comment will be accepted.

People who wish to testify are requested to:

- *Complete a Testimony Sign Up Form provided at the meeting handout table*
- *Provide a written summary in advance to lisa.howard@state.or.us (September 30 is the deadline to submit advance testimony. If you are unable to meet this deadline, please bring at least twenty copies to the meeting for distribution to the commission, staff and members of the public.)*
- *Recognize that substance, not length, determines the value of testimony*
- *Endorse, rather than repeat, testimony of other witnesses with whom you agree*

Because of the uncertain length of time needed, the commission may deal with an item at any time in the meeting. Anyone wishing to be heard on an item without a set time should arrive when the meeting begins to avoid missing an item of interest. Topics not on the agenda may be introduced and discussed during the Director's Report, Commission Business and Reports, or Other.

The commission may continue its meeting through lunch to deliberate on matters on the agenda. In that event, those persons whose attendance is necessary for any matter of business undertaken during lunch will be required to attend.

8:30 a.m. Thursday, October 6, 2011

- *1. **Public Comment.** This part of the agenda is for comments on topics not scheduled elsewhere on the agenda. The chair may set time limits (usually 3 minutes) for individual speakers. The maximum time for all public comments under this agenda item will be limited to 30 minutes.
2. **Request to Appeal pursuant to ORS 197.090(2) and (3), and OAR 660-001-0201 to -0230.** State law requires commission approval of the director's decision to seek review of a local government land use decision, expedited land division, or limited land use decision. Only the director or department staff on the director's behalf, the applicant, and the affected local government may submit written or oral testimony concerning commission approval of a director's recommendation to file or pursue an appeal, or an intervention in an appeal, of a land use decision, expedited land division, or limited land use decision.
3. **Citizen Involvement Advisory Committee (CIAC).** The CIAC will update the commission on its recent work. For additional information, contact Bob Rindy at (503) 373-0050 ext. 229, bob.rindy@state.or.us.
4. **2011-13 Policy and Rulemaking Agenda.** The commission will set its policy and rulemaking priorities for the 2011-13 biennium. Public testimony was taken at the commission's meeting in Portland on August 17 and the public hearing was closed. For additional information, contact Bob Rindy at (503) 373-0050 ext. 229, bob.rindy@state.or.us or Michael Morrissey at (503) 373-0050 ext. 320, michael.morrissey@state.or.us.
- *5. **Public Hearing and Possible Adoption: Proposed Amendments to Rules Regarding Department Facilitation of Soils Assessments on Farmland.** The proposed rule amendments would implement House Bill 3647 (2010) and create a process for assessing agricultural land capability. Following public testimony the commission may adopt the proposed amendments. For additional information, contact Katherine Daniels at (503) 373-0050 ext. 329, katherine.daniels@state.or.us.
6. **Possible Adoption: Proposed Amendments to Rules Regarding OAR Chapter 660, Division 33, Irrigation Reservoirs on Farmland.** The proposed rule amendments would clarify the siting of irrigation reservoirs on farmland. Public testimony was taken at the commission's meeting in Salem on June 22 and the public hearing was closed. For additional information, contact Katherine Daniels at (503) 373-0050 ext. 329, katherine.daniels@state.or.us.
7. **Possible Adoption: Proposed Amendments to Rules Regarding OAR Chapter 660, Division 33, Commercial Solar Facilities.** The proposed rule amendments would create new provisions specific to photovoltaic solar power generation facilities on lands zoned exclusive farm use. The draft rules would apply to commercial facilities only and encourage solar development on lands with the lowest value for agriculture and wildlife

* Public comment accepted. The chair may limit time for testimony on any item and may set time limits (usually 3 minutes) for individual speakers. The commission encourages written testimony in addition to or instead of oral testimony in the event there is not enough time to hear everyone who wishes to speak. Items without an asterisk are not open for public comment.

habitat. Public testimony was taken at the commission's meeting in Salem on June 22 and the public hearing was closed. For additional information, contact Jon Jinings at (541) 318-2890, jon.jinings@state.or.us.

8. **Annual Performance Progress Report (APPR).** The department will present a draft 2011 APPR for review and comment. This report provides progress updates on key performance measure tracking. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320, michael.morrissey@state.or.us.
- *9. **Grants Program Update.** The commission will receive a briefing regarding the number and types of grant applications and awards for the 2011-13 biennium. For additional information, contact Darren Nichols at (503) 373-0050 ext. 255, darren.nichols@state.or.us.
- *10. **Periodic Review Update.** The commission will receive a briefing regarding the status of current periodic review work programs and expected completion dates for individual jurisdictions. The commission will be asked for general direction for completing periodic review work programs going forward. For additional information, contact Darren Nichols at (503) 373-0050 ext. 255, darren.nichols@state.or.us.
11. **Director's Report.** The director will provide an update to the commission on recent matters concerning the department. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, lisa.howard@state.or.us.
12. **Commission Business and Reports.** The Budget and Management Subcommittee will report to the commission. The commission may also make an appointment to fill a vacancy on the BAM Subcommittee.
13. **Other.** The commission reserves this time, if needed, for other business or for further consideration of any item on the agenda.

4:00 - 5:00 p.m. Thursday, October 6, 2011

14. **Local and Regional Land Use Issues Roundtable.** Invited guests will join the commission for this discussion. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, lisa.howard@state.or.us.

9:00 a.m. Friday, October 7, 2011

15. **Tour of Josephine County.** The tour will begin at the Riverside Inn, 986 SW 6th Street, and will last approximately three hours. Seating is limited on the tour and preference will be given to invited guests. Members of the public and the media may attend as space allows, or may provide their own transportation. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, lisa.howard@state.or.us.

* Public comment accepted. The chair may limit time for testimony on any item and may set time limits (usually 3 minutes) for individual speakers. The commission encourages written testimony in addition to or instead of oral testimony in the event there is not enough time to hear everyone who wishes to speak. Items without an asterisk are not open for public comment.

Oregon's seven-member Land Conservation and Development Commission, assisted by the Department of Land Conservation and Development, adopts state land use goals, assures local plan compliance with the goals, coordinates state and local planning, and manages the coastal zone program. Commissioners are unpaid citizen volunteers appointed by the governor and confirmed by the senate. Commissioners are appointed to four-year terms and may not serve for more than two consecutive terms. The statute establishing the commission, ORS chapter 197, also directs that members be representative of the state. The commission meets approximately every six weeks to direct the work of the department.

Current commissioners:

Bart Eberwein (Portland)
Hanley Jenkins (Union)
Tim Josi (Tillamook)
Greg Macpherson (Lake Oswego)
John H. VanLandingham, Chair (Eugene)
Marilyn Worrix, Vice-Chair (McMinnville)

Meeting dates for 2011-12 (subject to change):

December 7-9	The Dalles
January 26-27	Salem
March 14-16	Newport
May 17-18	Salem
July 18-20	Lakeview
September 20-21	Salem/Independence
November 14-16	Newberg

The next commission meeting will be December 7-9, at the Columbia Gorge Discovery Center, 5000 Discovery Drive, The Dalles, Oregon.

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recorder

From: lcdc_agenda-bounces@listsmart.osl.state.or.us on behalf of Howard, Lisa
[lisa.howard@state.or.us]
Sent: Wednesday, September 28, 2011 9:53 AM
To: LCDC_Agenda@listsmart.osl.state.or.us
Subject: [LCDC_Agenda] LCDC 2012 Meeting Schedule
Attachments: ATT00002.txt

Please note that the May 2012 LCDC meeting has been moved, it will be held on May 10-11 (instead of May 17-18).

Here is the revised schedule:

**LAND CONSERVATION & DEVELOPMENT COMMISSION
2012 MEETING DATES
As of 09/28/11**

Meeting dates for 2012 (subject to change):

January 26-27 Salem
March 14-16 Newport
May ~~17-18~~ 10-11 Salem
July 18-20 Lakeview
September 20-21 Salem or Independence
November 14-16 Newberg

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NEW BUSINESS

Draft Amendments to TPR 0060

– For discussion by the Rulemaking Advisory Committee, September 26, 2011–

Sections 1 through 3 show proposed changes from current rule text.
Sections 9 through 11 show changes since the September 12 RAC meeting.

Proposed Rule Text

Explanations

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.~~

This definition is used in (1)(c).

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 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:

Clarify that a zoning map is part of land use regulations.

Identify exceptions that are described more fully later in the rule.

Move the description of how to address a significant effect to section (2), which lists corrective actions.

(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 (A) through (C) below based on projected conditions As measured at the end of the planning period identified in the adopted transportation system plan. ~~Local governments may reduce p~~Projected traffic generation may be reduced if the ~~proposed amendment would include enforceable ongoing requirements that would demonstrably limit traffic generation, including, but not limited to, transportation demand management.~~

This would ~~clarify~~ clarify the definition of "significant effect" so that anything which reduces traffic generation (as opposed to mitigation that adds capacity) may will be considered when determining significant effect.

A common approach to limit traffic generation is known as a "trip cap". This method typically limits development, rather than directly limiting trips. At the time of rezoning, trips are allocated for each parcel. At the time of

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

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(B) ~~Degrade~~Reduce the performance of an existing or planned transportation facility such that it would not meet 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 shall ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility at the end of the planning period identified in the adopted transportation system plan through one or a combination of the following, unless the amendment qualifies for partial mitigation in section (11):~~

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

~~(d)~~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.

development, size and intensity are limited based on projected traffic generation per square-foot.

Some performance standards are met by staying below the threshold, so the language is changed to be neutral about the direction.

The consistency list was moved from section (1) since it deals with how to correct a significant effect, not the definition of a significant effect. Clarification that consistency for corrective action is measured at the end of the planning period (same as significant effect) to allow for phased mitigation. New text to enable section (11).

Altering designation densities or design requirements and demand management are removed from (2) because they are included in (1)(c) when determining whether there is a significant effect. They can also be used as part of an amendment that has a significant effect, in which case they would reduce the magnitude of the effect and thus reduce the mitigation required by (2).

(e) Providing improvements that would benefit to modes other than the significantly affected mode that would be significantly

This is to allow more flexibility in mitigation actions.

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<p>affected or improvements to facilities [OPTIONS: <i>within a quarter mile of / near / other than</i>] the significantly affected facility if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to [OPTIONS: <i>balance / mitigate</i>] the significant effect.</p>	
<p>(f) Providing one or more of the measures above that partially mitigate the significant effect of an amendment that provides benefits from traded sector economic development as provided in section (11).</p>	<p>The exception for section (11) was moved to the top of (2) because partial mitigation would not meet the requirement to achieve consistency. New text to enable section (11).</p>
<p><i>Option 1:</i> (3) Notwithstanding sections (1) and (2) of this rule, a local government may <u>find that approve</u> an amendment that would <u>not</u> 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, <u>or</u>; (b) <u>In</u> 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;</p>	<p>Mark Whitlow suggested these revisions, which make two substantive changes. First, it defines this situation as not a significant effect, rather than allowing approval with the significant effect. Second, it combines the first two conditions with an “or” so that more situations would qualify. Kathryn Brotherton suggested similar revisions to use “or”, but without redefining significant effect.</p>
<p><i>Option 2:</i> (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) <u>In</u> 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;</p>	<p>Another option would be to simply delete the condition about current performance and focus solely on projected performance with planned improvements.</p>
<p><i>Option 3: No changes to (3)</i></p>	<p>Another option would be to rely on the changes to (2) and the new sections (9), (10) and (11)</p>

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to address specific issues.

(be) 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;

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

(de) 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 (d) 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.

No changes proposed within (4). Included here for context.

(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.

Bob Russell suggested that this section be changed to include all interchanges, not limited to interstate interchanges, to be consistent with the new section (11). This requirements for areas near interstate interchanges was added in the 2006 TPR amendments based on OTC suggestions. Other types of interchanges were not discussed.

- (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-half mile 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) [Transportation facility not a basis for an exception on rural lands]

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 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 (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 (a);
- (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (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 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 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

No changes proposed within (6). Included here for context.

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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 (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) [Special provisions for cities without a TSP amending to affect 2 acres of commercial land]

(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 (a) 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

No changes proposed within (8). Included here for context.

The RAC has discussed the differences between STA and MMA and whether they could be made consistent. Changes to the OHP regarding STAs would be outside the immediate scope of OHP Policy 1F revisions, but could be evaluated and considered as a future work item based on the results of TPR amendments.

<i>Proposed Rule Text</i>	<i>Explanations</i>
<p>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;</p> <p>(G) One or more transit stops (in urban areas with fixed route transit service); and</p> <p>(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.</p>	
<p>(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 <u>all of the following requirements are met.</u></p>	<p>New section to exempt zone map amendments consistent with comprehensive plan map designation</p>
<p><i>Option 1:</i></p> <p>(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map.</p> <p>(b) The local government has an acknowledged TSP.</p>	<p>A majority of the RAC supported a “bright line” test that does not evaluate the specifics of an acknowledged TSP.</p>
<p><i>Option 2:</i></p> <p>(c) The proposed zoning is consistent with the TSP assumptions about development of the area of the proposed amendment. If more than one zone is allowed within the comprehensive plan map designation, then consistency means the specific zone <u>with projected traffic generation that most closely matches corresponds</u> to the TSP assumptions. Consistency is not met if the TSP assumed continuation of the current zone, if it assumed the area would remain undeveloped throughout the planning horizon, or if the area was brought into the UGB without applying this rule as permitted in OAR 660-024-0020(1)(d).</p> <p>(d) The TSP evaluated at a system level, the transportation facilities and services needed to support assumed development. To meet this requirement it is not necessary that the TSP include a detailed traffic impact analysis for the specific area proposed for the zoning map amendment.</p>	<p>A minority of the RAC supported including additional provisions in (c) and (d) to determine whether the proposed amendment was anticipated in the TSP. The recommendation of the joint-subcommittee stated “It will be important in the rulemaking process to define the type and level of prior planning and analysis that qualifies for this exemption.” The joint-subcommittee did not support a blanket exception.</p>
<p><i>Option 3:</i></p> <p>(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map.</p> <p>(b) The local government shall rely on an acknowledged TSP where:</p> <p>(A) The full TSP a TSP whose acknowledgement date is less within 15 years from the date the zone change was filed</p> <p>(B) If the zone change filing date is more than 15 years after the full TSP a TSP whose acknowledgement date then additional analysis and findings may be required. Additional analysis and findings shall substantiate that development intensities underpinning the TSP, in the location of the proposed zone change, are not substantially less intense than urban development patterns typical for, or contemplated by, the applicable comprehensive plan designation(s).</p> <p>(c) The TSP shall be evaluated at a system level. To meet this</p>	<p>Option 3 is a suggestion from Mike Montero: “This is intended to function as a safe harbor provision for economic development applicants as well as local government, while providing sufficient impact analysis. If the TSP meets this requirement, the land use decision proceeds with full exemption. From an ED perspective, this change dramatically reduces investment risk, process time and cost, both of which meet the intent of SB795. If the TSP is dated,</p>

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requirement it is not necessary that the TSP include a detailed traffic impact analysis for the specific area proposed for the zoning map amendment.

local government CAN still rely on it, provided sufficient supplemental findings demonstrate that the dated TSP meets the standard as provided.”

(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 (a). This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply.

New section to designate multimodal, mixed-use areas that are exempt from congestion performance standards.

Other performance standards could include safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles.

- (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.

The term “urban center” says nothing about the type of transportation network, hence “multimodal” is added. “Urban” already has a defined meaning (i.e. within a UGB), so “mixed-use” is used as a more specific description. “Center” may not always be appropriate because it could be a neighborhood node or a corridor rather than the center of a city. “Area” is a more general term.

- (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 (c) or (d) and that has been acknowledged;
 - (B) entirely within an urban growth boundary;
 - (C) ~~having the characteristics, or having adopted plans and development regulations that allow the uses listed in (8)(b)(A) through (C) of this rule and would require new development to be consistent with the characteristics, listed in subsection (8)(b)(D) through (H) of this rule;~~
 - (D) with land use regulations that do not require the provision of off-street parking, or that require lower levels of off-street parking than required in other areas and that 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) Outside one-half mile of an interchange as measured from the center point of the interchange;
 - (ii) Within the area of an adopted Interchange Area

OPTION: Within the Portland Metropolitan area, include designated centers if they have complied with Metro Title VI requirements. Could this be automatic or would it require action by Metro? Perhaps findings by the local government that it complies with Title VI?

OPTION: Another way to define the area would be “at least one-quarter mile from any

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<p>Management Plan (IAMP) and consistent with the IAMP; or (iii) Within one-half mile of an interchange and the mainline facility provider has provided written concurrence with the MMA designation as provided in (c)</p> <p>(c) When a mainline facility provider reviews an MMA designation within one-half mile of an interchange, the provider shall consider the following factors:</p> <p>(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:</p> <p>(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;</p> <p>(ii) Whether the interchange area is in the top ten percent (10%) of locations identified by the safety priority system index developed by ODOT; and</p> <p>(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 bring a vehicle to a full stop from posted mainline speeds.</p> <p>(B) If there are operational or safety effects as described above, the facility provider may address the effects <u>may be addressed by entering into an agreement between with 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.</u></p> <p>(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.</p> <p>(e) A local government may designate an MMA on an area where comprehensive plan <u>map</u> designations or <u>land use regulations</u> zoning do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or <u>land use regulation</u> zoning amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.</p>	<p><u>interchange ramp terminal intersection.” In most cases this would result in a similar area to one-half mile from the interchange center. Using ramp terminals would mean that freeway to freeway interchanges would not be included in the requirement. This would makes sense since nearby development would not have any way to affect the freeway. It could work better for odd shaped interchanges where the center is not clear. It would not be consistent with (4), but would be consistent with ODOT access management rules (Division 51).</u></p> <p><u>An agreement could include, trigger points for actions such as adjusting signal timing, access management, extending off ramps, variable speed control, and other traffic system management and operation actions.</u></p>
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(11) A local government may approve an amendment with ~~accept~~ partial mitigation as provided in ~~subsection(2)(f)~~ of this rule if the amendment complies with (a), ~~the local government finds that~~ the amendment meets the balancing test in (b), and the local government coordinates as provided in (c).

New section to allow balancing economic development benefits with transportation effects. Some RAC members did not want to allow partial mitigation

(a) The amendment must:

Option 1:

(A) Be consistent with an Economic Opportunities Analysis (EOA) that has been adopted and acknowledged.

Option 1 was in the draft at the August 29 meeting. It is primarily intended to ensure that the local government has prepared an EOA.

Option 2:

(A) Further a local government’s economic development objectives as set forth in the local government’s adopted economic development plan or acknowledged Economic Opportunities Analysis (EOA).

Option 2 is a suggestion from Kathryn Brotherton.

Option 3: No requirement about consistency with EOA or Comprehensive plan.

Options 3 recognizes that an amendment is already required to be consistent with the local comprehensive plan, regardless of what the TPR says.

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

“Industrial” was added to be consistent with SB766 which uses ~~†~~“The phrase “industrial or traded sector:” and the This definition of “industrial” come is from SB 766.

(i) For the purposes of this rule, “industrial use” 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) For the purposes of this rule, “traded-sector” has the meaning given in ORS 285A.010.

ORS 285A.010 defines “Traded sector” as industries in which member firms sell their goods or services into markets for which national or international competition exists.

(C) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent (5%) of the net developable area.

OPTION

(D) Notwithstanding (B) and (C), an amendment in urban areas with a population below 10,000 qualifies for this section by demonstrating benefits in terms of jobs created or retained.

Members of TAC requested consideration of a broader definition for smaller communities. This is one way that such an exemption could be

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(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 a written statement from the provider of any transportation facility that would be significantly affected any affected transportation providers that the benefits outweigh the negative effects on their transportation facilities.

written if the RAC approves.

The RAC choose this option which requires concurrence from ODOT and the county if their facilities would be affected.

The revised definition is limited to "facilities", so it does not include "services" such as transit, intercity bus or railroads.

OPTION 1:

This requirement is satisfied if the local government does not receive the transportation facility provider letter within forty-five (45) days of providing notice as required by (c) but no later than the date on which the staff report is issued.

Suggestion from Michael Robinson.

OPTION 2:

However, if a local government gives the provider with written notice of a proposed amendment as required by (c), and the provider does not respond with a written statement by the date of the first evidentiary hearing, then the local government may proceed.

This option is based on text from (3).

(c) A local governments that proposes to use this section shall coordinate with Business Oregon, DLCD, area commission on transportation, metropolitan planning organization, and all affected transportation providers 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 coordination is encouraged throughout the process starting with pre-application meetings. Formal coordination must include notice at least forty-five (45) days prior to the first evidentiary hearing. Notice must include the following:

- i. Proposed amendment.
- ii. Proposed mitigating actions from section (2) of this rule.
- iii. Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions will fall short of being consistent with the function, capacity, and performance standards of transportation facilities.
- iv. Findings showing how the proposed amendment meets the requirements of definition of traded-sector economic development in (a).
- v. Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

Mike Montero withdrew his suggestion for this section.

OLD BUSINESS

PLANNING ACTION/DISCUSSION