

Appendix 5 Reasonably Likely Letter

Transportation Planning Rule Guidelines
OAR 660-012-0060

DRAFT

DATE _____, 2005

Name
Community Development Director
City of Y, Oregon

RE: Plan Amendment from Residential to Commercial

The City of Y is considering proposed amendments that would redesignate and rezone 10 acres of land from residential to commercial. The proposed amendment is located at the intersection of Oak Street, a state highway, and Main Avenue, a local arterial. Pursuant to OAR 660-012-0060(4)(b), the City has written the Oregon Department of Transportation (ODOT) requesting a determination as to whether planned state highway improvements to Oak Street that are included in the City's TSP are:

- Funded for construction or implementation in the Statewide Transportation Improvement Program (STIP);
- Part of the region's federally approved, financially constrained regional transportation system plan *[if City Y is located within an MPO area]*; or
- If neither of the above, the planned improvements are reasonably likely to be provided by the end of the TSP planning period.

ODOT offers the following comments in response:

1. Oak St. is a state highway facility and is classified as a Regional Highway and as a Freight Route.
2. The following improvements to Oak St. are included as planned improvements in the City of Y's TSP, which the City adopted using a 2018 planning period:
 - Widening Oak Street from 2 to 4 travel lanes.
 - Channelization improvements (turn lanes) at Oak Street and Main Avenue.
 - Provision of a traffic signal at the intersection of Oak St. and Main Ave.

3. The identified improvements to Oak St. are not included for construction funding in ODOT's Statewide Transportation Improvement Program (C-STIP).
4. The identified improvements to Oak St. are not included in the region's federally-approved, financially constrained regional transportation system plan *[identify the region]*.
5. The identified improvements to Oak St. do not have a funding plan or mechanism in place or approved.

Because of this, ODOT offers the following written statement as to whether the identified Oak Street improvements are reasonably likely to be provided (i.e. in place and available) by the end of the planning period. Because the Oregon Highway Plan uses a minimum 15 year planning horizon for state transportation facilities and improvements, and the City's planning horizon local transportation improvements is less than 15 years, ODOT is using a 15-year(2020) planning period in making this determination.

The reasonably likely written statement is intended to be analogous to a service provider letter provided during the review of development actions in many local jurisdictions. That is, it is intended to answer the question: *"Is it reasonably likely to expect that the transportation capacity provided by the planned improvement will be in place and available by the end of the planning period and, therefore, can be relied upon when conducting the traffic analysis that accompanies a proposed amendment application?"*

Based on ODOT's review of the circumstances associated with future improvements to Oak St. it is our opinion that the necessary improvements (identified above) are reasonably likely to occur by the end of the planning period – in this case, by 2020. Region # has evaluated the circumstances and reached this conclusion based on the following factors:

1. *The planned improvements are located on a priority type of facility (in this case a key freight connection) that the Region believes would be reasonably likely to receive future funding because of the access it provides to existing and future employment.*
2. *The planned improvements are located in an area that anticipates high growth and, therefore, may be a high priority area for targeting future transportation revenues.*
3. *The City of Y has land use regulations that allow the City to impose conditions on future development if such conditions are needed to avoid or remedy a significant effect. ODOT will provide further comments should this amendment result in a specific development request.*
4. *[Other]*

Please note that under OAR 660-012-0060(4)(e), this reasonably likely determination is conclusive (e.g. not rebuttable). As such, the City may consider

the planned improvements to Oak St. in determining whether the amendment would significantly affect existing or planned transportation facilities.

This reasonably likely determination does not constitute a commitment on the part of ODOT to fund the planned improvements on Oak St. Further, this written statement applies only to the subject property and only to this specific proposed amendment. It does not apply to any future amendments that may rely upon the same project to avoid a significant effect. Instead, future proposed amendments will require a new written statement from ODOT. This is necessary because circumstances may have shifted from the factors that ODOT considered for this application in making this reasonably likely determination for the planned improvements to Oak Street.

ODOT appreciates the opportunity to provide you with this written statement. ODOT also looks forward to an opportunity to review and comment on the significant effect determination that the City will be making and on the applicant's final traffic impact report once it is prepared and submitted to the City. Please keep us informed on these matters and provide us with the traffic report and staff report when they become available.

Sincerely,

Region X Manager

Cc: ODOT Director, ODOT TDD Manager, District X Manager