

Memorandum Date: July 6, 2009
Ordinance First Reading Date: July 22, 2009
Ordinance Second Reading/Public Hearing Date: August 5, 2009

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Celia Barry, Transportation Planning Division

AGENDA ITEM TITLE: Ordinance No. PA 1258/In the Matter of Co-Adopting the Coburg/Interstate-5 Interchange Area Management Plan as a Refinement Plan to the Lane County Transportation System Plan, and a Refinement Plan to the City of Coburg Transportation System Plan, and Adopting a Severability Clause (File No. PA 09-5027, City of Coburg)

I. **MOTION:**

For July 22, 2009: Move approval of the first reading and set the second reading and public hearing on Ordinance No. PA 1258 for August 5, 2009, 1:30 p.m.

For August 5, 2009, or a subsequent work session: Move approval.

II. **AGENDA ITEM SUMMARY**

The Board is being asked to amend a Lane County Rural Comprehensive Plan component by co-adopting with Coburg and the Oregon Transportation Commission (OTC) the Coburg/I-5 Interchange Area Management Plan (IAMP), as a Refinement Plan to the Coburg and Lane County Transportation System Plans (TSP), and as an ODOT Facility Plan. The Lane County TSP is a Special Purpose Plan of the County Comprehensive Plan. An Overlay "Combining" zone will be established to implement the IAMP as part of a subsequent action. The Overlay Combining Zone delineates the area within the IAMP. The IAMP includes lands that are within the Coburg city limits, outside the city limits and inside the Coburg urban growth boundary (ugb), and outside the Coburg ugb on rural Lane County land.

III. **BACKGROUND**

A. **Board Action and Other History**

The City of Coburg, Lane County, and the Oregon Department of Transportation (ODOT) have been working on issues related to the I-5 Coburg interchange for over a decade. An earlier version of the Coburg/I-5 Refinement Plan was incorporated into the last Coburg Transportation System Plan (TSP) update, and co-adopted by Lane County by Ordinance PA 1139 on November 10, 1999. Since then ODOT developed rules for IAMPs, requiring one to be in place before an interchange can be constructed or reconstructed. The analysis section describes IAMPs in more detail.

The Coburg and Lane County Planning Commissions held a joint work session and public hearing on January 21, 2009. A hearing notice (Attachment 2) was mailed to all property owners within the proposed IAMP boundary area, plus a buffer area of 300 feet. This meets and exceeds "Measure 56" notice requirements. Attachment 2 contains a copy of the Notice showing the required Measure 56 language. The Commissions jointly deliberated on March 3, 2009 and voted unanimously to recommend adoption by the elected officials (Minutes are in Attachment 3).

The Coburg City Council held a public hearing on April 14, 2009 and unanimously approved adoption of the Coburg IAMP, in a form substantially the same as attached to Ordinance No. PA 1258. The Coburg City Council record is in Attachment 4.

ODOT is working on the construction design in a separate related process, focusing on the Short-Term Improvements discussed in the IAMP, Section 5. These improvements will occur on County and City facilities. To address public involvement requirements in Lane Manual 15.580, on June 24, 2009 ODOT presented a design concept to the Roads Advisory Committee who unanimously recommended that the design be approved. After adoption by the Board of the IAMP, staff anticipates immediately following that item with a request that the Board hold a public hearing and approve the Short-Term Improvements Design Concept.

ODOT has also been working directly with several owners of properties where the project will have an impact, mostly with regard to access management.

B. Policy Issues

The Lane County TSP lists Goals and Policies relevant to this action. The findings attached as Exhibit B to Ordinance No. PA 1258 cover other relevant policies in addition to those referenced below.

Goal 1: Maintain the safety, physical integrity and function of the County Road network through the routine maintenance program, the Capital Improvement Program, and the consistent application of road design standards.

Policy 1-e: Road improvement projects shall consider and, as financially and legally feasible, integrate improvements for alternative transportation modes such as sidewalks, bike lanes, and bus stop turnouts, consistent with adopted road design standards.

Policy 1-f: Maintain County arterial and collector roads sufficiently for the safe and efficient movement of freight, consistent with applicable traffic impact analysis, design policies and standards and land use regulations.

Goal 2: Promote a safe and efficient state highway system through the State Transportation Improvement Program and support of ODOT capital improvement projects.

Policy 2-a: Safe movement of vehicles on the State system and, where allowed, bicyclists and pedestrians shall be a priority. Lane County supports development and implementation of ODOT projects that improve the safety, operation, and structural characteristics of the State highway and bridge system, provided they are consistent with the TSP and applicable federal, state, and local regulations.

Policy 2-b: The County shall coordinate, as appropriate, with ODOT in:

- (i) plan development;*
- (ii) managing the existing State system; and*
- (iii) designing and developing facility improvements on the State system in Lane County.*

Policy 2-d: ODOT safety, preservation and modernization projects on the State system shall be consistent with Policies 2a-c above [c. being not relevant to this item], and need not be identified in the Lane County TSP 20-year Project List.

Goal 6: Provide safe and convenient opportunities for bicycle and pedestrian travel throughout Lane County.

Policy 6-f: The County generally will support State projects that include bicycle and pedestrian facilities.

Goal 7: Promote logical and efficient bicycle and pedestrian connections within the Lane County transportation system and between the County's and other jurisdictions' transportation systems.

Policy 7-a: In planning and implementing transportation system improvements, Lane County will coordinate with other affected jurisdictions to maximize bicycle and pedestrian route connectivity.

Policy 7-b: The County will look for opportunities to partner with ODOT and City agencies on bicycle and pedestrian facilities when roads of different jurisdictions intersect, in order to provide adequately for bicycle and pedestrians travel to local destinations.

C. Board Goals

The following Lane County Strategic Goals adopted by the Board for 2001-2005 relate to this item:

- *Provide opportunities for citizen participation in decision making, voting, volunteerism and civic and community involvement.*
- *Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development.*
- *Maintain a healthy environment with regard to air quality, water quality, waste management, land use and parks.*

D. Financial and/or Resource Considerations

The IAMP document must be locally adopted in order for construction of any improvements to move forward. Construction is partially funded by a locally requested federal earmark through the last federal transportation act, SAFETEA-LU, the six year transportation funding legislation covering fiscal years 2004-2009. The SAFETEA-LU authorization extends through September 30, 2009, the end of the current federal fiscal year. Provided obligation (approval by Federal Highway Administration (FHWA) to put the project out to bid) can occur by early 2010, the earmark is most likely to remain in place.

E. Analysis

Please see Section II, Agenda Item Summary, for the nature of the land use action staff is requesting the Board to take. Ordinance No. PA 1258 Exhibit B, Findings, addresses all applicable approval criteria.

The project associated with the IAMP has evolved over time due to a variety of reasons including significant inflation and environmental requirements. It started out as a \$19 million bridge

replacement and is now planned as a multi-phased project that will cost at least \$40 million. Early on the thought was that replacing the bridge over I-5 (which is Pearl Street and Van Duyn Roads, County facilities), would include additional lanes and other improvements to the local system that would address growing traffic problems stemming from increasing industrial activity and truck traffic in this part of town. As the extent of cost increases became apparent ODOT looked at how the project might be changed and phased, to address congestion and safety issues in the near term with the existing funds available, until money for replacing the bridge could be identified.

As you know the industries along Coburg Industrial Way were up until recently primary employers in Coburg, attracting labor from Eugene, Springfield, and other areas. There are two recreational vehicle industries on the north end of the road. At this time one of them, Monaco Motor Homes, is not operating due to the economic recession. Staff understands it was recently purchased by Navistar. Marathon Coach continues to operate at a limited level.

Traffic analysis in the IAMP is based upon fully operating industries. Adoption of the IAMP would be based upon the premise that the economy will rebound and industry will strengthen to its former production and employment levels. In the long term this is a reasonable premise especially given proximity to the Interstate.

As described in the IAMP document, without improvements to the Coburg/I-5 interchange and transportation infrastructure in the interchange area, future peak hour traffic is expected to exceed available road capacity at many nearby intersections, leading to highly congested conditions by 2031. Congestion is expected to affect the I-5 mainline. The interchange ramps are also expected to experience queuing and delay related to vehicles turning onto or from Pearl Street.

Along with congestion, there are safety concerns. Sight distance is limited at the ramp terminals and on each side of the east-west bridge over the interchange, creating truck navigation problems. The bridge structure is narrow, allowing no room for pedestrians, bicyclists, or emergency vehicle passage. Of particular concern to ODOT is the queuing on the northbound interchange off-ramp during the a.m. peak hour where traffic has been known to back up onto I-5, creating a speed differential hazard.

Finally, the height of the bridge is substandard, and larger trucks such as those hauling motor homes must exit off of I-5 and get back on, contributing to in-town congestion, energy waste, and increased pollution.

The IAMP plan describes Short (0-7 years) and Long-Term (8+ years) Operational Improvements and Access Management strategies beginning on page 5-4. Only the short term improvements, including access control, are funded at this time. They are expected to go to construction in 2011 or 2012 following environmental clearances and right-of-way acquisition.

Improvements and access management plans are described in Section 5 and depicted at the end of Section 5 after page 5-11. In brief, short term improvements include adding a dedicated right turn lane on Pearl Street to Coburg Industrial Way for a.m. peak traffic, and a southbound left turn lane to Coburg Industrial Way and extending the two lanes further down the southbound freeway ramp for p.m. peak traffic. Several other improvements concern city streets.

Long term improvements include replacing the east-west bridge with one that meets current height standards, and installing adequate width to add bicycle and pedestrian facilities.

In addition to operational improvements, ODOT intends to purchase access rights and otherwise control access within ¼ mile of the interchange. The IAMP provides a mechanism to identify an area

subject to IAMP access management. Figure 2-1 at the end of Section 2 in the draft IAMP shows the IAMP map and Appendix M contains the legal description. ODOT controls access by purchasing access rights. Alternative access locations are identified or constructed, either prior to interchange improvement construction or when property redevelops. The IAMP document provides specifics on these restrictions and ensures land use development in the area is consistent with long term interchange management goals.

According to ODOT IAMP guidelines, "An IAMP is a joint ODOT and local government long-term (20+ years) transportation and land use plan to balance and manage transportation and land use decisions in interchange areas, and is an important tool in protecting the function of state highway interchanges and the supporting local street network."

Oregon Administrative Rules (OAR) 734-051-0040(34) state, "Interchange Area Management Plan" means a plan for managing a grade-separated interchange area to ensure safe and efficient operation between connecting roadways and to protect the functional integrity, operations, and safety of the interchange. An Interchange Area Management Plan may be developed independent of or in conjunction with an interchange project and may address local street connectivity, local street improvements and local plans and land use regulations. An Interchange Area Management Plan is not an interchange project."

OAR 734-051-0155(2) further provides that, ". . . Interchange Area Management Plans must be adopted by the Oregon Transportation Commission as a transportation facility plan consistent with the provisions of OAR 731-015-0065. Prior to adoption by the Oregon Transportation Commission, the Department will work with local governments on any amendments to local comprehensive plans and transportation system plans and local land use and subdivision codes to ensure the proposed Access Management Plan and Interchange Area Management Plan is consistent with the local plan and codes."

While there are several IAMPs adopted statewide, this IAMP is only the second adopted by OTC for Lane County. The first was for the I-5/Beltline project. Since it didn't involve lands outside the Springfield ugb, nor any county facilities, ODOT did not ask Lane County to co-adopt it. Springfield provided a letter of consistency certifying that all of the elements of the I-5/Beltline IAMP were consistent with their adopted Comprehensive Plan and TSP.

County Public Works, Coburg, and ODOT staff are working on a parallel track to develop the Coburg/I-5 Phase I (Short-Term) design and to put in place an Intergovernmental Agreement (IGA) regarding access management, and facilities maintenance responsibilities.

The ODOT project design team leader is working closely with all affected property owners regarding access changes, trying to arrive at win-win solutions. Absent that, condemnation would be the alternative. It appears that most property owners are finding ODOT proposals to be acceptable, although resolution to all property owners' satisfaction is not expected. Most of the property owner issues are on the east side of the interchange. Additional land use processes, in particular a goal exception, must occur prior to construction of east side improvements and prior to replacement of the bridge.

This adoption is unusual on two levels. First, the improvements and access restrictions that are planned in the short term are all on County and City facilities. As a result ODOT must obtain County design concept approval, and a similar approval process may occur at the City. After your second reading, if the Board adopts the IAMP, County staff will request that you hold a public hearing on the design concept, which the Roads Advisory Committee has already unanimously endorsed (with Mr. Anderson, as an owner of property in the IAMP area, not voting).

Second, the IAMP area straddles two Comprehensive Plans, Coburg's and Lane County's. The area lying outside the Coburg ugb is subject to Lane County Rural Comprehensive Plan land use requirements. The area within the ugb is subject to Coburg's Comprehensive Plan land use requirements, and Lane Code Chapter 10 with regard to those lands inside the ugb and outside the city limits (until they annex). There is one parcel of land in the IAMP area that is within the ugb and outside the city limits.

The entire IAMP area will be subject to the new policy language found in the IAMP, in Chapter 6. The operative policy for developers will be Policy 10, on page 6-3. The policy will restrict new access locations, provide for ODOT purchase of access rights, and provide for closure of private access within the IAMP area along Pearl and Van Duyn streets upon ODOT purchase of access rights. For access-restricted properties within the IAMP, until such time as ODOT purchases access rights, the policy establishes a trip limit on redevelopment of some property, "subject to the limits of county or city codes". This last clause means that the policy cannot, practically speaking, take effect in Lane County's land use jurisdiction until a subsequent action when the County adopts implementing provisions to Lane Code Chapters 10 and 16, and zoning maps showing the IAMP Combining Zone.

Another procedural layer relates to Special Purpose Plans. County adoption of a General Plan/Comprehensive Plan, Lane Code Chapter 12, a "Rural" Comprehensive Plan, and Lane Code Chapter 16, dictates that both Lane Code Chapters 12 and 16 be addressed when adopting Special Purpose Plans in order to apply such plans inside and outside ugbs. In more detail, Lane County adopted a Comprehensive Plan prior to adoption of state land use law, and adopted Lane Code Chapter 12, "Comprehensive Plan" to specify how to implement and amend it. LC Chapter 12 was first adopted in the 1970's or earlier. The first County TSP was adopted in 1980 (a Master Road Plan was adopted in the 1970s). The General Plan Policies document contains Chart One (Attachment 5). As shown in Chart One, Single Purpose Plans may include Metro, rural and small city areas. There are several County Roads within urban areas, not in "Rural" Lane County, in cities, including in Coburg and in the Coburg IAMP, and they are regulated by the County TSP which is implemented by Lane Code and Lane Manual Chapters 15.

As noted, in 1984 Lane County enacted a "Rural Comprehensive Plan" and adopted Lane Code Chapter 16 to implement it and comply with statewide land use law in areas outside of ugbs. LC Chapter 16 specifies that the TSP is a special purpose plan pursuant to Lane Code 16.400(4)(b)(i). This is equivalent to the "Single Purpose Plan" definition in Chart One of the Lane County Comprehensive Plan policies (which later became "Rural" Comprehensive Plan policies, with each respective City having its own Comprehensive Plan, and Eugene-Springfield having a Metropolitan Area Plan, with no overlapping boundaries).

In summary, with adoption of "Single Purpose" and "Special Purpose" provisions in the Comprehensive Plan, the Rural Comprehensive Plan, and Lane Code Chapters 12 and 16, and with the Rural Comprehensive Plan applicable only outside of ugbs, it is necessary to adopt findings of consistency with both Lane Code Chapters 12 and 16 in order for such plans to apply throughout the county, both inside and outside of ugbs, to County facilities. Also, by co-adopting the IAMP with the City of Coburg it becomes a component of the City Comprehensive Plan as well.

The IAMP will not amend the County TSP but will instead by a Refinement Plan applying only to the IAMP area. Furthermore, as mentioned previously a subsequent plan amendment/zone change action will be necessary to implement the IAMP Combining Zone, including adopting the Zone text, zoning maps, and amending other provisions in the County Comprehensive Plan to provide the necessary mechanics of practical implementation. By adopting the IAMP document as a first step,

the County acknowledges its agreement with the plan to move forward with establishment of the IAMP Combining Zone, and ODOT can move forward with OTC adoption, and with property acquisitions, environmental clearances, and construction of short term improvements.

Finally, a discussion of the necessity of a future statewide land use goal exception (mentioned earlier) is warranted. As illustrated in IAMP Figure 5-1, the southeast quadrant (area south of Van Duyn and east of I-5) contains a proposed new access road to serve several properties there upon redevelopment. As conceived, this new proposed road would be located on rural Agricultural lands outside the ugb. The purpose of the new proposed road is to move ingress/egress away from the Interstate, both for controlling impacts on the Interstate, and because once the new bridge is built, at some time in the future, the grade of the east-west road will be above the property and physical access will be geometrically impractical.

Under state land use law, new roads are allowed on rural lands only to service rural uses or to move traffic off of a state facility (i.e., perform as a frontage road). The properties that will be served by the new road in the southeast quadrant are within the UGB, and the road would not move any traffic off of a state facility. Therefore, approval of an exception to state land use law will be required before the road can be constructed. The exception process is a land use plan amendment process that will come back before the county Planning Commission and Board in another round of public hearings. The exception requirement is further explained in the IAMP, Appendix L.

Any written testimony received will be presented to the Board either in supplementary materials or at the work session. The record for the IAMP is kept in Land Management Division. A binder of the record is in the Board Office. This does not include the Project Management Team materials dealing with the design process or design-associated open houses and property owner meetings.

F. Alternatives/Options

- Option 1. Approve the Ordinance.
- Option 2. Approve a revised version of the Ordinance
- Option 3. Do not approve the Ordinance and deny the application.

IV. TIMING/IMPLEMENTATION

Please see III.D., Financial and/or Resource Considerations information, above. "Obligation" or bid let, is scheduled to occur in 2010 for short-term (Phase I) improvements, once local approvals are complete, environmental clearance is complete, right-off-way is acquired, and FHWA approval is issued.

V. RECOMMENDATION

Staff recommends Option 1. This would be consistent with City co-adoption action and anticipated OTC action.

If Option 2 is chosen, then it will be necessary to re-open discussions with ODOT and the City and determine whether any proposed changes can be supported by the respective jurisdictions. Depending on the significance of any revisions, additional City and County Planning Commission and City Council hearings may be necessary. We anticipate ODOT staff can be present to answer questions at the hearing or a subsequent work session.

If Option 3 is chosen, then there is a likelihood the Coburg/I-5 improvements will not be constructed and the federal earmark will need to be returned.

VI. FOLLOW-UP

Notice of Board action will be provided to DLCD and all interested parties. See Section V. above for additional follow-up information depending on the action taken. Should the Board choose Option 3, an Order with findings setting forth the Board's reasons for denying the Ordinance would be prepared and returned to the Board for a third reading and adoption on a date certain set by the Board.

VII. ATTACHMENTS

Attachments/Binder Contents:

Agenda Cover Memo

1. Ordinance No. PA 1258 and Exhibits
 - Exhibit A Coburg Interchange Area Management Plan, April 2009
 - Exhibit B Findings
2. Joint Planning Commission Hearing Notice (meeting Measure 56 requirements)
DLCD Notice of Proposed Amendment
3. Planning Commissions
 3. a. Lane County Planning Commission Memo, July 7, 2009, and Attachments (Re-Approval of minutes for the January 21, 2009 Work Session and Public Hearing in order to fully incorporate edits)
 3. b. Joint Planning Commissions, March 3, 2009 Minutes
 3. c. Joint Planning Commission, March 3 Work Session and Deliberations Materials
 3. d. Joint Planning Commission, January 21, 2009 Work Session and Public Hearing Materials
4. Coburg City Council Record - Minutes, April 14, 2009, and Agenda Item Summary Report and Attachments
5. Chart One, Lane County General Plan/Lane County Rural Comprehensive Plan