

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1285

-) IN THE MATTER OF AMENDING THE LANE COUNTY
-) RURAL COMPREHENSIVE PLAN (LCRCP) TO ADOPT A
-) NEW COMPREHENSIVE PLAN AND ZONING
-) DESIGNATION FOR THE AREA WITHIN THE
-) JURISDICTION OF THE COBURG/INTERSTATE-5
-) INTERCHANGE AREA MANAGEMENT PLAN (IAMP);
-) AMENDING THE LANE COUNTY TRANSPORTATION
-) SYSTEM PLAN TO INCORPORATE THE IAMP BY
-) REFERENCE; ADOPTING AN OFFICIAL LANE COUNTY
-) INTERCHANGE AREA MANAGEMENT PLAN
-) COMBINING ZONE MAP; AND ADOPTING A
-) SEVERABILITY CLAUSE.

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted Land Use Designations and Zoning for lands within the Jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 883, has adopted the Lane County General Plan Policies which is a component of the Lane County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners adopted the Lane County Transportation System Plan by Ordinance No. PA 1202, on May 5, 2004; and

WHEREAS, Lane Code 12.050 and 16.400 set forth procedures for amendments of the Rural Comprehensive Plan and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.014 set forth procedures for amendments to Comprehensive Plan Maps and Zone Maps for Lane County; and

WHEREAS, the Oregon Department of Transportation (ODOT), Lane County, and Coburg are contemplating improvements to state and local transportation facilities near the Interstate 5 Interchange at Coburg to address safety, congestion, and substandard facility issues; and

WHEREAS, Oregon Administrative Rules (OAR) 734-051-0155(2) and (7) require ODOT to work with local governments to develop an Interchange Area Management Plan (IAMP) prior to construction of significant modifications to existing interchanges, and that the IAMP be consistent with local plans and codes; and

WHEREAS, the Board of County Commissioners adopted the Coburg IAMP by Ordinance No. PA 1258, on October 21, 2009; and

WHEREAS, the Board of County Commissioners is in support of constructing the improvements at the I-5/Coburg Interchange; and

WHEREAS, Section 7.2 of the Coburg IAMP requires Lane County to adopt a plan and zoning designation for the Coburg IAMP area; and

WHEREAS, it is necessary to amend the Rural Comprehensive Plan and apply an overlay zone to provide for an Interchange Area Management Plan area; and

WHEREAS, the proposal was reviewed at a public hearing with the Lane County Planning Commission on June 15, 2010; and

WHEREAS, the proposal was reviewed at a public hearing with the Lane County Board of Commissioners on June 22, 2011; and

WHEREAS, evidence exists in the record indicating that the proposal meets the requirements of Lane Code chapters 12 and 16, and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County ordains as follows:

Section 1. The Lane County General Plan Policies, Goal 2 (Policy 25) adopted by Ordinance No. PA 883 and amended thereafter is amended by revising Goal 2 General Plan Policy 25, to add provisions for a Coburg Interchange Area Management Plan designation as set forth in Exhibit "A".

Section 2. The Lane County Transportation System Plan, a Special Purpose Plan under the Lane County Rural Comprehensive Plan, as adopted by Ordinance No. PA 1202, is amended by the addition of a reference to the adopted Coburg/Interstate-5 Interchange Area Management Plan as set forth in Exhibit "B".

Section 3. An Official Lane County Interchange Area Management Plan Combining Zone Map is established and adopted as depicted in Exhibit "C".

FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts Lane County findings in support of this action as set forth in Exhibit "D".

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion is deemed a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions thereof.

Enacted this: _____ day of _____, 2011

Faye Stewart, Chair
Lane County Board of Commissioners

Melissa Zimmer, Secretary
Lane County Board of Commissioners

APPROVED AS TO FORM

Date _____ Lane County

OFFICE OF LEGAL COUNSEL

Exhibit "A"

Rural Residential	Rural Residential	RR, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Rural, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Residential.		
Destination Resort	Destination Resort	DR, RCP
Historic Structure/Site	Historic Struc. Or Sites Combining	/H-RCP
Natural Estuary	Natural Estuary	/NE-RCP
Conservation Estuary	Conservation Estuary	/CE-RCP
Development Estuary	Development Estuary	/DE-RCP
Sign. Natural Shorelands	Significant Nat. Shorelands Comb	/SN-RCP
Prime Wildlife	Prime Wildlife Shorelands Comb	/PW-RCP
Natural Resources Conserv.	Natural Resources Conservation Comb	/NRC-RCP
Residential Development	Res. Devel. Shorelands Combining	/RD-RCP
Shorelands Mixed Develop	Shorelands Mixed Devel. Combining	/MD-RCP
Dredge Material/Mitigation	Dredge Mat. /Mitigation Site Comb	/DMS-RCP
Beaches & Dunes	Beaches and Dunes Combining	/BD-RCP
	Floodplain Combining.	/FP-RCP
	Commercial Airport Safety District	/CAS-RCP
Airport	Airport Safety District	/AS-RCP
	Airport Operations	/AO-RCP
	Private Use Airport Overlay	/PUAO-RCP
Nonresource	Rural Residential	RR, RCP
Public Facility	Inmate work camp	IWC, RCP
	<u>Interchange Area Management Plan Interchange Area Management Plan Comb. /IAMP-RCP</u>	

*NOTE: The "Community" Plan Designation is implemented by various zoning districts as indicated, zones which also implement specific Plan designations other than "Community". A "/C" shall be used in combination with these zoning abbreviations to denote the zoning inside unincorporated community plans adopted to comply with OAR 660 Division 22, the UC Rule: RR, RC, RI, RPF, and RPR.

26. Exceptions to resource goals shall be required for transmission line right-of-ways when in excess of fifty (50) feet.

27. Conformity Determinations. Lane County will annually initiate and process applications to correct identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots. Changes to correct nonconformities shall comply with the procedures and requirements of Lane Code Chapter 12 (Comprehensive Plan), Chapter 14 (Application Review and Appeal Procedures), and Chapter 16 (Land Use & Development Code), except as provided for in 27 c. and d., below.

a. Circumstances qualifying for consideration by the Board of Commissioners under the Conformity Determinations Policy may include one or more of the following:

i. Lawful, structural development existing prior to September 12, 1984 and use of the structure(s) at the time qualified as an allowable use in a developed & committed zone designation other than that designated for the land on an Official Plan or Zoning Plot.

Exhibit "B"

(v) *The Trip Generation, 7th Edition* manual published by the Institute of Traffic Engineers.

- 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.
- Policy 1-g: Maintain and improve roads consistent with their functional classification. Reclassify roads as appropriate to reflect function and use.
- Policy 1-h: City standards shall apply to County Roads functionally classified as local roads within urban growth boundaries. In the absence of City standards, the County's road design standards shall apply.

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

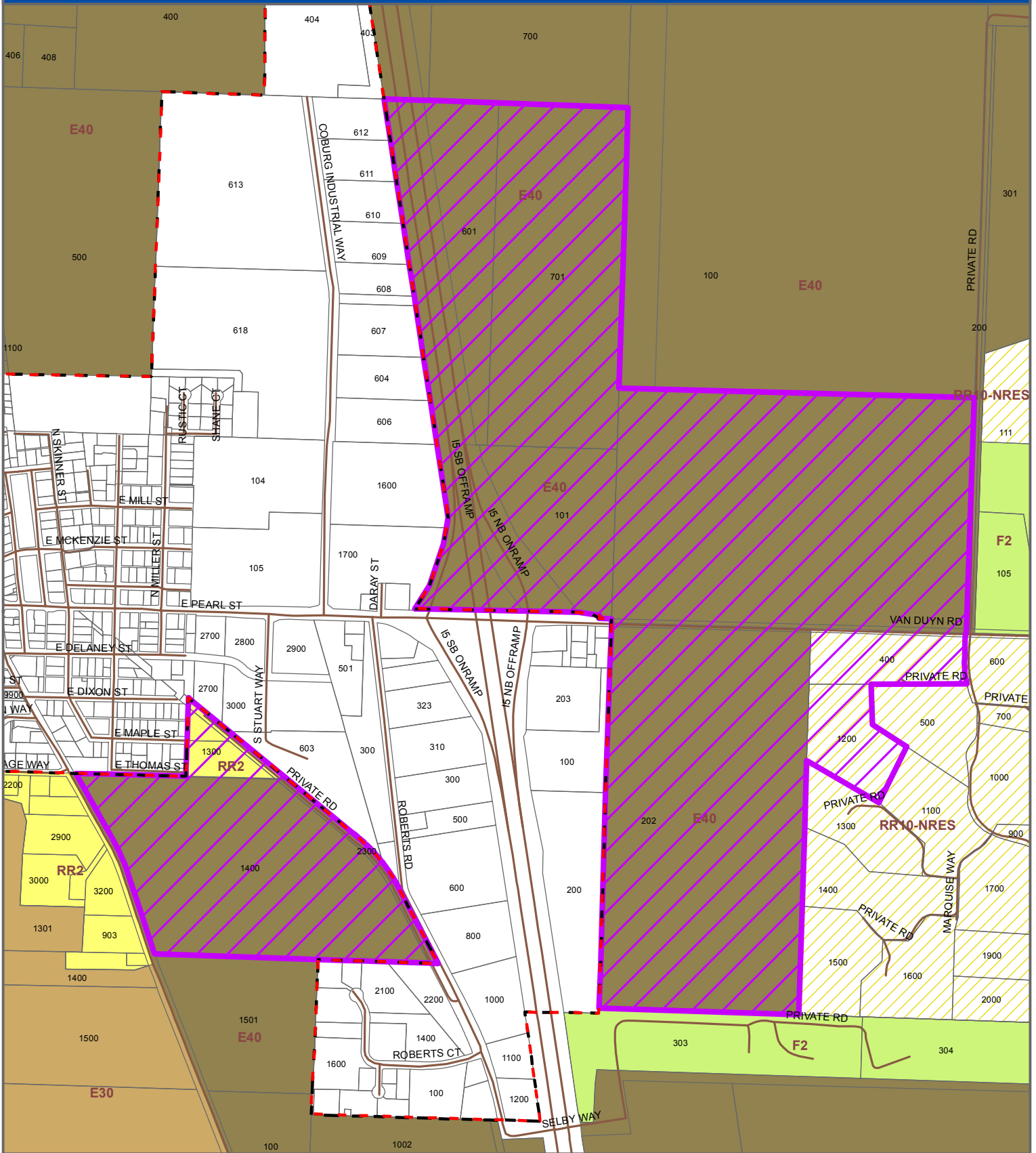
- Policy 2-a: Safe movement of vehicles on the State system and, where allowed, bicyclists and pedestrians shall be a priority. Lane County supports development and implementation of ODOT projects that improve the safety, operation, and structural characteristics of the State highway and bridge system, 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-c: The County supports the preservation of the natural, historic, cultural, and recreational values of federally designated Scenic Byway routes maintained by ODOT.
- Policy 2-d: ODOT safety, preservation and modernization projects on the State system shall be consistent with Policies 2a-c above, and need not be identified in the Lane County TSP 20-year Project List.

Policy 2-e [The Coburg/Interstate 5 Interchange Area Management Plan \(IAMP\), adopted by Lane County as Ordinance No. PA 1258\), is incorporated herein by reference.](#)

Goal 3: Promote a safe and efficient road network through access management.

- Policy 3-a: Access decisions will be made in a manner consistent with the functional classification of the roadway.
- Policy 3-b: Access Management policies and spacing standards found herein and in Lane Code 15.130-15.139 shall apply to all new development, changes of use, and road and driveway approach locations within County Road rights-of-way. For State facilities, the Oregon Department of Transportation controls access pursuant to Oregon Administrative Rules 734, Division 51.
- Policy 3-c: Development within a County Road right-of-way, including but not limited to excavation, clearing, grading, utility placement, culvert placement or replacement, other stormwater facilities, and construction or reconstruction of road or driveway approaches, is allowed only upon approval of a facility permit.

Official Lane County Interchange Area Management Plan Combining Zone Map Coburg



- Interchange Area Management Plan Combining Zone
- City Limits
- Urban Growth Boundary
- Parcels
- Roads

- F1 - Non-Impacted Forest
- F2 - Impacted Forest
- E25 - Exclusive Farm Use (25 acre minimum)
- E30 - Exclusive Farm Use (30 acre minimum)
- E40 - Exclusive Farm Use (40 acre minimum)
- E60 - Exclusive Farm Use (60 acre minimum)
- ML - Marginal Lands
- RC - Rural Commercial

- RI - Rural Industrial
- RPF - Rural Public Facility
- RR1 - Rural Residential (1 acre minimum)
- RR2 - Rural Residential (2 acre minimum)
- RR5 - Rural Residential (5 acre minimum)
- RR5-NRES - Non Resource (5 acre minimum)
- RR10 - Rural Residential (10 acre minimum)
- RR10-NRES - Non Resource (10 acre minimum)

- PR - Park and Recreation
- RPR - Rural Park and Recreation
- AO - Airport Operations
- CLWP - Clear Lake Watershed Protection Area
- NR - Natural Resource
- NE - Natural Estuary
- DR - Destination Resort
- QM - Quarry and Mining Operations

- SG - Sand, Gravel and Rock Products
- SG/CP - Sand, Gravel and Rock Products Combining Processing
- CR - Rural Commercial
- C2 - Neighborhood Commercial
- C3 - Commercial
- M2 - Light Industrial
- PF - Public Facility



FINDINGS AND CONCLUSIONS IN SUPPORT OF ADOPTION OF ORDINANCE No. PA _____

The Lane County Board of Commissioners ("Board") finds as follows:

1. The Ordinance to which these findings are attached effects an update to the Lane County Rural Comprehensive Plan (LCRCP). The Board is amending RCP General Plan Goal 2, Policy 25 to incorporate an Interchange Area Management Plan Combining zone into the County's General Plan Policies. Furthermore, the Board is adopting a text amendment as new Policy 2-e to the Lane County Transportation System Plan (TSP) incorporating the adopted and acknowledged Coburg/I-5 Interchange Area Management Plan by reference. These changes will be referred to as the "Coburg Interchange Area Management Plan implementation updates" throughout these findings.
2. Pursuant to Lane Code (LC) 12.050(1) and LC 16.400(6)(h)(i), amendments to the Comprehensive Plan and the Rural Comprehensive Plan shall be by ordinance. Adopting Ordinance No. PA _____ accomplishes these requirements.
3. LC 12.050(2) provides review criteria to adopt the Coburg Interchange Area Management Plan implementation updates into the County Comprehensive Plan. The criteria are as follows:

LC 12.050

(2) The Board may amend or supplement the comprehensive plan upon a finding of:

- (a) an error in the plan; or**
- (b) changed circumstances affecting or pertaining to the plan; or**
- (c) a change in public policy.**

These implementation updates are being adopted due to a change in public policy, pursuant to LC 12.050(2)(c). Lane County is adopting these updates to implement the policies found within the recently adopted Coburg IAMP, adopted by Ordinance No. PA 1258. Adoption of these implementation measures is necessary for consistency with Policy 7.2. of the Coburg IAMP.

LC 16.400(6)(h)(iii)(bb) provides similar review criteria for amendments to the Rural Comprehensive Plan, as follows:

LC 16.400(6)(h)(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

- (i-i) necessary to correct an identified error in the application of the Plan;**
- OR**
- (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR**

(iii-iii) necessary to comply with the mandate of local, state, or federal policy or law; OR

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

With regard to these review criteria, the Board finds that the Coburg Interchange Area Management Plan implementation updates are necessary to:

- a. address a change in public need as evidenced by finding 6 for Ordinance No. PA 1258, incorporated here by reference; and
- b. is necessary to provide for the implementation of certain adopted IAMP policy elements.

Based upon these findings, the Board concludes that the proposed Coburg Interchange Area Management Plan implementation updates are consistent with the review criteria listed above

4. In addition to the requirements in LC 16.400(6)(h)(iii)(bb) listed above, additional findings under LC 16.400(6)(h)(iii)(aa) must be made to adopt the proposed Coburg Interchange Area Management Plan implementation updates. Specifically, the Board may amend the Rural Comprehensive Plan upon making certain additional findings, as follows:

LC 16.400(6)(h)(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

The amendment is a major amendment because it is not limited to a Plan Diagram amendment. The amendment meets applicable requirements of local and state law in that it is being processed as a Plan Amendment pursuant to LC Chapter 14 requirements, and is subject to the approval criteria of LC Chapter 12 and 16, both of which chapters are in compliance with state law as outlined in the statewide planning Goal 2 findings, below. Findings of consistency with the approval criteria in LC 16 are contained herein, including findings of consistency with applicable Statewide Planning Goals and Oregon Administrative Rules:

Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Pursuant to the requirements of Lane Code, citizen involvement occurred in the preparation and review of Ordinance No. PA 1258 and this associated adopting Ordinance as follows:

Extensive public involvement opportunities were provided during the adoption of Ordinance No. PA 1258 as described in the Coburg IAMP Appendix A, Citizen Involvement Plan, and IAMP Appendix B, Findings of Compliance, page 1 incorporated here by reference. Public involvement was also accommodated by a joint public hearing of the Coburg and Lane County Planning

Commissions held on January 21, 2009, by a public hearing of the Coburg City Council held on April 14, 2009 and by a public hearing of the Lane County Board of Commissioners on August 5, 2009, with the record remaining open until October 7, 2009.

Public involvement opportunities were also provided as part of the implementation measures as follows:

- On May 26, 2010, a legal ad was published in *The Register Guard*, providing notice of the Lane County Planning Commission public hearing in the Board Conference Room of the Lane County Public Service Building on June 15, 2010, at 7:00 P.M.
- On June 15, 2010, the Lane County Planning Commission (LCPC) conducted a public hearing on the proposed Coburg IAMP implementation updates.
- On June 1, 2011, a legal ad was published in *The Register Guard*, providing notice of the Board of County Commissioners public hearing in Harris Hall of the Lane County Public Service Building on June 22, 2011, at 1:30 P.M.
- On June 2, 2011, notice of the Board of County Commissioners public hearing was sent to all property owners within the boundary of the IAMP and within 750 feet of the boundary of the IAMP.
- On June 22, 2011, the Lane County Board of Commissioners conducted a public hearing on the proposed Coburg IAMP implementation updates.

The Coburg IAMP implementation updates constitute a plan amendment that is subject to the public notification and hearing processes and provisions of LC Chapter 14 and 16. As described above, the public involvement requirements of these chapters have been met and opportunity for public involvement has been afforded at each phase of the process. The amendment is therefore consistent with statewide planning Goal 1.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Rural Comprehensive Plan was acknowledged by the Land Conservation and Development Commission (LCDC) as complying with state planning goals. LC 16.400, adopted and also acknowledged by LCDC specifies the means by which the RCP may be amended. Notice of the public hearing and pending adoption of the Coburg Interchange Area Management Plan implementation updates was mailed to the Oregon Department of Land Conservation and Development (DLCD) on April 27, 2010. The Coburg Interchange Area Management Plan implementation updates adoption process follows the procedures outlined in Lane Code and these findings provide an adequate factual basis for action. The amendment therefore conforms to the established land use planning process and framework consistent with Goal 2.

Goal 3 - Agricultural Land: *To preserve and maintain agricultural lands.*

Adoption of the Coburg Interchange Area Management Plan implementation updates will not change any agricultural land use designations. Based upon these findings the amendment is consistent with Goal 3.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

Chapter 2, Existing Conditions Inventory and Analysis, in the adopted Coburg IAMP describes Natural and Cultural Resources within the IAMP area beginning on page 2-26, in Section 2.5. Included in the analysis are findings related to open space and parks, which are incorporated here by reference. A multi-use path is identified in the City of Coburg adopted Parks Master Plan. The multi-use path is planned for areas that include lands outside the Urban Growth Boundary (UGB) however, the City Parks Master Plan was not co-adopted by the County, so its location outside the UGB is not recognized by the Rural Comprehensive Plan.

Goal 6 - Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Findings of consistency with Goal 6 can be found in Exhibit B to Ordinance No. PA 1258. Finding 7, for Statewide Land Use Goal 6, beginning on page 4, is incorporated here by reference.

Goal 8 - Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Chapter 2, Existing Conditions Inventory and Analysis, in the adopted Coburg IAMP describes Natural and Cultural Resources within the IAMP area beginning on page 2-26, in Section 2.5. Included in the analysis are findings related to open space and parks incorporated here by reference. A multi-use path is identified in the City of Coburg adopted Parks Master Plan. The multi-use path is planned for areas that include lands outside the Urban Growth Boundary (UGB) however, the City Parks Master Plan was not co-adopted by the County, so its location outside the UGB is not recognized by the Rural Comprehensive Plan.

Goal 11 - Public Facilities and Services: *to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Transportation facilities are identified as public facilities under this goal. Findings of consistency with Goal 11 for both the City of Coburg's Comprehensive Plan and Lane County's Rural Comprehensive Plan can be found in Coburg IAMP Appendix B beginning on page 2. Findings in Coburg IAMP Appendix B applicable to lands outside the Coburg UGB relate to Lane County's Rural Comprehensive Plan and are incorporated here by reference. The updates are consistent with Goal 11.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

The Coburg Interchange Area Management Plan implementation updates will promote transportation safety and operations near the Coburg I-5 interchange. Findings of consistency with Goal 12 for both the City of Coburg's Comprehensive Plan and Lane County's Rural Comprehensive Plan can be found in Coburg IAMP Appendix B beginning on page 3. Those relating to Lane County's Rural Comprehensive Plan are incorporated here by reference. The updates are consistent with Goal 12.

Goal 13 - Energy: *To conserve energy.*

The IAMP includes a "No Build" scenario that evaluates road system deficiencies and traffic operations that contribute to congestion, and evaluates the presence of all transportation modes. Analysis concludes that three of five intersections in the study area will not meet mobility standards or will fail if no improvements are made, meaning delays and congestion will increase. The analysis also concludes that the existing bridge width is narrow and does not provide for pedestrians or bicyclists. The IAMP preferred alternative considers and recommends improvements and measures mitigating these deficiencies which will reduce congestion. IAMP Section 6, policies 12, 13, and 14, incorporated herein by reference, provide for plans to expand Lane Transit District (LTD) bus rapid transit to Coburg, to market LTD's Group Pass Program, promote carpool and vanpool services, and monitor the need for a park-and-ride in Coburg. The IAMP therefore considers and recommends improvements and measures that will reduce congestion and provide for alternative modes of travel, encouraging energy conservation. The Coburg Interchange Area Management Plan implementation updates will carry out the purpose of the IAMP, encouraging energy conservation. The updates are consistent with Goal 13.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

Findings of consistency with Goal 14 for both the City of Coburg's Comprehensive Plan and Lane County's Rural Comprehensive Plan can be found in Coburg IAMP Appendix B beginning on page 4. The findings are incorporated here by reference.

5. Based upon all of the above findings, the Board concludes that the proposed Coburg Interchange Area Management Plan implementation updates are consistent with the requirements set forth in the applicable approval criteria. Therefore, the Board concludes the evidence and findings support adoption of the proposal.