

AGENDA COVER MEMO

DATE: March 29, 2004 (Date of Memo)
April 14, 2004 (First Reading)
May 4, 2004 (Work Session)
May 5, 2004, (Second Reading/Public Hearing)

TO: Lane County Board of Commissioners

DEPT.: Public Works Engineering Division

PRESENTED BY: Sonny Chickering, Public Works Engineering

AGENDA ITEM TITLE: 1) ORDINANCE NO. 1202 - IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO ADOPT AN UPDATED LANE COUNTY TRANSPORTATION SYSTEM PLAN; TO AMEND THE LANE COUNTY GENERAL PLAN POLICIES (AN ELEMENT OF THE LANE COUNTY RURAL COMPREHENSIVE PLAN) BY REVISING GOAL 12 TRANSPORTATION POLICY 4 TO COMPLY WITH STATEWIDE PLANNING GOAL 12; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES

2) ORDINANCE NO. 10-04 -- IN THE MATTER OF AMENDING CHAPTERS 10, 13, 15 AND 16 OF LANE CODE TO IMPLEMENT THE LANE COUNTY TRANSPORTATION SYSTEM PLAN BY ADOPTING NEW AND REVISED RULES, REGULATIONS AND STANDARDS RELATING TO EXISTING AND FUTURE TRANSPORTATION AND ACCESS NEEDS IN LANE COUNTY.

3) ORDER NO. ____ - IN THE MATTER OF AMENDING CHAPTERS 15 AND 60 OF THE LANE MANUAL TO ADOPT NEW AND REVISED POLICIES AND STANDARDS APPLICABLE TO ROADS IN LANE COUNTY.

I. REQUESTED MOTIONS

April 14: MOVE FIRST READING OF ORDINANCE NUMBER PA 1202 and ORDINANCE NUMBER 10-04 AND SET SECOND READING FOR MAY 5, 2004.

May 5; Adopting each individually in the following order: PA 1202 (TSP), Ordinance 10-04 (Lane Code changes), and Order _____, (Lane Manual changes). Do not adopt any unless first adopting PA 1202):

MOVE TO ADOPT ORDINANCE PA 1202 (ORDINANCE 10-04, ORDER _____).

II. ISSUE OR PROBLEM

Lane County's long range transportation plan, and related Lane Code and Lane Manual provisions have not been updated since the early 1980's. Meanwhile, circumstances have changed including state land use law with adoption of the Transportation Planning Rule (TPR) in 1991.

The attached ordinances will adopt a new Transportation System Plan (TSP) and related Code and Manual provisions. The updates comply with state law, promote agency coordination, and provide a major update of County road regulations.

III. DISCUSSION

A. Background

In addition to the enclosed materials, binders in the Board of Commissioners office contain a record of the Planning Commission and Roads Advisory Committee proceedings, and a consolidated record of all public involvement and comments. A detailed list of binder materials is at the end of the Cover Memo.

When the 1980 TSP was adopted, it addressed state land use law that required a broader context and framework for County transportation planning. The 1980 document includes provisions related to the road system, bicycle and pedestrian facilities, transit, air, and water transportation, and regional pipelines. It also incorporated consideration for safety, surrounding land uses, freight movement, energy efficiency, and neighborhood and environmental impacts. Under the County's General Plan Goal 12, policies incorporate the 1980 TSP by reference and treat its recommendations as policies. The 1980 TSP is "Attachment 14" in Binder 4 in the Board office.

The enclosed ordinances will bring the County's long range plan and land use regulations into state land use goal compliance. Public Works also took the opportunity to update road-related regulations to improve efficiency, equity, and consistency in their implementation.

Coordination

Coordination with other agencies and Lane County sections was a top priority. Responsible agencies were contacted and asked to review all descriptions of their transportation facilities and related policies. Several sections in the Engineering Division participated in development of new standards. Several meetings were held with Land Management Division to coordinate changes affecting land use, access, easements, and land divisions.

Public Involvement, Roads Advisory Committee, Lane County Planning Commission

Several public outreach meetings were also held throughout the County in 1995, to help in developing the initial materials for the TSP. After these initial meetings staff performed a County Roads Needs Assessment, and developed requirements for road design, access management, road performance, and traffic impact analysis. Staff also began monthly reporting and consulting with the Roads Advisory Committee (RAC) beginning in April, 2002. Based in part on feedback from the RAC, in September-October 2002, staff sought peer review from 78 public and private planners and engineers on the draft requirements and made additional changes. In February 2003, staff conducted four public information meetings after release of the first (December 2002) TSP draft. While the meetings were well advertised, attendance was relatively sparse. Comments submitted from citizens and agency staff

were used to develop a second TSP draft, and first drafts of Code and Manual changes, that were released in July 2003.

The Lane County Planning Commission and Roads Advisory Committee held a joint hearing on July 2003 draft materials, on September 9, 2003. More than 37,000 notices were mailed in August 2003, to comply with Ballot Measure 56 requirements. Three people testified at the hearing and four written comments were submitted. A spreadsheet of comments from the public, Oregon Department of Transportation (ODOT), RAC, Planning Commission (LCPC), and Department of Land Conservation and Development (DLCD) is included as Attachment 4.a. Column 3 shows changes made based upon the comments.

All of these public processes are documented, and copies are provided of all public comments in Binder 5 in the Board of Commissioners office. Summaries of all public comments through close of the LCPC/RAC proceedings are enclosed in Attachments 4.a. through 4.d.

With the exception of traffic impact analysis (TIA) requirements, the RAC and LCPC unanimously recommended approval of the materials. Regarding TIA requirements, the LCPC was divided as to whether to require a different threshold for TIA analysis inside and outside urban growth boundaries (UGBs). The LCPC voted 4 to 3 to support a peak hour trip threshold of 50 outside, and 100 inside a UGB.

Post LCPC/RAC Public Comment

Two additional written comments were submitted after the LCPC/RAC concluded their work and prior to finalization of this Board packet:

- One comment expressed concern about right-of-way setbacks resulting from changes to road right-of-way widths (Mr. Houben, 12-1-03).
- One comment expressed continued concern about truck traffic and speeding on Jasper-Lowell Rd. (Mr. Barnes, 2-16-04). This letter followed an earlier written comment from the same citizen.

Both letters are included in Binder 5 in the Board office. Additional comments that arrive before close of the record will be reported.

Also, staff has received several telephone calls from prospective construction permit applicants regarding the adoption schedule of the materials. Most are inquiries about the proposed deletion of two provisions that currently require approval of a Variance or other land use permit if not met. These provisions are 1) private access easements may only serve four or less lots or parcels; and 2) easements may only serve lots or parcels that are at least 20 acres in size. Two other callers inquired about the status of changes to right-of-way setbacks. Both calls concerned properties west of Heceta Beach Road and north of Florence within the urban growth boundary (UGB). One also provided a written comment.

Post LCPC/RAC Changes

The Planning Commission and Roads Advisory Committee did not review one change concerning the vacation of roads within subdivisions, because it was added after they finished their work. It is found in LM 15.305(5), Road Vacations, with a cross reference of the same language in LC 13.400(3), Land Divisions. The change is discussed below under Analysis, regarding Lane Manual changes, item 6.a., and will be verbally noted at the Board of Commissioners public hearing.

Department of Land Conservation and Development (DLCD) Comments

DLCD's comments and resulting changes to the draft materials are summarized as follows:

1. Transportation facilities and uses in natural resource and estuary zones must be limited to operations, maintenance and repair in order to comply with related statewide land use goals.

The County's four natural resource and estuary zones generally disallow dredging or filling activities. Staff initially proposed transportation uses beyond operations, maintenance, and repair as special uses, reasoning that failure to comply with the criteria for approval would result in denial. To address DLCD's comment, the allowable transportation uses in these zones were revised. Rehabilitation and preservation activities were included as allowable with operations, maintenance and repair, because they involve the same minimal level of impact. All of these uses are allowed only if no dredging or filling is involved.

2. Sidewalks must be included in reconstruction projects, consistent with ORS 366.514.

DLCD noted that ORS 366.514 requires sidewalks in all reconstruction projects unless they are not justified by need or use, or if the cost is incommensurate to use. In a previous draft version of policies and road design standards, language indicated that sidewalks would be included on urban local road reconstruction projects only if adjacent property owners were willing to pay for them. Language also specified that sidewalks *may* be included in unincorporated areas of concentrated commercial, residential or institutional development.

DLCD indicated that this language was inconsistent with ORS 366.514, stating that the County cannot decide whether or not to include sidewalks on the basis of willingness of property owners to pay. In response, the policy language and road design standards were changed to be consistent with ORS 366.514. Policies now include the ORS language. Sidewalks will be built in reconstruction projects unless the cost is excessively disproportionate to the need or probable use, or if population or other factors indicate an absence of a need for sidewalks.

3. The County inventory of bicycle and pedestrian facilities in unincorporated areas needs to be changed to provide for a 20-year projection of pedestrian needs, and factors other than average daily traffic (ADT) must be considered.

Staff revised the inventory to provide for a 20-year projection. This was an oversight in the initial analysis. With regard to the second comment, many factors other than ADT were considered in the analysis. ADT was considered only after looking at zoning, actual uses, and location of residences relative to local destinations such as grocery stores, schools, churches, and granges.

For a more detailed response to DLCD's comments, please see Attachment 4, Items III.1 through 3, pages 3 -5.

B. Analysis

1. OVERVIEW

The transportation system includes airports, railroads, the Port of Siuslaw, two regional pipelines transporting petroleum and natural gas, transit, roads, and bicycle and pedestrian facilities. They are all important in the movement of goods, services, and people. The movement of freight and delivery of services is a critical, and sometimes life-saving function of the system. Like freight and services, traveling individuals also depend on a well-functioning, inter-connected system.

The updated TSP provides information and policies for all parts of the network. As such, it is both an information resource and long range planning tool. The County exercises control over the County road system, so the focus of proposed updates to Code and Manual regulations is roads. While the automobile is clearly the predominant mode of transportation served by the County road system, the right-of-way accommodates freight, cars, buses, bicyclists, and pedestrians. Its management must consider all of these uses. Under the TPR, decisions about the road system must also consider surrounding land uses. One intent is to reduce the total number of vehicle miles traveled, and thereby reduce congestion and pollution. Another is to maintain the distinction between urban and rural land uses.

The ordinances include the updated TSP, and changes to Lane Code, specifically Chapters 10, 13, 15, and 16. Also, changes were made to Lane Manual 15 and 60 to provide continued consistency with the TSP and Lane Code.

2. A NOTE ABOUT DEFINITIONS, AND HOW TO USE THIS MEMO

While this memo attempts to reduce the necessity of consulting external references, please note that definitions may be found in the attached updates to LC Chapter 15, in 15.010. Also, please consult the three attached Indices (Attachments 5, 6, and 7) as you review the Cover Memo with regard to Lane Code and Lane Manual changes. The Cover Memo provides highlights, while the indices provide details of all changes.

The following concepts may be helpful in understanding road-related information:

- Functional class is an important underlying concept for all road requirements. It is the basis for safety standards, and controlling and moving traffic, including bicycles and pedestrians. Generally, functional classes consist of arterial, collector, and local roads. The County Road system consists mostly of collectors and local roads. State highways are arterials or collectors.
- Arterials serve higher volumes of traffic and have limited access. When allowed, intersections must be spaced greater distances apart than for other roads. Speeds are generally higher, and roads are wider and have more lanes. On the other end, local roads provide access to individual properties. They have less traffic, slower speeds and more driveways and intersections. Collectors funnel traffic from local roads and from other collectors in neighborhoods and developed areas, to arterials, which in turn take traffic to freeways and expressways.
- “Arterial”, “Collector”, and “Local Road” are functional classifications of “County Roads” (roads the County maintains).
- Local Access Road (LAR) is a term enacted in 1981 in ORS 368.001, to define unmaintained public roads. Prior to 1981 County engineers called LARs “Public Roads”, and that vernacular continues today. This memo will use the term LAR. They function like County Roads classified as Local Roads but are typically gravel and serve an even lower level of traffic, so in many ways they function more like private access easements.
- “Urban” roads are within urban growth boundaries (UGBs) and “rural” roads are outside UGBs.

3. GEOGRAPHIC SCOPE AND RELATIONSHIP TO CITY TSPS

The County TSP and related Lane Code and Manual Chapters 15 apply to the entire county because County roads are located within and outside incorporated areas. However, the County TSP emphasis is on rural Lane County. The Eugene-Springfield Metro area and other cities have separate TSPs (including TransPlan), that by County adoption are all a part of the County General Plan. The County TSP provides for coordination and consistency with these other plans.

4. TRANSPORTATION PLANNING RULE COMPLIANCE

OAR 660-012 is the Transportation Planning Rule (TPR) that implements statewide planning Goal 12. The Findings attached to the TSP adopting Ordinance provide specifics regarding the requirements and how the proposed adoption materials comply. An overview follows.

The TPR includes requirements for the following:

- interagency coordination;
- describing all transportation modes, including roads, bicycle and pedestrian facilities, transit facilities, and air, rail, water and pipeline facilities;
- integrating land use and transportation planning;
- adopting policies and regulations specifying transportation facilities and uses allowed in rural areas without a state land use goal exception;
- a needs assessment; and
- adopting policies and regulations for access management, roadway performance, traffic impact analysis, and road standards.

The TPR also contains quantitative requirements for metropolitan areas to reduce vehicle miles traveled. TransPlan for the Eugene-Springfield area addresses these requirements.

5. 2004 TSP HIGHLIGHTS

The draft TSP provides descriptions and maps of the overall transportation system, including air, rail, water, pipeline, transit, roads, bicycle and pedestrian facilities. Consistent with state law, the draft TSP carries forward supportive policies from the 1980 TSP for all modes and encourages alternative transportation. Philosophically, the update is not significantly different from the 1980 document, because the earlier document was also consistent with state land use law. The most significant differences are:

- A detailed description and maps of the overall transportation network;
- A financial element;
- The Needs Assessment and Project List;
- More specific policy language regarding access management, level of service, traffic impact analysis, and road design standards.

A description of state roads is on TSP page 26. State planning efforts and needs are discussed in the Needs Assessment section beginning on page 75. Goals 2 and 25 focus on state facilities and coordination, as do other policies including 3-b, 4-g, and 6-f.

ODOT staff commented they wanted to see a list of recommended state projects in the TSP. While agency coordination was a high priority in developing the TSP, County staff were reluctant to include a specific state project list in the absence of a state-prepared technical needs assessment. However, recommendations for shoulder widening for bicycle and pedestrian use on some state roads are included. They were identified in the course of the County Roads Needs Assessment regarding bicycle and pedestrian facilities in unincorporated communities.

For rural Lane County, automobiles are the primary transportation mode for individuals, due to lower population densities and greater distances between commute destinations compared with cities. The updated TSP emphasizes the rural area and therefore, its focus is to some extent the road system. Following are highlights regarding roads, including bicycle and pedestrian facilities.

a. Financial Overview

While a financial element is not required for areas outside UGBs, the TSP update includes this component to provide long range guidance.

The Financial Overview (beginning on page 62) includes a description of the existing and anticipated level of funding available for County Road improvements. As the Commissioners are aware, the long term outlook for federal monies allocated to western Counties to replace timber receipts is unclear. These monies are guaranteed only through Fiscal Year 05-06. For 2003-2004, federal guarantee monies provided over 40% of revenues for Lane County road projects. TSP Goals 23 and 24 are meant to address this uncertainty. These goals and associated policies are based on the direction recommended in the Road Fund Financial Plan ("FinPlan") presented by Public Works and approved by the Commissioners in 1996.

b. Needs Assessment

A Needs Assessment was completed in 2002 for County arterial and collector roads. It considered technical data collected from 1997 through 2002 about pavement condition and structure, roadway width, crash history, traffic levels, road performance, or "level of service" (an indicator of traffic congestion), and bicycle and pedestrian facilities in unincorporated communities. Of 611 total arterial and collector road segments, 293 had at least one deficiency. Needs Assessment information begins on TSP page 69. TSP Appendix D provides technical detail on the Level of Service methodology. TSP Appendix G is the results of the County Road Needs Assessment.

A separate Needs Assessment for County bridges is completed by an independent engineering firm every two years. Overall, County bridges are in good condition. Bridge needs are discussed beginning on TSP page 74. An overview of bridges is provided beginning on TSP page 22.

c. Project List

The TSP 20-year project list includes 138 road projects for County roads inside and outside urban growth boundaries (UGBs). It is based upon the needs assessment described above and also incorporates projects from the 2003-2007 Capital Improvement Program (CIP). County road projects in cities are listed in both city TSPs and the updated County TSP.

The projects included on the list rose to the top based upon a point/weighting system. The list of 293 road segments in the needs assessment was reduced to 138 for an average of seven projects annually over 20 years, including 18 to specifically address bicycle and pedestrian facility needs.

The needs assessment from which the project list was derived is entirely based upon technical factors. Further prioritization will occur through the implementation of TSP Goals 23 and 24, and associated policies, and through the CIP as part of its annual update. Further prioritization through the CIP process allows non-technical factors to be taken into consideration. This includes citizen and neighborhood concerns, the stability of the Road Fund, and unanticipated and external influences that will likely evolve over the next 20 years.

It is important to note that the TSP project list does not include every transportation improvement planned for the next 20 years. Road improvements also include maintenance, overlay, and preservation projects, which are generally not listed individually in the TSP or the CIP. Instead, unlisted projects must be consistent with TSP goals and policies. Those

addressing operations, maintenance and repair are found in draft TSP Goal 1 and associated policies.

d. Road Inventory

A detailed County Roads inventory is included in Appendix B of the TSP and in Maps 4-1 through 4-19. Maps are organized into 19 subareas showing County roads by functional classification, and showing state and other roads outside city limits.

e. Bicycle and Pedestrian Facilities

The 1980 TSP provides only broad guidance as to the inclusion of bicycle and pedestrian facilities in road projects. In practice, urban arterial and collector projects typically include bike lanes and sidewalks, and they are included in other projects on a case-by-case basis depending on engineering guidelines and need.

New policies under draft TSP Goal 6, and standards in LC 15.702 through 15.705, are more specific about when bicycle and pedestrian facilities are required. Following is a summary of requirements for bicycle and pedestrian facilities:

- Marked bike lanes are required on urban arterials and collectors.
- Rural arterials and collectors include paved shoulders unless average daily traffic is below specified thresholds, in which case the roadway is shared by all users. Under new standards, the width of the shoulder will range from 2 to 8 feet depending on average daily traffic (ADT) and terrain.
- Local roads are generally shared roadways for cars and bicycles due to low average daily traffic (ADT). This is consistent with the Oregon Bicycle and Pedestrian Plan.
- Sidewalks are required on urban arterials and collectors and new urban local roads.
- Sidewalks are required on reconstructed local roads unless their absence is justified by lack of population, need, or use. Sidewalks are more likely to be needed on urban roads and roads in areas of concentrated development.

TSP policy 6-d incorporates language from Site Review permit criteria in Lane Code 16.257(4), to improve bicycle and pedestrian access, on-site circulation, and connections between residential areas and nearby commercial or industrial areas.

TSP Goal 9 acknowledges the contribution of recreational cycling to the economy, and provides policy direction regarding maintenance costs in this regard. This is meant to respond to comments from the bicycling community regarding the use of chip seals on County road overlays. Related comments are summarized in Attachment 4.b. and are contained in Binder 5 in the Board Office.

6. LANE MANUAL CHAPTER 15

Attachment 5 details changes to LM Chapter 15, which are generally for housekeeping and consistency purposes. Road name/renaming, public road and County road dedications, vacations, park roads, general public road policies, public participation in capital improvement projects, performance standards, community road improvement assistance, and tourist oriented signs are covered in LM Chapter 15. Changes are highlighted below.

a. Dedications and Improvement requirements to vacate platted roads (LM 15.305(5))

This provision requires that roads proposed to be vacated in platted subdivisions will require a replat and may require dedications and improvements to re-establish road connections. A corresponding cross reference was added to LC 13.400(3). This provision was added after the LCPC/RAC finished their work.

- b. Recognized Engineering Publications (Previously Road Design Standards, LM 15.450-460)**
The road standards were deleted from LM 15.450-460 and replaced by the new standards in LC 15.700-710 to be more accessible to the private sector. LM 15.450 now lists all engineering publications referenced or used as the basis for requirements in LC Chapter 15. Publication dates are listed in Lane Manual so they can be updated by Board Order.
- c. Sidewalks (LM 15.535)**
The policy language regarding sidewalks in LM 15.535 was relocated to the TSP under Goal 6. In some cases, policies from LM 15.535 were superseded by road design standards in LC 15.700-710.
- d. Citizen Input With Regard to Individual Road Improvement Projects (LM 15.580)**
This section was updated to include a stakeholder process, intended to provide an interim step, as needed, to address neighborhood concerns prior to Board consideration. A stakeholder process was used previously as part of the Marcola Road and Irvington Drive projects.
- e. Delegate Authority to PW Director for Executing Performance Agreements (LM 15.855)**
Public Works requests adding a provision as LM 15.855(5), to delegate authority of the County Administrator to the Public Works Director for executing performance agreements, for improvements required under a facility permit or land division approval. The County Administrator gave preliminary approval of the request.

7. LANE CODE CHAPTER 15

Attachment 6 provides details about changes to LC Chapter 15. An overview is provided below.

- a. Facility Permits and Local Access Roads (LARs) (LC 15.045 and 15.205-210)**
Facility permits are required for any development within a public road right-of-way, such as construction of a new driveway approach. After adoption of the enclosed ordinances, facility permits will only be required for development within County (maintained) Roads; LARs, (public roads that are not maintained by the County) will be exempt. The Board of Commissioners approved this exemption in 2002 (see Attachment 8). This change is discussed in more detail in Attachment 6, pages 4-5, under **LC 15.200-230 Road and Right-of-Way Regulations**.

The Commissioners stipulated that the exemption for LARs from facility permits must be accompanied by a requirement to meet minimum access needs for emergency vehicles. This change is found in LC 15.045(2).

Although LARs will be exempted from facility permits, they will continue to be regulated by prohibiting landscaping or other obstructions within the right-of-way.

Provisions were added to clarify the type of development that requires a facility permit, and the development that is expressly exempt. Also, language was added to better coordinate the facility permit and building permit processes.

b. Private Access Easements (LC 15.055 and 15.706)

Easements, like LARs, are often graveled and are not maintained by the County. Therefore, the requirement described in previous section a., that LARs be adequate for emergency vehicles, was also included for easements.

Both LARs and easements created in land divisions in 1990 or later will be exempt from the emergency vehicle access requirement. That year, the County began requiring recorded easement maintenance agreements, and started inspecting and approving such roads as part of the final plat approval process. Also, the change will only apply outside Forest zones because a similar requirement already applies in Forest zones.

Two provisions were deleted as unnecessary from LC 15.055. Easements will no longer be limited to serving parcels of 20 or more acres in size, or serving four or less parcels. Details are in Attachment 6, pages 2-3.

c. Summary of Major Changes for Easements and LARs (LC 15.045, 15.055, 15.205(1))

Overall, with regard to LARs and easements, the major changes for the private sector are:

- LARs will no longer require a facility permit, but will require documentation of adequacy for emergency vehicles for new development on vacant parcels.
- Easements will require documentation of adequacy for emergency vehicles for new development on vacant parcels. Heretofore this was only required in Forest zones; now it will be required in all rural zones.
- New easements and LARs in land divisions will be required to meet the new road design standards. For LARs, the standards are lower than previous standards (which required LARs to meet the same requirements as County Roads).

d. Access Management and Spacing Standards (LC 15.130-139)

Access management involves regulation of driveways and intersections to maintain safety and efficiency. These requirements are more rigorous on arterials and collectors and less so on local roads or streets. It involves managing the number and spacing of driveways and intersections on all roads so that conflicts between vehicles entering and already traveling on the road are minimized. Related policies and Code provisions are entirely new but are generally based upon established guidelines, current practice, and policy guidance from the 1980 TSP. The right of reasonable access will be preserved for all property, but the number of driveways may be limited, particularly on arterials and collectors.

This section includes a provision (LC 15.137(6)(a)) that within UGBs, applicable block length and connectivity policies and standards specified in city TSPs and development codes shall apply. This is meant to facilitate development of roads within UGBs to city standards for future annexation. A similar provision was included regarding urban local street standards (within UGBs), discussed below in 5.g.

A new provision under LC 15.135(4) will require subdivision lots to take access from the adjacent platted road and construct the road as necessary. A survey may also be required. The provision was added to address the problem of unconstructed roads in old subdivisions, created when the County did not require roads to be built before granting final plat approval.

e. Assessments (LC 15.636)

Language was added to this section to clarify what is done in practice; recover the full cost of curbside sidewalks while providing an incentive to install setback sidewalks (that have a planting strip); and to provide for a deferral on large frontages.

The sidewalk assessment is consistent with road design standards that require curbside sidewalks to be a minimum six feet wide and setback sidewalks to be five feet wide. Lane County historically capped assessments for sidewalk construction at five feet. Sidewalks will be assessed for a maximum width of six feet to recover the full cost of curbside sidewalks while encouraging setback sidewalks. The purpose for the incentive is that setback sidewalks are more desirable from a safety perspective primarily because they provide more separation from traffic. They are also preferable from an aesthetic standpoint.

Other new provisions provide for a large frontage deferral. The change specifies that parcels with at least 200 feet of frontage and capable of being divided into four or more lots shall be assessed for a minimum of 100 feet and may defer the remainder. Deferrals will terminate when a property is subdivided.

f. Road Performance and Traffic Impact Analysis (TIA) Requirements (LC 15.695-697)

Road performance pertains to measuring and managing road capacity and congestion. TIAs evaluate the impacts of a development on road performance, and generally come into play in the review of large scale development.

Attachment 6 discusses thresholds for a TIA, and waiver provisions. TIAs may be required for plan amendments or special use permits, when certain thresholds are met. For areas inside UGBs, the thresholds are comparable to City of Eugene requirements. For areas outside UGBs, a TIA requirement is less likely due to state land use restrictions on the level of development that would generate significant traffic. Waiver provisions address this factor. Attachment 4.a., item IV.6. pages 7-8, provides a summary of Lane County Planning Commission comments regarding TIA requirements, with the third column showing the resulting changes.

g. Road Design Standards (LC 15.700-710)

The 1980 TSP contains policy direction to use American Association of State Highway and Transportation Officials (AASHTO) guidelines. State law also directs counties to use ODOT standards in the absence of locally adopted standards. Staff developed standards that continue to be based upon AASHTO and ODOT guidelines, but also take into consideration local conditions. Specifically, requirements for roadway width, shoulders, and other factors will take terrain and ADT into consideration. Attachment 6 provides more detail.

The standards will come into play for County Road improvement projects, or for private development if required as a result of a TIA or land division. They also determine right-of-way setbacks for development purposes. Changes to setback requirements are discussed in the next section.

A change from previous requirements is that city standards will apply to urban local streets to facilitate annexation. County standards will apply in the absence of city standards (TSP Policy 1-h and standards in Lane Code 15.704(1)(d)). County standards will continue to always apply to collectors and arterials.

New standards are proposed for private easements and LARs, in LC 15.706. In the past LARs were subject to the same standards as County Roads, but this is thought to be inequitable because they generally serve less traffic and are not maintained by the County. In the changes proposed, LARs will have the same requirements as private access easements. For such roads created in land divisions, requirements will depend on the number of parcels created and ADT. Note that these roads are also subject to LC 15.045 (LARs) and LC 15.055 (easements).

h. Right-of-Way Setbacks

Right-of-way setbacks for structural development are based upon the right-of-way widths specified in LC 15.700-710, road design standards. Staff sought to minimize roadway (and right-of-way) widths to the extent possible, to not only comply with the TPR and minimize land use impacts but to reduce costs. The change will have a corresponding impact on setback distances. While the setback requirement (generally 15 or 20 feet, depending on a property’s zoning) will remain unchanged, the on-the-ground setback will change because of new right-of-way widths in the road design standards. For a small number of property owners, this will reduce or eliminate the need for a setback variance when contemplating new development on smaller lots or parcels. Rural Major and Minor Collectors are the exception. Right-of-way widths will increase 10 feet or 20 feet respectively, resulting in an increased on-the-ground setback of 5’ to 10’ on each side of these roads. The following table shows the proposed changes in the minimum right-of-way widths for setback purposes.

Minimum Right-of-Way Widths (in feet) for Building Setback Purposes				
	Urban		Rural	
	Existing (LC 15.030)	Proposed (LC 15.070)	Existing (LC 15.030)	Proposed (LC 15.070)
Principal Arterial	150+	100	150+	80
Minor Arterial	90+	80	80+	80
Major Collector	70	70	70	80
Minor Collector	60	60	60	80
Local Road	60	60 (may be reduced to 45)	60	50

8. LANE CODE CHAPTERS 10 and 16

Lane Code Chapters 10 and 16 provide zoning and land use requirements. Chapter 10 applies inside and Chapter 16 applies outside UGBs. Revisions to these chapters incorporate TPR requirements for transportation facilities and uses that are allowed on rural lands without a land use goal exception, but also include changes to achieve consistency with Lane Code Chapter 15. A revision to the Class I Stream (riparian) regulations to exempt road projects from modification permit requirements is also proposed, although this will not result in changes to on-the-ground practices.

Following is a summary of changes to LC Chapters 10 and 16. A more detailed description is in Attachment 7.

a. Transportation Facilities and Uses Allowed in Land Use Zones

New chapters list all the transportation facilities and uses allowed in rural areas (LC 10.500 for inside and LC 16.265 for outside UGBs). Cross references to the new chapters were added to individual zoning district provisions.

As revised based upon LCPC comments, a special use permit is required in all land use zones for off road paths, railroad lines, pipelines, and navigation channels.

Transportation uses permitted outright in most zones may require a special use permit in farm and forest zones under state land use law. This includes road projects involving additional travel lanes or the removal or displacement of buildings, improvements to maintenance yards and other facilities ancillary to roads, road realignment, replacement of an intersection with an interchange, continuous median turn lanes, and new roads.

New roads are permitted in non-resource zones, provided they are limited to two travel lanes, and are local roads or collectors. In resource zones, such roads are only allowed if they reduce local traffic on a state highway (and in the farm and forest zones such roads require a special use permit). Other new roads are allowed provided they are limited to serving rural, local needs.

Climbing and passing lanes are permitted outright in farm and forest zones only if within the existing right-of-way; otherwise a special use permit is required. Such projects generally involve state roads. County roads routinely involve acquisition of right-of-way and road widening for adding shoulder areas for biking and walking and adding turn lanes. These activities are generally permitted, or require a special use permit in farm and forest zones, as described above.

Lane County has four estuary and natural resource zones. Dredging and filling activities are generally prohibited in these zones. Transportation facilities and uses permitted in these zones are therefore limited to operations, maintenance, repair, preservation, and rehabilitation, and only if no dredging or filling is involved.

b. Deletion of References to “Planned” Right-of-Way

With the deletion of the Master Road Plan, the “planned” right-of-way provisions become obsolete. Details about this change are in Attachment 5, page 2, regarding **LC 15.020-15.040 Master Road Plan, Schedule of Roads, Road Types, and Functional Classifications**.

c. Site Review Procedures

Site review permits generally apply to commercial and industrial development within 200 feet of a residential zone. The intent of the permit is to mitigate commercial and industrial impacts on nearby residential areas. The two proposed changes are:

- Exempt road-related transportation facilities and uses from the site review permit process, since they are not commercial or industrial development. Attachment 7 provides a more detailed explanation. Justification for the change is in the discussion in Attachment 4.a., item IV.7. pages 8-9.
- Add language to the approval criteria to improve review for bicycle and pedestrian access, connections, and circulation, to comply with TPR requirements.

d. Riparian Modification Permit Exemption for Public Road Projects

An exemption from riparian vegetation removal and modification permit requirements is proposed for public road projects within areas regulated for aquatic species under the Endangered Species Act (ESA), provided such projects comply with ESA requirements. ESA provisions exceed Lane County’s regulatory protections. This revision eliminates a redundancy in requirements without changing on-the-ground protection measures. The change is consistent with state land use Goal 5.

The Lane County Planning Commission had considerable discussion about this item in their October 14, 2003 meeting. A summary of their comments and staff responses are in Attachment 4.a. items IV.2 through 5, pages 5-7.

9. LANE CODE 13

Lane Code 13 pertains to Land Divisions, which typically involve road improvement and access requirements. Changes to Lane Code Chapter 13 are to ensure continued consistency with Lane Code and Lane Manual Chapters 15.

10. ACKNOWLEDGEMENTS

The Roads Advisory Committee and Lane County Planning Commission deserve special thanks for their excellent advice, sincere commitment, patience with staff's efforts to push forward, and sheer tenacity in reviewing a large volume of complex and relatively foreign material.

This project was a several-year effort. Advice and assistance from numerous staff, in particular from Public Works Engineering and Land Management, County Counsel, and Document Resources, made this project possible. Their participation is greatly appreciated.

C. Alternatives/Options

1. Adopt the proposed materials
2. Adopt the proposed materials with changes
3. Do not adopt the proposed materials

D. Recommendations

Alternative 1 is recommended.

E. Timing

An emergency clause is not necessary.

IV. IMPLEMENTATION/FOLLOW-UP

Coordination between the PW Engineering and Land Management Divisions will be necessary to implement some of the proposed changes and for effective customer service delivery. In particular, changes in facility permit requirements and resulting requirements for LARs and private easements will require on-going coordination. Efforts in this regard, including development and use of improved technology, coordination meetings, and development of forms and other materials, began over a year ago and will continue.

V. ATTACHMENTS

1. Ordinance No. PA 1202 with Exhibits, adopting TSP
2. Ordinance No. 10-04 with Exhibits, adopting Lane Code Changes
3. Order No. _____ with Exhibits, adopting Lane Manual Changes

4. a. Summary of Comments (received after release of July 2003 draft materials), Staff Responses, and Changes
- b. Comments, Staff Responses, and Changes, January 1 through July 31, 2003 (after release of December 2002 draft)
- c. Peer Review Comments, Staff Action, and Staff Comments (September-October 2002, updated August, 2003)
- d. 1995 Comments and Staff Responses
5. Index of Changes to Lane Manual Chapters 15 and 60
6. Index of Changes to Lane Code Chapters 13 and 15
7. Index of Changes to Lane Code Chapters 10 and 16
8. Board Order 02-8-13-2, approving a request from Public Works to exempt Local Access Roads from facility permit requirements
9. State land use Goal 12

VI. BINDER MATERIALS

- Binder 1. Roads Advisory Committee Minutes and Meeting Packet Materials
- Binder 2. Lane County Planning Commission Minutes and Meeting Materials
- Binder 3. Joint Roads Advisory Committee/Lane County Planning Commission September 9, 2003 Work Session and Public Hearing Packet: Cover Memo and Attachment 1, July 2003 TSP Draft
- Binder 4. Joint Roads Advisory Committee/Lane County Planning Commission September 9, 2003 Work Session and Public Hearing Packet: Attachments 2 through 16
Includes the following:
 Attachment 11 - State land use requirements and Transportation Planning Rule
 Attachment 12 - 2004-2008 CIP
 Attachment 13 - Public involvement materials
 Attachment 14 - 1980 Lane County Transportation System Plan
 Attachment 15 - Lane Code 15 (Existing)
 Attachment 16 - Lane Manual 15 (Existing)
- Binder 5. Copies of Public Comments and Public Process Materials
- Binder 6. Copy of this packet